UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS

SECOND SESSION

VOLUME 152—PART 14

SEPTEMBER 20, 2006 TO SEPTEMBER 25, 2006

(PAGES 18583 TO 19641)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 2006

For sale by the Superintendent of Documents, U.S. Government Printing Office
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SENATE—*Wednesday, September 20, 2006*

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God our Father, we wait for some word from You that will set our lives on new paths. Give us the power to live as Your loyal children. Lift our hands and hearts with the inspiration of Your divine presence. Fill us with Your compassion so that we will be willing to bear the burdens of others.

Today, use the Members of this body for Your purposes. Help them to treat others with reverence, respect, and kindness. As they seek to understand each other, give them a unity of mind and purpose. In these challenging times, make them Your partners in rescuing the perishing and caring for the dying.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 20, 2006.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, following the 30-minute morning business period today, we will begin a 1-hour block of time related to the secure fence bill. When that 1 hour of debate is concluded, we will proceed to the vote on invoking cloture on the motion to proceed to H.R. 6061, the Secure Fence Act of 2006. That vote is likely to begin shortly after 11 a.m. this morning. It is my hope that cloture will be invoked. Once cloture is invoked, we would like to reach an agreement to proceed to the bill as quickly as possible.

I remind everyone that we will be finishing our business at the conclusion of next week; therefore, it will require everyone's cooperation in order to finish all of the must-do items before we depart.

TERRORIST SURVEILLANCE

Mr. FRIST. Mr. President, many Members have asked where we are with regard to the terrorist military tribunal and the terrorist surveillance legislation. With regard to the terrorist tribunal, as I have said repeatedly and restated yesterday, the legislation that leaves this Senate floor absolutely must achieve two goals: first, preserve the intelligence programs that we know have saved American lives; second, protect classified information from terrorists who could exploit it to plan another terrorist attack against the United States—preserve intelligence programs that are lifesaving and protect classified information from terrorists who can use that information against us.

As many of those watching know, after a lot of back and forth last week, Senators WARNER, GRAHAM, and MCCAIN have engaged with the administration and have sent an offer to the White House that moves toward the President to meet the goals of a program that keeps information flowing from these terrorists who want to destroy our country and kill our citizens. Without passing their plan through the Senate, these Senators have been good enough to sit down with the administration. Discussions are underway to find common ground and to move toward those stated goals. I am hopeful that very soon an agreement can be reached with the President and with the majority of Republicans who know that we need an effective interrogation program that can get information from terrorists so we can make America safer.

As well, we need a law that allows us to put these terrorists on trial for the crimes they have planned and executed against our country. Right now, we cannot do that. That is why this legislation is so important. But we need to do it in a way that we are not sharing classified information with those terrorists, who clearly will pass it on to others around the world to be used against us.

With continued cooperation, it is possible that in the next few days a resolution can be arrived at that satisfies the vast majority of Senate Republicans and the President, so that together we can all move forward in making this country safer.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership times reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for 30 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the minority leader or his designee.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

The Senator from Wyoming is recognized.

IMMIGRATION

Mr. THOMAS. Mr. President, I wish to comment on the issue before us today. I am glad we are dealing with this question. It is certainly one that has had a great deal of discussion and impact all over the country as to how we handle it. I think it is one of our principal issues. Certainly, there is a different view as to how it ought to be handled and all these kinds of things; nevertheless, I believe it is important that we begin to do something. Even though there are many other things that legitimately could be considered, of course, sealing the border is probably the first step that ought to be done.

The Senate, of course, passed a bill that was quite lengthy—including ways and means of dealing with those who are already here illegally—and created a good deal of discussion and debate. I didn't support the Senate bill in that I thought it was too broad in terms of dealing with people who had come here illegally, even though I do believe there are some, depending on the situation, who should be given an opportunity to go through the system. But I am pleased that we are beginning to do something.

The first thing, obviously, is to do something about the border. I am going to support the bill before us, although I don't think it is perfect. I think, frankly, there needs to be some limit on building fences. I cannot imagine building a fence, a 40-foot-tall fence, all across the border. All we would have is 40-foot ladders if we did that. But there are areas in particular where this needs to be done. I think this is an authorization where some decisions can be made with respect to how that is done.

There ought to be other things we consider along with it. One of them is that we need to have a modernized system for people coming to the United States. All of us want workers and immigrants to be able to come legally. That system needs to be modernized, made more efficient, so that those kinds of things can happen without taking a very long time. We are challenged with the notion of having some kind of identification system where we can tell easily and clearly who are legitimate citizens and who are not.

In connection with that, I believe it is appropriate for employers to be required to report as to who on their work staff is legal and who isn't. As I said, this is a difficult issue and one we need to work on.

I simply want to say I am pleased we are moving forward to do something. I intend to support this movement today for cloture. I hope we can do that so we can start to do something about this issue, which is one of the most important issues to all of us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

COUP IN THAILAND

Mr. BOND. Mr. President, I have come to the Senate floor many times to talk about our great interest in the nations of Southeast Asia and to call for increased engagement and more attention to the relations between the United States and Southeast Asia.

In the early winter of 2006, I spoke about the tsunami and the impact that had on the region. Many of us, particularly from farm country, remember what happened when Thailand's currency collapsed in 1997. It brought a tremendous decline in the region and a decline in our exports. We were previously exporting $12 billion of agricultural product—much from the Midwest—to that region, and that drop of $12 billion caused the precipitous drops in the prices of commodities sold by many farmers in the grain States. So we know that it is an important trading partner.

But yesterday, a military coup took over the Government in Thailand while its Prime Minister, Thaksin Chinnawat, was in New York at the U.N. Prime Minister Thaksin had been a successful businessman. He had strong support from Thailand's largely rural population but with opposition to the urban dwellers. In 2005, his Thai Rak Thai—which means "Thais love Thais"—I cannot understand why we didn't think of something clever like that as a name for a political party—captured 374 out of 500 seats in the House of Representatives. The opposition party boycotted it, however. There was discussion of potential corruption by the sale by the Prime Minister of his telecommunications and satellite business. He had controversies with the military, beginning when 87 Muslim protesters in southern Thailand died in security custody, and the Prime Minister was attempting to put his own people in charge of the military.

After the election, the King stepped in and asked the court to review the election. They set it aside, and Thaksin essentially resumed power as Prime Minister even though the election was overturned.

Now, it is with great concern and disappointment that we see the military coup. Our neighbors in the region have spoken out. They have expressed concern, great disappointment. And it is clear that for the cause of the country and the region, the constitutional process must be restored in Thailand and an election date set for a new democratic government very shortly.

America has had in Thailand one of its best allies. We conduct numerous joint military exercises. Thailand was responsible for the capture of the infamous radical Islamic terrorist Hambali, who masterminded the Bali bombing. We have worked closely with them.

Thailand has been the economic stronghold of Southeast Asia. It is also a constitutional monarchy, with well-developed infrastructure and a free-enterprise economy and proinvestment policies. I think the economy will recover. As far as democracy, King Bhumibol, a benign monarch who served for 60 years, exercised his considerable influence to keep Thailand moving in that direction. Thailand, which, during the late 20th century, experienced numerous coups and military coups, had not had one since 1991. I believe King Bhumibol will push for a democracy and will get back on the negotiations between Thailand and the United States for a free-trade agreement.

As I said, Thailand is key in the region. I have described that region as the second front in the war on terror because al-Qaida-related radical Islamist groups have been conducting terrorist attacks here. It is set forth in a book by Ken Conboy, describing the most dangerous terror network. There is concern that since the bombings in southern Thailand have shown that there are insurgents—some 1,700 people have died—that this might become a haven, a breeding ground for the radical Islamists, rather than the insurgents in the three southern provinces of far south Thailand.

My view is that is an overreaction. I think the insurgents have issues with the Government, but to this point, I don't see evidence that they will become a host for al-Qaida or other related groups. They generally have practiced the moderate Muslim viewpoint of Islam of the Southeast Asia region.

Also, at the same time, I might mention, as we are speaking about the battle against terrorism and modern Islam, I visited Malaysia in August. Malaysia, again, has been a country that has been making great progress. It is a democratic nation committed to progress and development and has aspired to the peaceful and tolerant teachings of Islam. It is a key economic partner. It is our 10th largest trading partner overall. It has been growing at 5 percent annually. We are in negotiations for a free-trade agreement with them. Malaysia imports more from the United States than any country, other than Japan, in that region. I believe that a free-trade agreement will help build on that constructive partnership in fighting terrorism and ensuring other security issues.

Despite all this, I saw a disturbing trend while I was there; that is, the possibility that some of the more radical views of extremism and intolerance in religion may be raising their ugly head in religion in Malaysia.

Most recently, a Malaysian woman who was born Azalina Jailani, changed her name to Linda Joy, and has been waiting for the federal courts to approve her conversion from Islam to Christianity. It was reported that when her application came to change her religion, it was rejected, and she was sent back to the Sharia or religious courts. Her lawyer has been arguing before Malaysia's highest court that Joy's conversion be considered a right under the constitution and not a religious matter.

We are watching this case with great interest. There are reports that provinces in Malaysia are going to change their law to implement the Sharia, or harsh religious law, as law of the province.

Sixty percent of Malaysia's people are Muslim, and Christians of various denominations make up about 8 percent. The rest are Buddhist, Taoist, and Hindu. We look forward to seeing a decision reasserting Malaysia's commitment to democratic principles and a rejection of intolerant religious laws.

Malaysia Prime Minister Abdullah Badawi has been an outspoken champion of tolerance. He has pointed out the obvious political dangers of taking that road, but I hope he will not succumb to the pressures that appear to be increasing to move down a path toward less tolerant and potentially more extremist forms of religion.

The pressures for adopting harsh religious laws are also being applied to Indonesia where President Susilo Bambang Yudhoyono has been another strong advocate of tolerance, freedom, and democracy.

The Muslim countries in that region, we hope, will continue on a path of secular, pluralistic, democratic societies or the choice is to see them turn from that path to a potential breeding ground for terror and instability.

Speaking of terror and instability, one country where I am not fearful of that occurring is Cambodia, which I also visited in August. I was stunned to see the World Bank put out a list of "failed states" with the danger of becoming harbors for terrorism, and they listed Cambodia.

To me, Cambodia is definitely heading in the right direction in terms of fighting terrorism. They are making great economic progress. We have been cooperating with them. They have contributed to counterterrorism efforts in the region.

Prime Minister Hun Sen said:

> If we aren't active enough in fighting terror, we risk becoming the hostage.

They set up a national committee to fight terrorism. After the attacks on the United States on 9/11, Cambodia offered overflight rights to support our operations.

Cambodia has contributed peacekeepers to Sudan. The United States has provided international military education and training funds for the first time, and we are planning military exercises with Cambodia later this year.

The IMET contribution of $45,000 is small, but it shows we are willing to work with them and ensure their military has civilian control, appropriate rules of engagement, and other means of conducting themselves in this very difficult time.

There is an economic issue that I hope we can resolve successfully with respect to Cambodia because they are moving on the path toward what we would want to see, and that is democracy and human rights in this part of the world and free markets.

The economy of Cambodia has been growing since 1999, boosted by a bilateral textile agreement, and we believe that has been a reason for the strong economic growth.

Mr. President, I don't see any other Senators wishing to take the floor. I ask for 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. Mr. President, Cambodia has adopted international labor rights and standards touted by the International Labor Organization as a model for other developing countries, and they are beginning to flourish. This is a country that has half its population under the age of 20 because of the unbelievable depredations of the Khmer Rouge in the late seventies and widespread murder and genocide. But it is on the right track.

However, with the expiration of the bilateral textile agreement, countries such as Cambodia are now losing out in the competition with economies such as China and India. I strongly support and hope we can pass a measure to enhance economic opportunities such as the Tariff Relief Assistance for Developing Economies, or TRADE Act, that will allow least developed countries, such as Cambodia, to remain competitive by enhancing economic growth. They need to create a better investment environment.

They are clearly not a Thomas Jefferson democracy yet. They have had a very colorful and very deadly past, but we think that with our help and support, they can redevelop what was once Southeast Asia's rice basket—prior to the Khmer Rouge's destruction of small irrigation infrastructure and the execution of anyone with agricultural expertise—again to a strong contributing economy.

We must adopt initiatives such as these for Cambodia and for other countries in the Southeast Asia region. We have to work to continue improving education, emancipation, economic development, and promoting democracy in Southeast Asia, as around the rest of the world.

Doing so is not only good neighborly, it will not only help the Southeast Asian nations move toward economic and political reform, but it will be the most important thing we can do against the war that radical Islam has declared upon our world and keep these countries from turning to the extremist violence, the terrorism we now see primarily in the Middle East and have seen too frequently, as noted in "The Second Front," in Southeast Asia.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. VITTER). Morning business is closed.

SECURE FENCE ACT OF 2006—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 6061, which the clerk will report.

The assistant legislative clerk read as follows:

> Motion to proceed to H.R. 6061, an act to establish operational control over the international land and maritime borders of the United States.

The majority leader is recognized.

Mr. FRIST. Mr. President, in May of this year, this body passed comprehensive immigration reform. We are a nation of immigrants, but we are also a nation of laws. We must honor both of those heritages. Accordingly, we pursued in this body a four-pronged approach to reform: first, fortify our borders; second, strengthen worksite enforcement; third, develop a strong temporary worker program; fourth, develop a fair and realistic way to address the 12 million people here already who entered our country illegally, but under no circumstances would we offer amnesty.

Unfortunately, at this point it is pretty clear to everyone that we will not reach a conference agreement on comprehensive immigration reform before we break in September. While I have made it clear that I prefer a comprehensive solution, I have always said that we need an enforcement-first approach to immigration reform—not enforcement only but enforcement first.

We share a 1,951-mile border with Mexico, and it doesn't take too much creativity to imagine how terrorists might plot to exploit that border. It is time to secure that border with Mexico. As a national security challenge, that is absolutely critical to fighting a strong war on terror. That is the approach of this bill, the Secure Fence Act of 2006, a bill on which we will shortly vote.

Earlier this year, with passage of the supplemental appropriations, we provided almost $2 billion to repair fences in high-traffic areas, to replace broken Border Patrol aircraft for lower traffic areas, and to support training for additional Customs and Border Patrol agents. In addition, we deployed more than 6,000 National Guard troops to our southwest border, and subsequently—and this is tremendous news—we saw a 45-percent drop in border apprehensions.

But we have to do more. The Secure Fence Act picks up where that supplemental left off. It lays the groundwork for complete operational control over our border with Mexico, and it will go a long way toward stopping illegal immigration altogether. Customs and Border Protection will take responsibility for securing every inch of our border with Mexico. Engineers and construction workers will erect two-layer reinforced fencing along the border. Hundreds of new cameras and sensors will be installed. Unmanned aircraft will supplement existing air and ground patrols.

We are enhancing and fortifying our borders to entry so we will have better control over who enters the country, how they come, and what they bring. We know this approach to enforcement works. We saw a drastic downturn in illegal immigration when Congress mandated a 14-mile stretch of fence in San Diego, from 200,000 border violations in 1992 to 9,000 last year.

The Secure Fence Act is a critical component of national security. It is an essential first step toward comprehensive immigration reform. So we can't afford to demean it with partisan political stunts.

Mr. President, very shortly we will have a vote to bring this bill to the floor. But the vote isn't just about this bill. It is about bolstering national security. It is about keeping America strong. It is about ensuring the safety of each and every American. With action here to secure our border, Congress and the Nation can turn to resolving the challenges of worksite enforcement, of a strong temporary worker program, and the challenges of the 12 million illegal aliens who live among us, with respect and care and dignity.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I would like to make some comments on this legislation and ask that I be notified after 8 minutes.

The PRESIDING OFFICER. Will the Senator suspend? Under the previous order, there will be 1 hour for debate equally divided between the two leaders or their designees.

The Senator is recognized.

Mr. SESSIONS. Mr. President, we are indeed a nation of immigrants. We will always have immigrants coming to our country, and they have enriched our Nation in so many different ways. It is time for us, however, to recognize that the policies we have adopted as a Nation are not working; that the law that we as Americans respect so greatly is being made a mockery of; the system is in shambles, and the American people are very concerned about it—as they rightly should be. I believe public officials are coming to understand the gravity of the problem after the American people have led them at last to that event.

For the last 30 or 40 years, the American people have been right on this subject. They have asked for a lawful system of immigration. They have asked for a system of immigration that serves the interests of the United States of America. And they have expressed continual concern about the illegality that is ongoing. Frankly, the politicians and Government officials have not been worthy of the good and decent instincts and desires of the American people.

Finally, I think those voices are being heard today.

We want to talk about the House bill that is on the floor of the Senate today. We are asking that this legislation be considered by the Senate. The majority leader has had to file for cloture because apparently some in this body do not even want to consider this legislation. They do not want to talk about it, push it away through surreptitious legerdemain. They want to figure out a way to undermine whatever legislation has been passed and make sure nothing ever gets done. That has been the problem. I hate to say it. We have gone again and again, and we have promised we are going to do something and we tell the American people we are going to do this and we are going to do that. But they are not ignorant, they know we have not done anything, except for the last few months we began to take a few steps that had some significance. But for the last 40 years we have basically had a system driven by illegality that is not worthy of the American people, not worthy of our heritage of law, and it must end.

Let me tell you what happened in the Senate about the fencing issue. Five months ago, May 17, my colleagues, by a vote of 83 to 16, after talking to their constituents, I submit, approved my amendment to mandate the construction of at least 370 miles of fencing and 500 miles of vehicle barriers along the southwest border. That totals 870 miles of physical barriers, either a fence or a vehicle barrier. Admittedly, that was a strong vote in this body, indicating that fencing on the southern border is and should be a part of our plan to recapture a legal system of immigration in America. It remains one of our important priorities.

On August 2, my colleagues, this time, by a vote of 93 to 3, voted to fund the construction of those miles of fencing and barriers on the DOD appropriations bill as part of the National Guard effort at the border. Today we will vote again. I expect and hope that the Senate will have the votes for cloture so we can move forward with this bill and not have it obstructed from even being debated in the Senate. The miles of fencing contained in this bill are not that different from what the Senate had already voted for, 93 to 3 to fund this year.

The Senate has already voted to fund them, and we are moving forward. This bill simply requires—the House bill that has been passed by the other body—that more of those miles be fencing in designated areas.

I will make this point: We are not there yet. Just because we have had these votes, just because the House has voted for fencing, just because the Senate, by an overwhelming vote, has authorized fencing, we have not begun to construct that yet. We have to get the money, and we have to get a final bill. The amendment I offered—that passed 83 to 16—was part of the comprehensive immigration bill. That bill is not going to become law. That whole bill is not going to become law. So if we are going to commence now to build a barrier on the border, we need to pass this legislation that actually authorizes it. So don't go back home and say I voted for it, but I didn't vote for this bill. This bill is going to determine whether we actually do something and we authorize it and direct how it is to be done, not your previous vote.

That is what has been happening. We have always said we have had these votes, but when the dust settled we never made it law and never made it reality. I urge my colleagues to understand that. Without this legislation we are not going to get there in the way you previously voted, and everybody needs to understand that.

Let me tell you a little bit about what is in the legislation. The majority leader summed it up correctly. I appreciate his leadership and his strong support from the beginning for sufficient border barriers. Majority Leader FRIST is committed to a good and just solution of the immigration problem in America, but he has come to understand that we have to take steps and do some things, and one of them is fencing.

This is what this bill will do. It will establish operational control of the border. Most people think we ought to have that now but we do not. We do not have operational control of the border. So not less than 18 months after the enactment of this bill, the Department of Homeland Security must take all actions necessary and appropriate to achieve and maintain operational control of the border. Isn't that what we want? Isn't that what we have been asking for, for 30 years?

Within 1 year of enactment, and annually thereafter, the Secretary must report to Congress and to the American people on the progress made toward achieving operational control of the border. We are not going to just pass a bill this time and forget it. We are going to have some reports and some analysis so we can monitor whether we are being successful.

Operational control under the legislation includes systematic surveillance of the international land and maritime borders through the use of personnel and technology such as unmanned aerial vehicles, ground-based sensors, satellites, radar, and cameras. Those are all going to be part of any effective system. We know that. We are not opposed to that. But don't let anybody tell you only those things will make the system work. They will not.

The PRESIDING OFFICER. The Senator has used 8 minutes.

Mr. SESSIONS. Thank you, Mr. President.

Physical infrastructure enhancements to prevent illegal entry of aliens and to facilitate access to international land and maritime borders by the Customs and Border Protection Agency are important. The bill further defines operational control as the prevention of unlawful entry into the United States, including entry by terrorists, unlawful aliens, instruments of terrorism, narcotics, and contraband. Second, the bill extends the current requirement for border fencing in San Diego, requiring that fencing be installed by 2008 through several urban areas. It mentions those. All the fencing in the bill is focused on the heavily trafficked areas on the southwest border. None of the fencing extends further than 15 miles outside high trafficking areas.

Let me just say this: The system that we have today is failing so badly that last year we apprehended 1.1 million people entering into this country illegally. Tell me that is a functional system.

By sending in the National Guard, by building these barriers, by adding to the number of agents, each one of those steps will help send a message throughout the world that we are not wide open, that our borders are going to be enforced. You should not come illegally. You should wait in line and come legally.

Those are facts that I think all of us need to consider as we evaluate this legislation.

Mr. President, I see the Democratic leader here, Senator REID. I know his day is busy. I will be pleased to yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. REID. I so appreciate the courtesy that is so normal and usual from my friend from Alabama.

Mr. President, it is so interesting that here it is 5 days before we are set to adjourn, 6 weeks before an election, and this border fence bill has been brought forward. The majority and the President have had 5 years since 9/11 to secure our borders, but they basically ignored, for 5 years, this issue of national security. Now, with the elections looming, suddenly they want to get serious about protecting America. If they want to have this debate, I am happy to join in it.

First of all, we can build the tallest fence in the world, and it will not fix our broken immigration system. To do that we need the kind of comprehensive reform that the Senate passed earlier this year. We have been waiting for months for the majority to appoint conferees so we can move forward on this bill, but they have not done that.

Mr. President, I direct your attention and that of my distinguished friend from Alabama to this document called "Immigration and America's Future." I just completed a meeting with Senator SPENCER ABRAHAM and Congressman LEE HAMILTON, who are cochairs of this Task Force on Immigration and America's Future. Twenty-five of the most prominent people in America have met to recognize that our system is in bad shape. This document will be made public in a matter of hours. It will be made public today. I so much appreciate their coming and talking about what they believe is good and bad about our system. I think it is without any exaggeration that they think the House suggestion that we can do it through just security will not work.

Our bill, our Senate bill—I am sure they are not going to endorse it but, of course, they think it is better than the House bill by a far measure.

Because it appears very clear to me that the President and the majority leader are not going to help us get this conference appointed—we have waited weeks and weeks for a conference—I hope that we can, when we come back next year, do something about immigration, something serious and substantial.

I have not read this document. I have the greatest respect for the people who have come up with this document, and I think we can find a lot of substance in it. We need a bill that combines strong and effective enforcement of our borders, tough sanctions against employers who hire undocumented immigrants, a temporary worker program, and an opportunity for undocumented immigrants currently in this country to have a pathway to legal immigration. They need to work hard, pay their taxes, learn English, and stay out of trouble. Only a combination of these elements will work to get our broken immigration under control.

President Bush says he supports comprehensive reform, but he has a strange way of showing it. I heard my friend, who is one of the Senate's lawyers. Rarely does he come to the Senate floor unless he has an element of the law on which to speak. One of the things he talked about, last year they apprehended a little over a million people coming across the borders. However, that is down 30 percent from the time President Bush took office until now. Prior to that, we were picking up close to 2 million. We have a system that just does not work.

It is not just people coming across our border; it is what they are bringing across the border. The General Accounting Office reported that they were able to bring nuclear materials across our border. Now, 6 months after we received that report from the General Accounting Office, the Republicans want to get serious about border security. What has taken so long?

For years, we have had procedures and laws in place to secure our borders—not well but certainly better—and they have been virtually ignored. The September 11 Commission told the President he should work with other countries to develop a terrorist watch list that our Border Patrol agents could use to check people coming in. Did he do that? No. The September 11 Commission gave him a failing grade.

In the 9/11 Act—we all remember that—Congress provided for 2,000 new Border Patrol agents. Guess what. Like so many things, they are authorized but not paid for. We have been unable to get the President and the Republican Congress to pay for these new Border Patrol agents. We authorized them and do not pay for them.

We did not oppose the sensible fence on the border. Almost all of us voted for a 370-mile fence as part of the comprehensive bill. If I am not mistaken, it is the Senator from Alabama who moved forward to have the fence paid for. That is good. Now we have an amendment to build 700 miles of extremely expensive fencing—some estimate it will cost as much as $7 billion—with no plan to fix our broken immigration system.

The majority has made very clear they have no interest in negotiating with the Senate to enact legislation. What we are doing today is about November 7th. In addition, we now hear the majority may try to include the entire House enforcement package in the Homeland Security appropriations conference report. This is the package that the House Republicans put together after their unprecedented summer of sham hearings about the Senate's comprehensive immigration reform bill.

Among the measures included in the package is a provision making the 12 million undocumented immigrants subject to arrest and detention. This provision has long been opposed by State and local law enforcement authorities who already are stretched thin and do not want to jeopardize the policing efforts in immigrant communities.

This is clearly an effort to sneak the controversial criminalization provisions of the House enforcement-only bill through the back door. I strongly oppose this illegitimate maneuver. If the Republicans want to move forward on these provisions, they should have agreed to a conference on immigration bills that each Chamber passed.

Enforcement measures alone will not secure our border. It is crucial we get control of our border. That is without any question. But, like many of my colleagues on the other side of the aisle, and like President Bush, I believe we can only secure our border through comprehensive reform. No amount of grandstanding will change that.

This is a rehash of a battle we already have fought. The Senate has spoken and profoundly disagrees with the House. The Senate is ready to sit down with the House and work out a real solution. We need the President and the majority leader to help find the solution. We have offered practical, workable, fair solutions to solve our immigration systems. The President and the majority leader said they supported what we were trying to do, but it does not appear they are interested in real solutions, just political posturing at this stage.

On the motion to proceed to this bill, I will vote aye in the hope that the majority leader will allow Members to amend it to reflect the Senate's bipartisan support for comprehensive immigration reform. At the very least, there are certain key things we need to do. The fruits and vegetables in our country are being thrown away at harvest time because we do not have the people to pick the fruit and vegetables and work at the processing plants. I hope that amendment would be allowed—at least the farm workers provision.

I wish we were in a different position. I, again, direct my colleagues' attention to this work done by Senator ABRAHAM, Congressman HAMILTON and 23 others. It is a bipartisan group. As I have indicated, I have not read this—I have gotten a briefing on it—but we need to have a new direction in immigration in this country. Hopefully, this document will allow that new direction.

Again, I so appreciate my friend allowing me to speak. I appreciate it so very much.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Democrat leader and his citing of that report. I look forward to reading it.

The reason that is important, this so-called comprehensive reform bill that actually passed the Senate, with a substantial number of no votes, is nothing more than an extension of the current failed system. It is not a comprehensive reform of immigration at all.

We had a hearing last week at my request. We had some of the best minds in America on immigration. They said our present system is completely ineffectual. I think that is fair way to summarize what they said.

They all spoke favorably of the Canadian plan, the Australian plan, and other plans being developed by developing nations around the world. It makes every sense that we do that. I am looking forward to analyzing that report. I am confident it will be further evidence that business as usual in immigration must end.

Next year we need to come forward—and I will commit to working with my colleagues—and have a real dialog on what immigration should be for America. The seminal expert in America, Professor George Borjas, himself an immigrant, at the John F. Kennedy School at Harvard, has written the most authoritative and best-known book on immigration, "Heaven's Door." He just testified at our hearing last week. He has said in his book and in his testimony, fundamentally, America needs to ask this question: Are you crafting an immigration policy that serves your national interests?

If that is what we are doing, then he has some ideas that help us do that. But that is not what we have been doing. We have never had a discussion of the Canadian plan that gives preference to people with education. We have never discussed the Canadian plan that gives preference to people who already speak English. We have not discussed the system in Canada that gives preferences to people who bring business investment or have skills that are important in the workplace.

Isn't that what a rational nation would do? This bill that passed the Senate is fatally flawed. We need to start over completely. I believe, that report will validate the things I just mentioned.

Of course, let me say to all of our colleagues, no one suggests that building a fence is the end to the problem. Mr. T.J. Bonner, head of the Border Patrol Agents Association, testified at our committee. He said there are two things we need to do: We need to strengthen the border and eliminate the magnet of the workplace by cracking down on illegal hiring in the workplace.

The Senator from Nevada, the Democratic leader, is correct. We have seen some reduction in the numbers being apprehended. I hope that indicates we are seeing a reduction in those attempting to enter the country. I believe it does.

What should that tell us? That should tell us that if we continue to take strong steps, we can end this worldwide perception that our border is wide open, that anyone can come through our country legally or illegally and end that whole perception and shift toward that magic tipping point where people realize they are not going to be successful getting in our country illegally, and they are not going to be able to get a job once they get here. We can do both of those.

The American people need to know, our Members of Congress need to know, if we continue the course we are on and actually follow through on the things we have discussed, we can create a lawful border. It is not impossible. Don't have anyone say that is impossible. It is part of the steps. To say we should not do border fencing because that is just one step and that is not the whole thing is silly. If we have to take 20 steps to get to the goal, why say it is worthless to take 2 of those steps? Certainly we ought to take the steps we know we can do right now.

The American people are a bit cynical about what we are doing. The leader asks, Why do we want to bring it up now? We are about to finish the session, and we still haven't gotten it done. I don't want to go home without having done some things to improve the legal system of our border. I don't think most Members do. We have to get it done. We should have already had it done. I agree with that.

I was sharing some thoughts before the minority leader, the Democratic leader arrived, about what is in this bill, how it actually is effective and will actually work and will actually reduce the immigration in our country from illegal sources by a significant amount.

I was able to travel with Senator SPECTER, chairman of the Judiciary Committee, to South America recently. We were in a number of countries. We saw a report on polling data in Nicaragua that said 60 percent of the people of Nicaragua would come to the United States if they could. I mentioned that to the State Department personnel in Peru. They told me that 70 percent of the people in Peru would come to the United States if they could, according to a recently published poll. This is a wonderful place. America is a great country. All over the world, millions and millions and millions would like to come here. We cannot accept everyone that would like to come. I wish we could, but it is just not possible.

We need to set standards and appropriate behaviors to create a system that is lawful, No. 1; also, a system that lets people come in on the basis of merit and what is in the best interests of our country.

The House bill we are now considering has some important and valuable things in it. It calls for interlocking surveillance camera systems that must be installed by May of next year. They are going to keep waiting. How much longer can this go on? We need Homeland Security to get moving. It says all of the fencing must be installed by May of 2008. That is a good step. That says we are going to get serious and we are going to do something.

Laredo-Brownsville would be given until December of 2008. The bill provides the Secretary of Homeland Security the flexibility to substitute fencing with other surveillance and barrier tools if the topography of a specific area has an elevation or hillside of greater than 10 percent.

I ask what the balance is on both sides.

The PRESIDING OFFICER. The majority side has 11 minutes remaining and the minority side has 20 minutes remaining.

Mr. SESSIONS. Mr. President, the bill that is before us today requires the Secretary, not later than 30 days after passage, to evaluate the authority of our Customs and Border Protection agents to stop vehicles that enter the United States illegally and that refuse to stop when ordered to stop. Compare that authority with the authority given to the Coast Guard to stop vessels on the high seas that don't stop when they are ordered to stop, and to make an assessment about whether the Border Patrol authority needs to be expanded. We have a real problem with people just riding by and placing people at risk by not stopping. That situation needs to end.

We need to give our agents authority sufficient for their own personal safety and the protection of the laws of this country.

The Secretary would be required to report his decision within 60 days.

The bill further calls for a northern border study to assess the feasibility of a state-of-the-art infrastructure security system. The report will assess the necessity for such a system, the feasibility of implementing a system, and the economic impact of the system.

We need to look at the northern border. We are not arresting 1 million people-plus a year on the northern border. It does not have anything like the impact of the movement of people illegally such as we have on the southern border, but we need to watch that, too.

Fencing is proven. In San Diego, where they built a fence a number of years ago, crime has fallen dramatically. According to the FBI Crime Index, crime in San Diego County—the whole county—dropped 56 percent between 1989 and 2000. Can you imagine that? Just by ending the open border that existed, vehicle drive-throughs where they do not stop—and the reason they have fallen from between 6 and 10 a day before the construction of the fence, to only 4 drive-throughs in 2004, the whole year.

This is a mockery of law when 6 to 10 people are just driving through the border ignoring the Border Patrol officers who are there. What kind of mockery of law is that?

Fencing has reduced illegal entries in San Diego.

According to the numbers we have, apprehensions decreased from 531,000 in 1993 to 111,000 in 2003. That is by four-fifths. That is only one-fifth the number being arrested today as there were 10 years ago as a direct result of serious enforcement bolstered by physical barriers.

Fencing has also reduced drug traffic in San Diego. In 1993, authorities apprehended over 58,000 pounds of marijuana coming across the border. In 2003, only 36,000 pounds were apprehended. In addition, cocaine smuggling decreased from 1,200 pounds to 150 pounds.

I am glad to hear that the majority leader—and the Democratic leader—indicated he would move to have this bill come forward on the Senate floor. If there is some tweaking which needs to be done, that will give us an opportunity to do that.

I think the bill is fundamentally sound in all respects. I urge my colleagues to look at it. I think they will feel comfortable that it is consistent with their previous votes in this body for a fencing measure.

But the Members of our body need to understand that our first vote on fencing, which we authorized on the immigration bill, is not going to be effective because that bill is not going to pass. It was an amendment to that bill. If we are going to do anything before we leave this year—and the American people should be watching us carefully—this is what we need to do. We have an opportunity now to stand up and make real what we have talked about and what we voted for. If we don't do it, we will not make that reality come into effect, and we will not be faithful to the promises we made to our constituents. And, once again, we will see this kind of cynicism and disrespect for Congress because of our inconsistency in what we say and what we do.

Too often I have observed in this body when we come up with an idea about immigration that does not work, it will pass. If you come up with something that actually does work, for some reason or another, even if it is voted and passed in one body or other, it never seems to really become law. This time we need to make our legal system work.

I thank the Chair.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There is 4 minutes 10 seconds.

Mr. SESSIONS. Mr. President, I am convinced that physical barriers at our borders—fencing in particular—are an important and central cost-effective solution to border security.

My colleague, the Democratic leader, has used a figure of $7 billion. We think that is greatly exaggerated. We believe it can be done for much less than that, although that money has been floated. A private contractor has indicated he could do it for about $1.8 billion, and that is the money we put into the bill. And with the help of the National Guard, I think we ought to be able to build fencing at a rate far less than that.

I note that this is a one-time expenditure. This expenditure is going to reduce the 1 million apprehensions a year dramatically. A barrier like this will enhance the ability of each and every single Border Patrol officer to do his or her job. It will enable them to be far more effective. It is going to enable us to not have to hire nearly as many people. It will send a signal to the world that our border is not open. That means we will need fewer bed spaces.

We are going to be moving toward reaching that tipping point where the border is perceived as being closed, where the legal system is being honored in America again, and where we can make a difference in this whole system. Manpower alone cannot work.

Are they going to have to stand every 500 yards on the border and try to catch people? When you apprehend somebody, you have to pay to take them to a facility and then take them back across the border; or if there is some distant country, pay for a plane ticket and send them back home and put them in a detention place until that occurs. We think we need a catch-and-release program. But even if we do this, it is still very costly.

A fence is going to save us billions of dollars over the years. It is going to allow us to be effective, with fewer Border Patrol agents. It is going to help us reach that tipping point where we will need far fewer bed spaces and far fewer planes to charter to take people back home. We will have far fewer efforts to move people back across the border, at a great savings to this country. This is a cost-savings bill. It is a statement bill, I submit. When you count the costs of salaries and the time and insurance for our Border Patrol, the risk at which they are placed, a fence is going to be a tremendous asset to them. We will have a roadway so they can move down in their vehicles along the border to pick up people who have entered. The word is going to get out that it is not easy to do that anymore.

There are a lot of other things we need to do. We need to clarify the current law as it exists.

Along with my staff person, Cindy Hayden, a lawyer on the Judiciary Committee, my chief counsel, we wrote a Law Review article for the Stanford Law Review. We talked about the authority of the local law enforcement officers. They have authority in most instances, but it is blurred and confused, and as a result most State and local law enforcement officers are afraid to do anything. We need legislation that will fix that. We need the workplace enforcement.

All of these are steps that need to be taken so that people can't come into the workplace fraudulently and get a job as they are today. Those things can be done, but a critical part of this entire process is securing the border first. The American people expect us to do that.

This legislation gives us that capacity. We can make that difference, and the result will be that we are going to see further improvements in the number of apprehensions.

Then, next year we need a good dialog. As Senator HARRY REID said, we need to take Professor Borjas's book, "Heaven's Door," and take other testimony that we have seen and reviewed and build on that and develop a comprehensive program that we can be proud of, that will allow talented immigrants to come here, people whom we know scientifically from studies and analyses will be successful in America, who will pay more in taxes than they take out. And the numbers are really scary.

Large numbers of people coming in today are high school dropouts, do not have a high school diploma. According to the National Academy of Sciences, a person coming into our country without a high school diploma, over a lifetime, will cost the U.S. Treasury almost $90,000. Think about that. They will have a low-wage job. They will not be paying income tax. They will be receiving other benefits. That does not include extra schools and highways that will have to be built. It only includes what they will be getting in terms of earned-income tax credit or Food Stamps and other benefits such as medical and the like.

We are moving now. The American people's voices are beginning to be heard. But I think we are going to have to study this issue. If the American people will stay in tune, if they will insist on the highest and best values, including law and decency and generosity and a positive view of immigration, we will have all those values at play in our decisionmaking process. We can come up with legislation next year that actually could do more good than most people realize.

I can't tell you how exited I am about it. But it is absolutely essential that we take steps today to gain credit with the American people; to have them understand that we are listening, that we are going to make the legal system work. And then we can enter into a dialog with them next year to develop, as Professor Borjas's book says, policies that serve the legitimate interests of our Nation.

Why shouldn't we do that? Other countries are doing that. Are we saying that Canada is not an advanced and humane nation? Are we saying that the policies that New Zealand adopted are not humane and decent and effective? Look at it. We will find that they are. In fact, they allow quite a number of people to come into their country every year, but they try to allow those to come who have the best chance of being the most successful.

It has exciting possibilities for us. It is important that the misguided legislation that has come through this Senate has now ground to a halt, that the House has flatly rejected it, and that we in our own body are reevaluating it—I think rightly—and we will be at a point where we can start over, start afresh and develop a comprehensive plan.

Let's get credibility with the American people.

Let's make this border a lawful border again, and we will see a reduction in crime. We will see increasing economic and commercial development in the areas where enforcement becomes a reality. We can tell the world that you have an opportunity to come to our country, but you are going to have to meet standards. You will have to apply, and you will be objectively and fairly evaluated. And if you meet those criteria, you will rise up in the list. If you do not, you may not be able to get in. We are sorry, because everybody cannot come in here. We wish it were different, but it is just so. We cannot accept more and more and more. We have to decide what the right number is, what skills and assets they bring that we want for our country, and make a selection process on that basis. It is really exciting, that possibility.

In our situation today—I say to my colleagues, I would like to share this one thought with you—and I am sure the report that Senator REID mentioned probably has some discussion of it because it is a defining event—only 20 percent of the green cards—that is the card that gives one permanent residence in the United States—only 20 percent of those are given out based on the skills of the applicant. Think about that. How can that be in our national interest? The experts we have heard say it is not in our national interest. Canada and other nations have analyzed this. They have decided that is not where they want to go. So they are trying to get to 60, to 70 percent based on skills.

Yes, we will always have those subject to persecution around the world, humanitarian cases, who we will allow in our country. But the number and the way we are doing it now is not a sensible way to proceed.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I notice that none of my colleagues are here. Senator REID, I am pleased to say, indicates he will be supporting moving forward to the bill and cloture. I will take time, as we are heading up to the hour to vote, to share a few additional thoughts.

The only way we are going to get an authorization of the fencing is to pass this amendment. The authorization for border barriers I offered as an amendment, which was adopted as part of the comprehensive so-called immigration bill, will not become law because that bill will not become law. This is the way we have now to do it.

The House has passed a bill that is thoughtful, that makes sure we are not playing a shell game with the American voters but that we actually create a mechanism to ensure that the fencing gets built on a timetable. It includes a number of other things, such as technology and sensors and the like.

The second aspect of the legislation is very, very important. We voted in this body 93 to 3—and the majority leader and the Democratic leader both made reference to it—to fund it at $1.8 billion. That was a commitment we made. We said we were for that. This budget that we passed has $20 billion set aside for emergency funding as part of our budgetary expectations for this year. How much of that will go to homeland security? We have to be careful to watch. And even though we authorized these barriers at the border, which are going to make a huge, huge difference in reducing illegal entry into America—it is going to be so positive—but if we do not fund it so we can actually build it, it cannot be built. That requires an appropriations.

So I am getting worried about that. I am hearing some things—that the $1.8 billion we passed with such an overwhelming vote may not be funded. So isn't that the shell game we are talking about now? Isn't that the deal? We thought we had done it on the Defense bill. It would be built through the National Guard who is already on the border. And the money would go to them to supervise, to contract out, or utilize their own personnel to construct this fencing.

That is what we thought we had done. But as often happens around here, subtle things happen. You think you have something in your hand and like a will-o'-the-wisp it just disappears. I hate to use the words "shell game" because it is not always planned out that way, but the effect can be the same. First you think you have it, and then it disappears. You think it is under that shell, you think you have it, and it is not there.

So I am going to have to tell our leadership on both sides of the aisle I am pleased to see we have a commitment to building the fences. We voted twice now, and the House has overwhelmingly voted for this. But we need to make sure we don't play a shell game where we don't have the money at the end to build it because somebody wants to spend it on a pet project they have.

This is a matter of national interest. It is a matter of national security. It is a matter we cannot fumble the ball on. It is a matter we are committed to by our previous votes. So let's make sure we do it. And setting priorities is what we do. That is what we are paid to do. We cannot do everything. So we will have a bit of a test as the session winds down to see if the appropriations process—the actual appropriating of the money to do the things that are needed to be done—is carried out and the funding is there and the barriers are built.

Again, I repeat, this would be a one-time expenditure. I believe the numbers we are hearing are too high. We felt like $1.7 billion, $1.8 billion would do the 370 miles of fencing, including 500 miles of vehicle barriers. There is enough money to fund that. But if we are going to have to have that, we can't have no funding, a third of the funding, or a half of the funding or we are not going to be able to do this job. And if it turns out we are wrong and the cost is higher than we expected, we are not going to come close to doing what we are telling the American people we intend to do. So we will have to watch that.

I will just share, in conclusion, my thoughts about the nature of the American Republic of which we are a part. It is a good and decent nation. We have a positive view of immigration. We have been a nation of immigrants from our founding. We believe in immigration. But we are also a nation of laws.

I was a Federal prosecutor for 15 years, and it breaks my heart to see the Federal United States law be made a mockery along the border of our country, that without fencing people are driving by, and not even stopping when the Border Patrol attempts to detain them.

We had a hearing yesterday on crime in America. We had the Director of the Bureau of Prisons. He told us that in the Federal prison penitentiaries 27 percent of the people detained are not American citizens. Can you imagine that—27 percent?

Now, I am absolutely convinced that overwhelmingly the people who come to our country are law-abiding; even if they come to our country illegally, they are law-abiding, other than their entry. But I have to tell you, if I were in big trouble somewhere in some foreign country, and they were trying to arrest me in my hometown, and the chief of police knows my name, and I am facing a big, serious crime, why would I not want to scoot across the border and go to the United States where nobody would know me?

I think we are picking up an excessive number of people who may even be fleeing prosecution in their towns or people who have come here to set up drug distribution networks and things of that nature. So somehow we are picking up a larger number of the criminal element than we ever have. When I asked Mr. Lappin about the prison system and the fact that he said 27 percent of the people in the Federal penitentiaries are noncitizens, I asked him: Does that include those we detain at the border who are being held waiting to be deported? He said, No, it does not even include those.

So this Nation, in our own interest, has every right—indeed, we have a duty to our people—to make sure our borders are not wide open, terrorists do not come here, drug dealers do not come here, people in trouble for sexual offenses and child pornography and those kinds of things, and child abuse, who flee their own countries, do not run across the border to safety in the United States, where they are never apprehended and live here.

So this is all part of it. If we are coming through with the right funding, we will be successful in taking the historic step to creating a lawfulness in this country.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I wish to say a few words before we move to the cloture vote on H.R. 6061, the Secure Fence Act of 2006. Colleagues, the purpose of the fence is to prevent illegal pedestrian and vehicular traffic crossing the international border of the United States with Mexico.

This bill does four main things. First, it authorizes over 700 miles of two-layered reinforced fencing along the southwest border with prioritized placement at critical, highly populated areas. Second, the legislation mandates that the Department of Homeland Security, DHS, achieve and maintain operational control over the entire border through a "virtual fence" that deploys cameras, ground sensors, unmanned aerial vehicles, UAVs, and integrated surveillance technology. Third, it requires DHS to provide all necessary authority to border personnel to disable fleeing vehicles, similar to the authority held by the U.S. Coast Guard for maritime vessels. Finally, the bill requires DHS to assess the vulnerability of the northern border.

Some of my colleagues ask why we need these additional border control tools. When combined with high-tech detection devices, a secure fence should make attempts to cross our border more time-consuming so that the Border Patrol has time to respond and catch those trying to breach the border. Having a state-of-the-art border security fence system should ensure that it cannot be easily compromised. The business of apprehension is manpower-intensive, slow, and legally complex. If we only build a "virtual fence" without additional physical barriers, we will spend millions on technology that is subject to ordinary downtime and then spend even more money to chase down, apprehend, process, and deport the illegal border-crossers.

I believe instead we should add these tools to the toolbox of the Border Patrol, as requested by DHS. An increased manpower alone approach would have the Border Patrol remain vulnerable to decoys and other tactics designed to draw our border agents into one area so that another area is left exposed. This fencing will help border control efforts and will not be an inhibitor to legitimate entry to this country.

More importantly, we know that fencing works. With the establishment of the San Diego border fence, crime rates in San Diego have fallen off dramatically. According to the FBI Crime Index, crime in San Diego County dropped 56.3 percent between 1989 to 2000. Vehicle drive-throughs in the region have fallen from between 6 to 10 per day before the fence to only 4 drive-throughs in 2004, and those occurred only where the secondary fence was not complete. According to numbers provided by the San Diego Sector Border Patrol in February 2004, apprehension decreased from 531.689 in 1993 to 111,515 in 2003.

The Senate should take up and pass the Secure Fence Act of 2006 and give the Border Patrol all of the tools it needs to do its job. The Senate should send a clear message that we need this fence and we need it now. Let's send this bill to the President before we leave at the end of the month.

Mrs. HUTCHISON. Mr. President, I rise today to again voice my strong support for securing our Nation's borders, which remain porous. We must immediately address this threat to our national security.

I have consistently supported and voted in favor of border security efforts such as the installation of reinforced fencing in strategic areas where high trafficking of narcotics, unlawful border crossings, and other criminal activity exists. I have also supported installing physical barriers, roads, lighting, cameras, and sensors where necessary.

However, I object to the Congress making decisions about the location of border fencing. These decisions should be made by State and local law enforcement officials working with the Department of Homeland Security, not dictated by Congress. The border States have borne a heavy financial burden from illegal immigration; their local officials are on the front lines. They should be part of the solution.

Ours is a nation of laws and we must be a nation of secure borders. I stand resolved to work with my colleagues to enact meaningful legislation in this session of Congress that addresses border security first and enacts comprehensive immigration reform.

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the clerk will report the pending motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 615, H.R. 6061, a bill to establish operational control over the international land and maritime borders of the United States.

Bill Frist, Ted Stevens, Robert Bennett, Lisa Murkowski, Mike Enzi, Pat Roberts, Jeff Sessions, Orrin Hatch, Wayne Allard, Thad Cochran, James Inhofe, Trent Lott, John Ensign, Jon Kyl, Tom Coburn, Mitch McConnell, John Cornyn.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum has been waived.

The question is, Is it the sense of the Senate that the debate on the motion to proceed to H.R. 6061, the Secure Fence Act of 2006, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. MENENDEZ) would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 94, nays 0, as follows:

[Rollcall Vote No. 252 Leg.]

YEAS—94

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Jeffords
Johnson
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—6

Akaka
Dodd
Inouye
Kennedy
Kerry
Menendez

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Ms. STABENOW. Mr. President, I ask unanimous consent to claim my 1 hour at this point and ask to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOB LOSSES

Ms. STABENOW. Mr. President, I rise today to talk about the most pressing issue that I believe families feel across this country and certainly in my home State of Michigan, and that relates to the squeeze that families are feeling on all sides today. It starts with the issue of jobs. We see that almost 3 million jobs have been lost in the manufacturing sector in the last 6 years—almost 3 million jobs. When we look at this chart, under this administration we see that we have the slowest job growth of any administration in over 70 years. We have to go back to Herbert Hoover to see the kind of job loss that we are now seeing—the slowest job growth in over 70 years.

In my home State of Michigan it is even worse than that, because what we are seeing is the impact of a lack of a 21st century manufacturing strategy on those in my State who have been the global leaders—who are the global leaders—in manufacturing. Almost 3 million jobs have been lost in manufacturing alone, and 260,000 of those jobs have been in manufacturing in Michigan.

Now, to add insult to injury, we see expenses going up on all sides for families. They are losing good-paying jobs.

Mr. SARBANES. Mr. President, would the Senator yield for a question about the previous chart?

Ms. STABENOW. Absolutely. I yield to my dear friend who is the ranking member on the Banking, Housing, and Urban Affairs Committee.

Mr. SARBANES. Mr. President, as I understand it, this figure here reflects the amount of annual growth rate of employment under the Bush administration.

Ms. STABENOW. That is correct.

Mr. SARBANES. At four-tenths of 1 percent.

Ms. STABENOW. That is correct.

Mr. SARBANES. We should compare that with the job growth that has taken place in all of these previous administrations. This is the smallest amount until we get back to Herbert Hoover, is that correct?

Ms. STABENOW. Absolutely. Prior to the Great Depression.

Mr. SARBANES. Right. It is a matter of very great concern. This chart is a dramatic demonstration that this so-called economic recovery has not really produced jobs, which, after all, is one of the main purposes that we seek in terms of the workings of the economy.

Ms. STABENOW. Absolutely. In my home State of Michigan, because we are the global leaders in manufacturing, and I know in my good friend's home State of Maryland it is the same way, in terms of manufacturing, that number is even worse because of the lack of effectiveness in enforcing tradeoffs, because of our inability to address health care and being able to change the way we fund health care, because of the lack of investment in education and innovation. That number does not reflect the fact of the impact of the loss of good-paying jobs, the kind of jobs that have built the middle class of this country.

Frankly, I am very proud to represent a State that has been at the forefront in the auto industry, with an industry that has created the middle class in this country—middle class jobs, not only in autos, in furniture production, in other manufacturing.

The reality is that we have lost almost 3 million jobs that created the middle class of this country. Even though there has been just a tiny little bit of an increase here over all, we see it is the lowest, slowest job growth of any administration. We have to go way back to Herbert Hoover to find an administration that has a worse jobs record than this particular President.

I have to say it is particularly insulting to those of us in Michigan who, given this record and the fact that we have almost 3 million jobs that have been lost, and 260,000 manufacturing jobs in Michigan alone, that when the President of the United States came to Michigan a couple of weeks ago to do political fundraising, he didn't have 30 minutes to meet with the auto industry. He didn't have 15 minutes to meet with the executives of the largest employers in the country. In fact, he has postponed or canceled I believe three different meetings with them and now says he is prepared to meet with them after the election.

This isn't about elections. This isn't about politics. This is about a fight for a way of life. This is a fight for a way of life in this country. While he is waiting until after the elections to meet with the auto industry and to begin to engage to do something about these numbers, we have folks who are facing layoffs today. We have headlines. We have Ford Motor Company and their latest headlines. We have struggles going on throughout the industry. Every day, somebody in Michigan gets up in the morning and worries about whether or not they are going to have a job, worries about whether or not they are going to be able to afford to send their kids to college, whether or not their health care is going to still be there, and whether or not they are going to be able to pay for it.

To add insult to injury, too many people who have worked all their lives and who have paid into a pension are now finding themselves in a situation where that pension won't be there. I think that is the ultimate outrage. In the United States of America, I never thought I would have to stand on the floor of the U.S. Senate and say somebody may be in a situation to lose a pension they have paid for their whole lives. We addressed this issue on a bipartisan basis, and I am very proud we put in place efforts that are going to save many of those pensions because of the work that we did a few weeks ago. But too many people still find themselves on the line as a result of that, and that should not be an issue. Bankruptcy or no bankruptcy, in this country you ought to get your pension, period.

So we have a situation where more and more families are on the edge, more and more families who believe in America, who believe in playing by the rules, who get up every day and work hard at one job, two jobs, three jobs, and still find themselves falling more and more behind.

On top of the job situation that they are concerned about, they are being squeezed on all sides by all of the other costs that relate to their families. We see, for instance, a 44 percent increase in the cost of college tuition, room, and board—a 44 percent increase. So here we are, we are in a transition. We hear that the economy is changing. We need to be investing in education. We need to be investing in opportunity for the future, and in innovation and, at the same time, we see the costs going up, and the exact opposite policies are being put in place in terms of cutting opportunity for people.

We all want our children to have a better opportunity than we have had. I am very fortunate to have two children who have worked their way through school and a wonderful stepdaughter who just graduated. I understand about student loans and what that means. I know the costs have gone up, because we have watched them go up over the last several years. There is no question that families are feeling more and more squeezed as it relates to creating opportunity for their children to be successful, and that makes no sense in this country. That makes no sense at this time when we could be doing something about it.

Health insurance premiums have gone up 71 percent. Seventy-one percent under the Bush policies and this administration—71 percent. Now, this is an issue for us in Michigan with not only families and individuals who are struggling to be able to pay for what I believe should be a right in this country, not a privilege, which is health care, but we know what it is doing to our businesses as well. We know that in a global economy, we are the only industrialized country that pays for health care the way we pay for it. So we add to the burdens on our manufacturers, our small businesses, and others by having health care predominantly on the backs of business

To make it even worse, we end up, because of our system, because of the craziness of our health care system, paying twice as much of our GDP for health care as any other country, but we have 46 million people with no health insurance. What is wrong with this picture? The United States of America has the highest infant mortality rate. Shame on us. We can do better than that. All this takes is a matter of political will, to make the changes that are necessary so no family has to go to bed at night praying that the kids are not going to get sick; no small business has to worry about whether they are going to be able to find health care for themselves and their employees; and no manufacturer should have to worry about whether they are going to be able to compete internationally and still provide health care for their workers.

Health care costs have gone up 71 percent. To add insult to injury, gasoline prices experienced a 104-percent increase. They are coming down now. They are coming down a little bit before the election. We know what will happen after the election. And we also know what has happened to people trying to go to work, trying to take the kids to school.

In my home State, in Michigan, where we have a very robust tourism season, we want everybody to be able to go to the cottage up north, take the boat out, and enjoy the wonderful Great Lakes or go fishing on the inland lakes and rivers. This is a major economic factor for us, gas prices. What happens to individuals who have to take more money out of their pockets just to be able to get to work? Maybe this summer they didn't take that trip they normally take, which means our small businesses up north were hurt. It means economically we are not seeing the robust investment in tourism that normally we have seen in Michigan.

Families are being squeezed on all sides. This is just a fraction of the cost we have seen going up. What has been the response of this administration? What has been the response of the Republicans in Congress? Unfortunately, the response has been, first of all, to block our efforts to ban price gouging. As part of the Energy bill that passed a year ago, an amendment of mine was agreed to that required the Federal Trade Commission to do a complete investigation of price gouging. It took them way too long, but they finally came back and indicated that on the surface of it, they didn't think it was happening and they really didn't have the tools. We had not defined price gouging so that they could really be serious about that. The administration basically took a pass on whether there is price gouging. So we introduced legislation to define it. That has not been able to move because there has been no support to do that.

Health care costs? We could go on and on in all of the areas in which, instead of coming together and doing what we can do, efforts have been blocked. Here are some of the basics, starting with the Medicare prescription drug program. Instead of having a plan that works for seniors and the disabled, a plan was written that was great for the drug industry. Included in that was the outrageous provision that we are not allowed—Medicare is not allowed to negotiate group discounts. Can you imagine that anywhere else? Anybody knows bulk purchasing is cheaper, negotiating group prices is cheaper. Yet, in the area of Medicare, in behalf of the industry, that is prohibited.

What is the result of that? First of all, we have a Medicare plan, essentially, that is privatizing Part D, requiring those to go through private insurance rather than directly through Medicare. There is just a great big hole. Some folks have called it a doughnut hole, this gap in coverage, because there is not enough money to pay for complete coverage because they can't negotiate group prices. All the money is going to the industry rather than going to make sure there is comprehensive coverage.

There is a better way to do that. I am introducing legislation that would allow us to go directly to Part D. Any senior, any person with disabilities, could go directly to Medicare, sign up under Part D under the normal copays and premiums, go to their local pharmacy, they negotiate prices, we eliminate the gap in coverage, and folks would get what they need without all of the confusion and complexity. But that has stalled. We have not been able to move that forward because of the administration and those in control.

Mr. SARBANES. Will the Senator yield for a question?

Ms. STABENOW. Absolutely.

Mr. SARBANES. Isn't it the case that the VA, in providing health care for veterans, can use its bargaining position with the pharmaceutical companies to get lower drug prices and therefore is in a better position to provide more extensive coverage for the veterans as a consequence? But on the Medicare for our seniors—I remember the Senator opposing that provision so strongly here on the floor—it is prohibited that Medicare enter into this bargaining with the pharmaceutical companies, bulk purchasing, in order to get lower prices on the drugs?

Ms. STABENOW. The Senator is absolutely correct. We have the model. It is the VA. They have done it very well. They have been able to get a better deal, anywhere from a 35-percent to a 40-percent lower price because they negotiate prices. I don't know anywhere else in the Federal Government where we are not trying to get the best price, where we are not trying to negotiate, except in the area of prescription drugs, except in the area of lifesaving medicine where somebody may need it or they may not be able to live or may not be able to treat their symptoms for high blood pressure or diabetes or get their heart medicine or get their cancer medicine—except in the area that is lifesaving.

Even with the VA, which does a marvelous job in negotiating prices, we are able to do that in every area except Medicare—Medicare, the health care system for older Americans and the disabled. It is the only place where the decision was made to go with the drug companies rather than to go with the people who are on Medicare.

There are so many areas in health care costs we should be addressing—health IT, bringing down the cost of prescription drugs with the use of generic drugs, addressing the issue of health care costs. Senator DURBIN and Senator LINCOLN have a very important proposal that would allow small businesses to pool together nationally and to be able to have a pool—whether it is Blue Cross, whether it is other private insurance, whether it is HMOs—be able to pool together to get the best price. That came to the floor and was voted down.

I have legislation that would provide a catastrophic tax credit for our manufacturers. We know about 1 percent of employees in a business will be seriously ill during the year, but it is 20 to 25 percent of the cost of the health care paid during that year. We could take a major step forward if we provided a tax credit for catastrophic costs to help our manufacturers and our businesses.

This is not rocket science. It is about having the political will and the right values and the right priorities. This has not happened here, and every day people continue to struggle with their health care. Too many people end up in emergency rooms where we pay twice as much because they are sicker than they should be and they are not getting the care at the time they should be getting it. They get treated. The hospital, of course, does the treatment, as it should. Then the costs roll over onto everybody with insurance. That is why we pay so much for health care, and we in the Senate should be focusing on this as a No. 1 priority.

I mentioned college tuition before. Right when we need to be focusing on more opportunity for people in a changing economy—we all talk about education all the time—what happens here? Right before Christmas, we had the largest cut in student loans in the history of the country, $12 billion. For everybody who had to refinance their loan by July 1 and saw their interest rate go up, it was as a result of that.

Then, on top of that, we see the President proposed the largest cut in education for next year, the largest ever proposed since the Department of Education was established. Who would believe that at this time, in a global economy, that we ought to be proposing and passing the largest cuts ever suggested for education? These are the wrong priorities and the wrong direction.

And then, certainly, time and time again, we have tried to pass a minimum wage bill that truly raises the minimum wage for everyone. It is something that makes sense. It is something where workers in every State will find that their minimum wage will be raised.

Let me just say that I see our distinguished colleague here, Senator REED, who has played such a distinguished role on economic issues, and I will yield to him to speak in just a moment, but when you look at the numbers and you look at what is happening to families across this country, we need a new direction. We need a new direction. We need to create a new set of priorities based on a different set of values that put Americans first—American businesses and American workers.

What I see happening in this country is a willingness by the President and those in charge of Congress to accept a race to the bottom in a global economy. Too many workers in my State have been told: If you only work for less, pay more in health care, and lose your pension, we can be successful. That is a lose-lose strategy. First of all, there is always going to be somebody in another country who can work for less.

I don't want to win that race. Nobody in Michigan is interested in winning a race to the bottom. What we understand is that we need to do what America does best, which is make this a race to the top. In order to make it a race to the top, we have to have a level playing field on trade. We can compete with anybody if the rules are fair, if it is a level playing field. We have to change the way we fund health care and address health care costs for businesses and families. We have to change. We have to start passing legislation that addresses health care in a positive way, to truly bring down costs, not just shift them around but bring down costs in a real way and make health care available and affordable and support businesses and families.

We have to continue to say we are going to protect pensions. We did make a step forward in that area, and I am proud that we did that together.

Then we have to race like crazy on education and innovation. That is what we do in America. Let's race up. Let's make every other country race to keep up with us. Let's be the ones who are continuing to invest in education, in opportunity for every child, in opportunities for everybody to be able to go to college and focus on areas of math and science and technology and engineering and all of those things we need to do to make it a race up, areas of health research, creating new opportunities and new discoveries. That is what we do in America. That is what we have always done in America. But we have seen in the last 6 years a willingness to put that all aside for other priorities, put that all aside and make this a race to the bottom. That is not good enough.

We believe in a race to the top, and we know that is going to take a new direction. It is going to take a different set of priorities. It is going to take a different set of values to do that. But in a global economy, if we are going to keep our middle class, we have to do that.

We are in a fight for our way of life in this country. It is not going to do any good if a few people have a lot of money if the average person has no money in their pocket to be able to buy that house, that car, send the kids to college, get the boat, and be able to enjoy the beautiful lakes in Michigan, be able to buy their medication. It is not going to matter if everybody is being asked to race to the bottom.

So I am hopeful—in fact, insistent—that we turn things around. America can do better. We need a new direction. We need a race to the top. We can do this. It just takes people who get it, people who get it to be in charge with the right values and the right priorities, and Americans are expecting that to happen. In fact, they are tired of waiting for it to happen. And so am I.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Rhode Island.

Mr. REED. Madam President, I am very pleased to join my colleague, Senator STABENOW, and my colleague, Senator SARBANES, to talk about the reality that is confronting the American family across the country. That reality is, they are being squeezed, and they are feeling every day increased pressure from an economy that is not resulting in higher wages and income but is demonstrating increased costs to every family in the country. Between flat, stagnant incomes and increasing costs, they are seeing their dreams shredded.

It is our obligation, our duty to respond. This administration has not responded. The President tries to paint a rosy picture of the economy, but the American people know better because every day they see the high gasoline prices, and increased costs of education. They look at their paychecks and see no significant increases. And they wonder, really, for the first time in my lifetime, whether their children will have a better life than they enjoyed.

It was taken as an article of faith in America when I was growing up in the 1950s and 1960s that your children would do better than you did. They are probably going to college, if you hadn't gone to college. If you were fortunate to be a college-educated person, they certainly would go to college and maybe on to professional school beyond. They would be able to enjoy a home in a good community. They would be able to use their talents and their energies to provide for their families and to build a strong America. But, again, for the first time in generations, many, many people are wondering whether their children will be able to afford what they did, and be able to accomplish what they have done. Can they afford a home in the same community they grew up in? In many cases, that is not true in America today. Will they have a pension that they can depend on when they get older 40 or 50 years from now? Will they have the ability to send themselves to school, to educate themselves, not just through college but throughout their lifetime?

This is not something that is just the impersonal effect of the world economy and globalization. This is something that Government has a duty to respond to, and this administration has not responded to it.

The facts are very clear. After adjusting for inflation, the income of the typical family is lower than it was when President Bush took office. The typical family has fallen behind in the last 6 years. The economy has gone through the most protracted job slump since the Great Depression. Even though job creation has turned positive, the pace of job creation has been modest and real wages are not growing.

The administration likes to point to statistics that show an increase in average income or compensation. But it seems pretty clear that these averages reflect gains by highly compensated individuals who receive bonuses, who exercise stock options, while ordinary workers see their wages falling behind with rising living costs.

When you talk about an average, if you have a lot of poor people and you have several highly compensated individuals, that average moves up. That is what the President is talking about.

What we should be looking at is, how do we help those low-income Americans see more in their paychecks? How do we help them protect against rising prices in so many critical areas?

This first chart demonstrates what has happened between 2000 and 2004. This is the median inflation-adjusted household income. This is the centerpoint of households in the U.S., 50 percent below, 50 percent above. So it takes away the distorting effect of a few, a handful of terribly wealthy households in the country. This is the most accurate view of what has been happening. You can see in 2004, the median income was $47,399; in 2005, in inflation-adjusted terms, $46,326, a fall of $1,273. Median household incomes fell. That is not the sign of a good economy. In fact, that is the sign of a failing economy.

This is accompanied by another phenomenon. The second phenomenon is that prices are increasing. In fact, they are rising dramatically in critical areas.

This is a chart that shows the middle-class squeeze under the Bush administration. College tuition, room and board, up 44 percent; households have $1,300 less at the median; their expenses for college are going up 44 percent. Health insurance premiums, if you can afford them or you have access to health insurance at all, because there is a growing number of Americans who can't buy health insurance; those premiums are going up 71 percent.

Gasoline prices, up by 104 percent. Even in the last few weeks of lower prices, they are still extraordinarily high given the prices in 2000.

What you have seen is a situation—this is just arithmetic—income goes down, costs go up, families are squeezed. They have to put on hold a lot of their dreams and hopes for the future—for college, in some cases. They have to worry about whether they will be destroyed financially by a health care crisis at home because they cannot afford health care coverage.

Certainly we are all seeing throughout the economy how expensive it is just to get around because of the price of gasoline. For upper income Americans, the people who are certainly above the median income, this is a problem. For the vast majority of Americans, low-income Americans, the extra $10 or $15 per fillup means they cannot take the kids out for even a modest meal. They can't do things that they took for granted. They certainly cannot save.

One of the other phenomenons we have seen is virtually a zero savings rate for households in the country. They are not getting ahead.

I can recall—I think we all can recall as children—when parents talked about trying to get ahead, trying to get a little bit ahead, something that will give them not only some financial security but peace of mind. For some families in the last 6 years they are not only not getting ahead but they are falling behind. It is not predestined; it is not inevitable. It is because of the policies of this administration.

One of other startling aspects of the Bush administration is that employment has not grown. This is a chart showing the growth of nonfarm employment throughout administrations in the country going back to Herbert Hoover. The Bush administration has the worst nonfarm employment growth of any administration since Herbert Hoover. That is not a comparison anyone would like to entertain.

We have seen it go up and down through administrations, but this is the worst. Under the Clinton administration, there was a 2.4 percent per year growth in nonfarm employment. That has been reversing.

This is a situation where people are looking around, again despite all the happy talk of the administration, people just have to look around. The jobs are going away and they are not coming back. Pick up the paper. About every day you see a big American company announcing 20,000 jobs being let go, changes, restructuring, et cetera. That causes people great concern.

Again, we have to do something, and nothing of consequence is being done by this administration. It is the worst job record since Herbert Hoover.

That is a damning epitaph for the economic policies of this administration.

Coupled with the anemic job growth has been a similar anemic growth in earnings. Here again is a comparison. Between 1995 and 2000, under the Clinton administration, and between 2000 and 2005 under the Bush administration. What you see in the Clinton administration is a strong growth in earnings, weekly earnings, for every category of worker, from the lowest to the highest.

In fact, I should point out that the highest-income Americans did much better under the Clinton administration than they are doing under this administration. But what is startling is that this picket fence of the Clinton administration of growth in every income level, strong positive growth, is not the case in the Bush administration. In fact, in the lowest 10 percent you are seeing negative growth, a loss in terms of weekly earnings. The poorest Americans are not only not keeping up, they are falling behind. It is not just at the bottom, it is all the way up to the 50th percentile. Half of American full-time workers have seen a loss in the last 5 years in their usual weekly earnings. They are losing ground, and they know it. They are not getting ahead. They are falling behind.

You see at the upper income levels a slight increase. It was much, much better under the Clinton administration.

One of the ironies here is that the economic policy, relatively speaking, is benefiting the wealthiest Americans, but it is not benefiting them as much as under the Clinton administration.

Again, these are weekly earnings. This figure would be much, much different if we put in all forms of compensation. There you are seeing even a more pronounced view of the upper income Americans because of stock bonuses, because of all sorts of compensation that is not in the form of weekly earnings.

Mr. SARBANES. Madam President, will the Senator yield?

Mr. REED. I would be happy to yield to the Senator.

Mr. SARBANES. If I understand that chart correctly, the people up to the 50th percentile in the last 5 years have actually fallen behind. They have not had an increase, they actually have had a decrease in their real weekly earnings. Is that correct?

Mr. REED. That is absolutely correct.

Mr. SARBANES. Then beyond that, while there has been some increase, it is far less than what occurred in the previous 5 years of the Clinton administration? Is that right?

Mr. REED. That is right.

Mr. SARBANES. Of course, that helps to explain what people are thinking about the economy. I know our distinguished colleague from Michigan talked earlier about the increase in health care costs, the increase in tuition costs, education costs, and the increase in energy costs. That is one side of the squeeze on the middle class and working America. But this is the other side of the squeeze on the middle and working Americans. They are being squeezed down in their earnings and they are being squeezed from the other direction by the increase in costs. So they are really caught in a vise. Their income is not as good and key costs are going up—and at a rather rapid rate. Will the Senator agree with that?

Mr. REED. The Senator is right. It is absolutely a phenomenon between being crushed by falling real income and rising costs. It is not a situation where incomes are falling and being compensated by falling prices. It is a situation where they are being caught in this vice. The pain is palpable to working families throughout this country. These are all of our citizens. These are the people we all say we are here to help. And we are not helping them—not this Congress, not this administration. Not only are we not helping these individuals but it turns out the very policies of this administration and this Congress are rewarding those people who are doing the best, not those who need the assistance. That is evident in the tax policy being pursued by this administration and supported by this Republican Congress.

This is the average amount of capital gains and dividend tax cuts by household incomes in 2005. This is one of the centerpieces of the administration's proposal. They have to cut capital gains taxes. They have to cut dividend taxes. Here is where the benefits go. If you make under $50,000—that is an awful lot of Americans—you get $6 in benefits If a person is making between $50,000 and $100,000—most Americans within that range are considered to be pretty prosperous folks—they get $55 in benefits. If a person makes over $1 million, they get $37,000 in benefits. One of the reasons for this is the fact that most working Americans, if they hold stock, they hold it in their retirement accounts. These retirement accounts do not benefit directly from these capital gains and dividends tax cuts. So for the vast majority of Americans, we are seeing virtually no direct benefit from these capital gains and dividends tax cuts. Of course, for the wealthiest, it is a bonanza.

Now, if this somehow stimulated a huge spurt in economic activity, growth, job performance, and increased employment, that might be a justification—not the most compelling, but a justification. We are not even seeing that.

What we are seeing—because, again, ultimately this is about arithmetic as much as anything—we are seeing a decrease in the resources and revenues of the Federal Government. So we can't compensate for increased cost of tuition. In fact, this administration, as the Senator from Michigan suggested, is sending up a budget that has record cuts in Pell grants and Stafford loans and those supports for education that are so critical at a time when everyone reflexively says we have to be the best educated country in the world because we must compete today with an emerging India and an emerging China.

We can no longer sit back on our laurels saying we have the best educated people. We have to keep investing in education. We have dissipated those resources in a way that does not benefit the vast majority of Americans but benefits very few. As a result, not only are the costs of education going up, but our Federal support for education is going down.

I should say something else, too. The last several weeks the. President hasn't missed an opportunity to remind the American people that we are at war. We are. And we have to support our forces in the field. I saw a figure today that to keep an Army division in operation in Iraq for 1 month costs $1.5 billion. Those costs have to be met.

With the tax policy rewarding the wealthiest Americans without benefiting the rest of America, without contributing in a demonstrable way to significantly increase employment, without contributing to supports and programs so essential to investments for the future of this country, we are not only dissipating our resources, we have also engaged in an international policy that requires spending that is very difficult to avoid, nigh impossible. Who is bearing the burden? It is all being rolled into the next generation of Americans as we accumulate a huge amount of debt going forward.

This is the most reckless economic policy I have ever seen. It is "credit card economics," borrow as much as you can to fund military operations abroad, but we cannot afford domestic programs. What resources we have we give away in the form of tax cuts that are not strengthening the economy.

It is a massive shift of resources from the vast majority of Americans to the wealthiest Americans; from a generation in the future that will pay for it, to a generation today that seems to be consuming it.

Ultimately, these policies will catch up with us. They have already caught up with the families of America. As we debate these issues today, they are looking at sticker shock in health care, education, at the gas pumps, and housing. And they are looking at their stagnant paychecks.

Not only can we do better, we must do better. This Government has in the past been able to sort these problems out. We have a record over the last 5 years of the preceding decade of growth across the board in terms of income at robust levels, of significant employment gains, of fiscal responsibility. All of that today is history.

Mr. SARBANES. Will the Senator yield?

Mr. REED. I yield.

Mr. SARBANES. As I understand it, we have had this tremendous runup in the debt. We are just saddling this burden on the next generations.

One of the things that has happened and needs to be underscored, at least as I am informed, is that the amount of the debt that we are borrowing from overseas has escalated tremendously. In fact, we have borrowed more from overseas—in other words, foreign-held debt—under President George W. Bush than all of the previous Presidents combined.

It is not only that we are incurring the debt and the problems that go with that in terms of the future burden, but more of that debt is being held externally by people overseas rather than being held internally. Before, we were paying it to ourselves. It meant working people were paying money to people who held the Government bonds, but at least it was all within the country. Now there is a tremendous tariff on working people to send this money overseas to the debt that is being held abroad.

Isn't that the case?

Mr. REED. That is absolutely right. The Senator is right.

We have extraordinary debt being held by countries such as China. Even Mexico is a creditor of the United States today. That debt has to be serviced. That money goes overseas. It is not kept within the United States for investment here.

It also not only economically weakens us, it puts us into a position internationally where we do not have the kind of leverage we used to have when we were an economic power that did not have these huge debt burdens, and we did not rely upon the kindness of strangers. We are relying on the kindness of lots of countries who, sometimes, are not our friends.

We can see that manifested in situations such as our relations with North Korea, China and our relationship with Iran. The Senator is a senior member of the Foreign Relations Committee. We are struggling now to control the Iranians' race for nuclear technology. A key player is the Chinese. We cannot push them hard to take a tough line, in some cases because they hold a lot of our debt. That is a reality not only economically but also in terms of international affairs.

Mr. SARBANES. If the Senator will yield, as the Senator points out, we have become dependent, as Tennessee Williams said, on "the kindness of strangers."

On the one hand, we say we are the world's superpower. In many respects, that is quite true. However, economically, the foundations are weakening. They are not as solid and as strong as they once were.

In the last years of the Clinton administration we were running surpluses and paying down the debt. The Bush administration came in and made these very excessive tax cuts at a time when we moved into a war footing. We have never done that before in this country. When we have gone into a war footing we have always concerned ourselves with how to meet the budgetary demands of the war. That did not happen here. All of a sudden we have switched from running surpluses to running these large deficits, year after year after year. The projections are that they will go out into the future as far as the eye can see.

The Bush people say: We will lower the deficit a little bit. As long as we are running the deficit, we are still building up the debt. We are adding to the debt every step of the way. As we noted previously in our discussion, more and more of that debt is being held overseas. To the extent that happens, we are subject to the kind of leverage that others have.

The United States has gone from being the world's largest creditor nation; now we are the world's largest debtor nation.

Mr. REED. The Senator is absolutely right. He realizes, as I do, when the Bush administration came into power, we were running a surplus. We had a projected surplus over several years in the trillions of dollars, an opportunity to do lots of critical and important tasks for America: to try to reform our health care system which will require not only changes in rules, regulations, and procedures, but probably additional resources; to try to reinvigorate public education at the elementary and secondary level and try to make college more affordable. These were investment goals. At that juncture we had the resources to do it.

The Senator listened, as I did, to proposals which we thought were fanciful: the suggestion that if we did not cut taxes, our surplus would grow so great it would be unmanageable. What has grown so great and what is unmanageable now is not a surplus but a deficit.

The Senator also recognizes, as we look ahead and as we see this continued deficit finance and growing debt, there are structural issues which will drive the deficit further. For example, we have to somehow come to grips with a longer term solution to the alternative minimum tax which will take additional revenues and resources away from the Federal Government.

There are proposals, and we have heard them, of a full-scale repeal of the estate tax. Again, that would be an additional denial of revenues and resources to the Government at a time when we are running a huge deficit and we are fighting a war.

All this adds up to what the Senator pointed out: not only annual deficits but a hugely increasing debt funded by foreigners, leaving us vulnerable not only to economic shocks but also to the fact, as the Senator suggested, that we are dependent. Dependency, in many respects, is the opposite of strength. We have surrendered a great deal of economic strength through these policies.

The bottom line of this discussion is that this is not some theoretical macroeconomic research topic. This is reflected in the daily lives of Americans who are struggling, and in the future they are seeing every day a decreasing sense of confidence that they can provide their sons and daughters at least as good a quality of economic life, family life, and support as they have enjoyed. That is distressing the American public.

Mr. SARBANES. If the Senator will yield, furthermore, we have an opportunity to strengthen the economy in so many ways, including addressing the Social Security system which can be done with a number of relatively sensible steps.

The Bush administration, of course, has been pressing this privatization. For the moment, they have been beaten back on that and people are turning their attention elsewhere, but it is very clear they have not given up.

The President, at the end of June, said:

> If we can't get it done this year I'm going to try next year. And if we can't get it done next year, I'm going to try the year after that.

The majority leader in the House of Representatives says:

> If I'm around in a leadership role come January [this coming January], we're going to get serious about it [privatizing of Social Security].

And the chairman of the House Ways and Means Subcommittee on Social Security said that privatization would be a top priority in the Congress in 2007.

The American people have to understand this is still very much on the agenda of this administration and its supporters.

Now they want to abolish the estate tax. Why not keep the estate tax and devote the revenues from the estate tax to strengthening the Social Security system? Then there would be a better retirement for everybody.

Mr. REED. Well, I think the Senator has a very valid point about Social Security, that, yes, you are right, from what I read into those comments, the President and the Republicans in the House of Representatives are committed to, once again, going after Social Security. It seems to me to be contradictory to everything that Americans are experiencing today.

The one phenomenon that is frightening everyone is the loss of defined benefit pensions, left and right. Thinking back to when I was beginning to enter the workforce, in the 1960s and 1970s, if one of my colleagues had said: I have just taken a job as a machinist at United Airlines—you would say, you are set for life, just like your father was. You are going to work for 30 years, and you are going to retire with a nice pension and have benefits like health care. You, financially, are in a good position.

Now we are hearing stories about machinists' pensions being abrogated because of bankruptcy proceedings, companies that we took for granted as being solid trying to get rid of their pension liabilities. The only thing left for most Americans is Social Security.

Now, we hope they all have 401(k)s and private investments. But there is that credit card commercial about how something costs $50 and something costs $80, but at the end there is that priceless element. The priceless element, when it comes to pensions, is Social Security because at least you know every month you will get a certain amount of money, you will have something, you will know what it is. And that is worth a great deal because it gives a certain peace of mind. For most Americans, it is very modest, but at least it is something they can say they will have as long as they live.

This administration wants to eliminate that. They want to put every American into a market which has great ups, but also great downs. It has cycles where everyone is doing well and cycles where people are not doing very well at all.

That cannot be the bedrock of retirement. We have to maintain Social Security. So it is shocking to me that despite what America said over the last several months—essentially, take your hands off my Social Security—this administration is going to try again.

And, of course, there are ways we can fund Social Security. I think we did that under the leadership of you and your colleagues in the 1980s, where changes were made to the formulas, changes were made to the rates of taxation, changes were made to strengthen Social Security.

They are not interested, I think, in strengthening it because their objective is not making sure that American families have something to rest their dreams on in retirement. This is, in some respects, simply another example of catering to the market, of letting these investments be turned over to private markets. And there is some advantage to that, but not fundamentally with respect to Social Security.

I am afraid we are going to have to fight this fight again.

Mr. SARBANES. Will the Senator yield on that point?

Mr. REED. Yes.

Mr. SARBANES. In fact, the administration states the problem in such a way I think to sort of panic people, and then use that panic to push them toward the privatization of the Social Security system.

For example, the administration says the Social Security system is bankrupt. The Social Security system is not bankrupt. The Social Security system, at the moment, is taking in more money than it pays out in the trust fund. Of course, the administration then borrows that money to cover its deficits. That is a separate issue. But there is more flowing into the system than is flowing out. That will last until about 2020.

After that, they will start paying out more than flows into the fund, so they will start drawing down the fund. And they can continue to pay out all the benefits until 2046—in other words, 40 years from now, under the projections; of course, the projections are all problematic because it depends a lot on how the economy functions—but under their best projections, before they draw the fund down. At that point, they will still be able to pay 75 to 80 percent of the benefits from what is coming in to the Social Security trust fund. So the worst scenario is a 20- to 25-percent shortfall 40 years from now.

Now, there are many things you can do now, next year, the year after, with an administration that really wants to support the Social Security system, to take care of that problem. The magnitude of that problem is not out of bounds in terms of being able to address it.

But it has been dramatized as though it is an immediate crisis I think to sort of help scare and panic the American people and then have them be more open to these privatization proposals, which, as the able Senator from Rhode Island points out, would be to shift people from a guaranteed benefit—where they are told, as they are with Social Security: You are going to get so much a month and that is guaranteed to you—to a defined contribution plan, where you do not know what you are going to get.

The people who worked at Enron and WorldCom thought they had wonderful retirements. They had these 401(k)s and everything—they thought they had company plans—they thought they had wonderful retirements, and they were going to be living quite well in their retirement years, and it all collapsed. But they still have——

Mr. REED. Social Security.

Mr. SARBANES. Their Social Security, with its guaranteed benefit every month. So at least they have that basic form. People need to understand how important Social Security is to more than half of Americans who get more than 50 percent of their retirement income from Social Security. And 20 percent of retired Americans get more than 90 percent of their retirement income from Social Security.

So Social Security is really essential to providing that base. In fact, it has helped to lift the seniors out of poverty. It used to be that the age group most in poverty was the elderly. Because of Social Security, essentially—and other things—but because of the improvements we have made to it now, that is the age group least in poverty. So we have made a substantial change. But Social Security is essential to achieving that.

And I do not know why the administration put it out there. The country rejected it, clearly. And it was reflected by Members of Congress from both parties who said: No, no. And now they continue to talk about coming back to this issue and privatizing. They have not given up on privatizing the Social Security system.

Mr. REED. Well, I think the Senator is absolutely right in terms of his analysis. He has stated very eloquently and accurately about how many Americans depend upon Social Security; how, over the long term, it is a program that will be solvent—with no changes—for 20-plus years, and 50 years even if it is not paying full benefits.

Frankly, I cannot think of another Federal program where we can say we can guarantee 25 years from now you are going to get what we told you you are going to get. That is one of the few programs of the Federal Government that will do that.

I think the other point that should be made is that these actuarial assumptions are rather conservative. So this is not a situation where we are trying to, with smoke and mirrors, create an artificial picture of the funding stream going forward. And I have the same shock that you have, in a way, at these proposals because right now Social Security is even more important.

There was a period in our economic history, from the end of World War II up until fairly recently, where many Americans were looking at and anticipating not only their Social Security but a defined benefit private pension—a rather good private defined pension—and their private investments. Frankly, we all understand that the best retirement plan has, as a foundation, Social Security, but it is not only Social Security. It has to have private savings, private investments over time.

Sometimes—I am sure the Senator might have some of the same feelings I have—if we have all these proposals—benefiting the wealthiest Americans, why can't we give incentives for average Americans—more incentives—to save for their retirement, to put money away? We have some, but they are not enough. We can do that. But that is a conscious choice to favor, in this respect, the wealthiest over the vast majority of Americans.

I do not think it makes much sense in terms of economic policy, fiscal policy, and also social policy. But today we have seen those private pensions too often disappear. Today it is more important to maintain the defined benefit program of Social Security, and I hope we can.

But again, I say to the Senator, like you, I am concerned there is another movement afoot. Just listen to what the President says and what the chairman of the relevant subcommittee in the House and also the House majority leader say. If they get a chance, next year, they are going right back after Social Security, despite, as you point out, the rejection by the American people. And this was not some type of narrow, close call. Seniors, middle-income Americans—all Americans, I think—were standing up basically saying: This is not a sensible approach.

Mr. SARBANES. If the Senator will yield further, I think this does much to help explain the anxiety that Americans are feeling about the workings of their economy.

Now, as the Senator so ably showed earlier, working people are being pressed from two directions. Their wages are not going up to keep pace with inflation, and key costs are increasing. That is compounded by the fact that the retired people are in a state of anxiety because they are constantly being told: Social Security will not be there for you—although I think that is a false cry.

Furthermore, as the increase in educational costs indicates, younger people—not yet in the workforce but moving in that direction—see the opportunities for education and training not opening up but closing down. Senator STABENOW pointed out earlier, we have the most significant cuts in Federal aid to education that we have experienced since the Federal Government began to try to provide assistance in that area.

So through every age group, as they look at the situation, they find themselves being constrained, to deny them the opportunity—the young people—to get an education. Working people are being squeezed badly. And our retired citizens are kept in a constant state of agitation about the safety and the security of their retirement income.

I think that explains why you are getting all these articles now in the major periodicals and in the major newspapers about this sort of anxiety that is running through the society about the workings of our economy. And when they look at it, it is very clear what is happening: the benefits are all being—as that chart indicates—focused right up at the top of the income and wealth scale. And everyone else is left in a state where they are really quite concerned about their future.

Mr. REED. I think the Senator is absolutely right. I think what Americans are seeing is a bifurcated society. That is a fancy term for the haves and the have-nots. The haves are doing quite well.

I remember Warren Buffett once said: "If this is class warfare, my class is winning." And it is not class warfare. What it is is a series of economic policies that are not creating the jobs, that are not creating circumstances so that those jobs provide growing compensation to workers, and then on top of that, developing tax policies which favor the very wealthy and do not do enough to help those who do need assistance. Then it is complicated further by budget policies that are undercutting education and health care. We are debating a cut to physicians in terms of their compensation which goes into the overall effect of the health care system.

One point I would make, in addition to this issue about education, is that one of the reasons we saw a spectacularly productive decade in the 1990s and previous decades is not because anything was done in the 1990s, it is because of the Pell grants and Stafford loans of the 1960s when Americans with talent and ambition could go to college. Twenty-five years later, they were inventing new products. They were developing new ways to develop and provide services. They were leading the world economy in every dimension—health care, business, all these things.

If we stop investing in education now, we will lurch along for a few years, but we will start slowing up in terms of momentum, and we will ask ourselves 20 years from now: Are we still the preeminent economy, the preeminent area of scientific research? And that is a question mark.

People understand that. I think it goes back to the point we have all tried to make, which is that these charts are illustrative of what is going on from a statistical and analytical point; but just ask the average family and they will say simply: My wages are stuck, my expenses are going up, I cannot provide for my children the way I thought I could, and I need help. We should be giving them help and we are not.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, where are we at this point?

The PRESIDING OFFICER. Post-cloture on the motion to proceed to H.R. 6061.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to speak for up to 7 minutes.

The PRESIDING OFFICER. The Senator has that right.

Mr. CHAMBLISS. Mr. President, I rise today in support of H.R. 6061, the Secure Fence Act of 2006. As I traveled back home over the summer, particularly over the month of August, there was not a single issue I heard more of from my constituents, whether they were in the north Georgia mountains, vacationing on Georgia's coast, or working on farms in south Georgia, than illegal immigration. This is by far the most emotionally charged issue with which I have dealt during my 12 years in Congress.

Earlier this year, the American people watched as Congress debated how to handle the growing crisis of illegal immigration. During that debate, there were a wide variety of views expressed regarding the best way to stop illegal immigration and how to address the presence of 15 to 20 million illegal aliens currently in the United States. However, there was one issue on which everybody agreed; that is, the need to secure our borders. This legislation we are considering today takes an important step in the right direction to do just that.

Securing the borders is not anti-immigrant. There is more to this debate than the presence of illegal immigrants. Securing our borders will stop illegal commercial activities, such as human trafficking and drug and weapons smuggling—the three most lucrative illegal commercial activities in the world. Human traffickers profit by exploiting people who seek to come to the United States to seek a better life for themselves and their families. It is estimated that 20,000 people are trafficked into the United States each year, primarily women and children. In addition, porous borders result in illegal drugs and weapons being smuggled into our country.

If drug and weapons smugglers can get cocaine and firearms into our country, what is to prevent them from bringing nuclear, chemical, or biological weapons across the border? It is an important national security matter for us to take the appropriate steps to gain operational control of our borders. We have all heard from our constituents and know they demand no more and deserve no less.

Earlier this year, when the Senate considered the comprehensive immigration reform bill, this body voted overwhelmingly to authorize construction of 370 miles of fencing and 500 miles of vehicle barriers along the southwest border. This totals almost 900 miles of barrier on that border. Late this summer, the Senate voted to fund the construction of fencing and barriers we previously authorized.

Some may ask: Why are we considering this legislation if the Senate has already considered something very similar? We all know Congress is not going to pass the comprehensive immigration reform bill before we leave. Passage of this bill will allow us to move forward with the process of getting these necessary tools in place to secure the border.

Finally, the American people have questions about the commitment of Congress when it comes to comprehensive immigration reform. Congress tried to sell this idea to them in 1986 when it said that we would allow all of those people who were here illegally to adjust their status. In exchange, we pledged to secure the border and have real interior enforcement. We all know what happened. Millions of people were allowed to obtain lawful permanent residence, but we did not secure our borders. Now 20 years later, some in Congress are trying to sell the same idea again, and the American people simply are not buying it, and rightfully so.

This bill will give Congress an opportunity to move in the direction of gaining the trust of the American people on the issue of immigration and allows us to prove to the American people that we are serious about securing our borders.

Once we have operational control of our borders and can know who is coming into and going out of the country, I think the American people will be more receptive to temporary guest worker programs. Once we have operational control of our borders, the American people will be willing to engage in a debate about whether we should increase the number of people our country accepts for permanent resident status each year. Until we have operational control of our borders, most people think we will simply have a repeat of the 1986 amnesty.

I don't believe a fence is a panacea, and I don't believe we need to build a fence across the entire stretch of our borders. However, we know fencing and vehicle barriers are effective border security tools. Combined with state-of-the-art technology, it is possible for us to gain control of our borders and then have a healthy, responsible debate about our Nation's immigration policies.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL TAX GAP

Mr. BAUCUS. Mr. President, I have repeatedly raised the problem of the ever-growing Federal tax gap. What is that? The tax gap is the difference between taxes legally owed and taxes actually paid. That gap is $345 billion a year, and it is growing. That is right. Every year, about $345 billion in taxes legally owed is not paid—$345 billion a year.

One of the things that contributes significantly to the tax gap is confusion. Many taxpayers simply claim credits or deductions by mistake, and that error rate is about to get worse. As IRS Commissioner Everson pointed out in a Finance Committee hearing this month, the IRS and taxpayers will face unnecessary confusion and compliance errors if Congress does not finish its changes to the tax law soon. Taxpayers will face more mistakes and hassles if we do not extend the expired tax provisions soon. "Soon" means prior to October 15, according to Commissioner Everson.

If Congress does not reinstate the expired tax incentives before it recesses for the election, then the IRS will have to print tax forms for next year's filing season applying the law "as is." That means reprint: more expense. The IRS will print the forms without the tax credit for U.S.-based research jobs, without the tax deduction for State sales taxes, without the tax credit for hiring welfare workers, and without the tax deductions for classroom supplies that teachers buy—without those deductions. That is what would have to be printed by the IRS.

If Congress does not extend these provisions by the end of next week, then the IRS will have to spend taxpayers' money to rush printing for supplemental documents to describe these incentives if and when Congress actually passes them.

Millions of families, businesses and workers utilize these popular tax incentives. These are not obscure tax benefits claimed on separate forms or schedules.

For example, look at the front page of the basic form 1040, which I have at my right. Look at line 23, right here, in the category "adjusted gross income." That line 23 is labeled "educator expenses."

What should the IRS do with the classroom teachers' deduction? Look at line 34, right here: "Tuition and fees deduction." What should the IRS do with the tuition deduction for middle-income families? They both expired at the end of 2005, so the IRS really cannot print them. It cannot do so on the 2006 tax form. It cannot print them because Congress has not extended those provisions.

But if the IRS does not print them on form 1040, and it cannot do so, how many teachers will miss out on this deduction? School started not too long ago this year. How many teachers will miss out if the IRS merely mentions the deduction in some supplementary instruction guide?

What about the millions of taxpayers who use software to assist in tax preparation? Those software providers have deadlines, too, and they have told us mid-October is their "drop dead" date, just as it is for the IRS. They will try to have their products in stores and on the shelves by Thanksgiving. That would be literally days after our lame duck session, when some believe that we should extend these benefits appearing on form 1040.

You might ask why these software providers cannot just send updates to customers. The providers tell us they cannot force the customer to receive the update. Millions of customers will miss the update; they just will not know about it. They will miss it. Millions of customers will ignore the update and millions will lose out.

Earlier this year the Finance Committee held an investigative hearing and looked at the "free file" alliances, which provide free electronics services to many taxpayers via the IRS Web site. The committee found many members of the "free file" alliance simply declined to include any of the Katrina-related tax benefits. Why? Because Congress enacted those benefits into law so late in the year it simply was not feasible for providers to include them.

Delay has costs. Delay costs taxpayers money. Delay impairs the effective tax administration by the IRS.

I am again asking my colleagues to support my unanimous consent request to pass the negotiated tax extenders. If my amendment is agreed to, it will retroactively restore all those popular benefits. We are going to enact them, but the real cost and the irresponsibility will be if we don't pass them in the next couple of weeks but, rather, later on in the year when it will cause all these costs I just mentioned. My amendment will also provide the compromise reached on the Abandoned Mine Land trust fund, or AML.

We need these tax cuts. We cannot wait until the next tax period.

Mr. President, I do not see anybody on the floor who might object, except for the Presiding Officer. I guess he will object in his role of a Senator from his State.

UNANIMOUS-CONSENT REQUEST—H.R. 4096

Mr. President, I ask unanimous consent the Senate proceed to Calendar No. 326, H.R. 4096, that the Senate adopt my amendments numbered 5003 and 5004, which are the agreed-upon tax extender package, that this bill be read a third time and passed, the motion to reconsider be laid on the table, and all this occur without intervening action.

I repeat, Mr. President, before the Chair in his role as a Senator objects, because he has been instructed to do so by the majority party, I think it is extremely irresponsible for this body not to enact these extenders right away. As I stated, it is going to happen, so why put the American people through this unnecessary, ridiculous additional cost? Why can't we as a body just do what is right? What is right is to pass these extenders now before we recess in a couple of weeks. That is the right thing to do instead of all the games we have been playing around here. I wish those games would not be played. But, frankly, the party in control of this body has chosen to object to this request. I am very disappointed in the U.S. Senate for not doing what is right.

The PRESIDING OFFICER. In my capacity as a Senator from South Carolina, I object.

The Senator from Nevada.

Mr. REID. Mr. President, before my friend leaves the floor, I want to have the RECORD spread with my appreciation for who he is and how he has operated as a Member of Congress, first in the House of Representatives and now in the Senate. Our ranking member on the Finance Committee has been the chair of our Finance Committee, the chair of the Environment and Public Works Committee. The people of Montana are very fortunate to have him in their corner.

I appreciate his coming here, as the people of Montana and the people of Nevada want, with just commonsense legislation. This is going to pass. I cannot imagine that this legislative body would walk away from here and not pass this must-do legislation.

But I say I am of the opinion now that maybe this Republican Congress, which has been dubbed—not by me but by writers all over the country—as the most do-nothing Congress in the history of our Republic, I guess they want to make sure they don't lose that record as the most do-nothing Congress in history.

This is evidence of it. We sit here doing nothing all day today, doing nothing all day tomorrow, when there are important things to be accomplished.

Some of my colleagues were here earlier talking about the delicate balance we have in our economy. Housing all over the country is headed the wrong way. I have learned that highway construction and homebuilding are the two economic engines that drive our economy.

I am so disappointed, and I say that very seriously, that these important provisions have not been extended today. If we had an opportunity to vote on these it would be virtually unanimous, Democrats and Republicans, but we are not provided the ability to vote on this. I don't know why. Maybe they are trying to come up with some kind of an arrangement so that we will be forced to vote for it because, although it will have other things in it that we will not like, we will like this so much. That was tried once and it didn't work. The American people are too smart, and we speak for the American people.

Some things are so important. I have a niece. Her name is Lari, named after my father and brother. She struggled to get through school. She worked. She finally got to become a schoolteacher. She now teaches high school at Las Vegas High School, but she doesn't have much money.

She spends money out of her own pocket to buy school supplies. The school district should buy them but they don't. Under the provisions we are trying to extend, schoolteachers all over America can deduct up to $250 a year for school supplies they buy out of their own pocket.

Mr. President, $250 to my niece means a lot. It may not mean a lot to millionaires and all the people who benefited so much during this Republican administration, but to my niece it means a lot. She will not get that unless we put on these extenders.

Mr. BAUCUS. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. BAUCUS. I deeply appreciate the Senator's comments, but let me ask if the Senator heard, as I have, in a good number of companies, if these provisions are not enacted the companies are going to have to begin to restate their financials and take a charge against earnings because of the loss of the work opportunity tax credit and loss of the research and development tax credit.

I wonder if my good friend from Nevada has heard that, learned that, and what he might tell us the consequences of that might be when a company has to take a charge because of the failure of the other side of the aisle to let this provision pass, which we all know is going to pass.

Mr. REID. I say to my friend, I received a call before the last recess from the chair of the Business Roundtable. This is a group composed of Democrats and Republicans but, frankly, more Republicans than Democrats, and they represent the American business community. The chairman of that group said something to me. I asked him, Of all these provisions, which is the most important? And he said, We only care about one: the research and development tax credit has to pass. It is so important to the American business community. If we don't have that, it is going to have a tremendously detrimental effect on business.

We have not done it.

So I say to my friend, there are so many problems and he has outlined them very clearly. I listened to my friend—I just saw him walk through here—the chairman of the committee.

Mr. BAUCUS. He wants to do what I am suggesting.

Mr. REID. He made a wonderful statement. He said, Why should the Federal Government have to pay extra money for what we aren't doing?

Mr. BAUCUS. Right.

Mr. REID. They are waiting, as you indicated. They need to prepare these forms. It costs money to do this. In my State—it is different than your State—we pay a very large sales tax. In your State you don't have a sales tax, you have an income tax.

Mr. BAUCUS. Correct.

Mr. REID. You get a deduction. There are 12 million families in States without a State income tax, and they are not going to have the benefit of that—12 million families.

I talked to my friend—I don't think he would be embarrassed if I mentioned his name—Steve Wynn, who is one of America's great businessmen. He has done so much for Las Vegas. He is a modern business giant. He comes up with new ideas. His hotels are magnificent.

He called me up about a situation today. I am trying to work it through the last few days of this session. We have a Republican in the House and a Republican in the Senate who are fighting over a bill. He didn't know who. He thought one of them was a Democrat. I said, No, these are two Republicans fighting over this. He said, That's the way it always is, HARRY.

I said, Steve, I'm sorry to say you are right. What do you think the American people think of this?

We mentioned just a few things. I again mentioned my little niece, the schoolteacher and the $250. To us, we get a big fat salary, we Members of Congress, and all the tax cuts the administration passed on. They don't care about my niece; $250, what does it mean to them? To her it means a lot. What do the American people think we are doing here? These provisions have to be passed.

Mr. BAUCUS. I thank my friend very much.

Mr. REID. I so appreciate your leadership. I have never come to this floor, ever, and criticized the chairman of the Finance Committee. I can't say that about other chairmen, but I have never criticized the farmer from Iowa, because he has a heart of gold. He can be very tough and hard. But he has been saying everything he can publicly that has supported our position. I hope the majority will allow this most important piece of legislation to come before it.

Mr. BAUCUS. I appreciate that. The chairman of the Finance Committee more than anything else wants to do what is right. He doesn't like to get involved in politics. That is what the American people want, not to get involved in politics, but to do what is right. That is why they should listen to the chairman who very much agrees with what you have talked about here.

Mr. REID. I am sorry to talk about my niece so much. Her name is Lari Dawn. She is named after my dad and my brother, Larry. We love Lari Dawn. But she is one of 3.3 million teachers who are forced to reach into their own pockets to provide supplies for their students. They are going to lose that. Again, that doesn't sound like much, but for the American people they get their money's worth for every Lari Dawn of the world who is out there trying to educate their children. For the 3.3 million teachers and the head of the Business Roundtable, all aspects of our society benefit from this legislation.

Again, I express my appreciation to the Senator from Montana.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I ask unanimous consent that the pending business be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I just had the unfortunate experience of being trapped in the Presiding Officer's chair as some of my Democratic colleagues presented a sad scenario of how Republicans had not taken up an important bill that would continue important tax credits for Americans and American businesses. Unfortunately, they failed to admit that we all had a chance to vote on that bill only a couple of weeks ago when Republicans, attempting to work with Democrats, brought all of these "tax extenders," as we call them, to the floor, along with the increase in the minimum wage, which our Democratic colleagues had spoken so often for, and a reform of the death tax, a compromise plan to tax only the larger estates in this country. We put this together in order to try to move some business through the Senate—a very important piece of legislation that we called the Family Prosperity Act because, indeed, that is exactly what it was.

All of us were amazed at how our Democratic colleagues came to the floor and found one excuse after another why we could not vote for this important piece of legislation that would have given the tax credits for schoolteachers who buy supplies, it would have given some breaks to middle-class families who are faced with the death tax on their farm or family business, and it certainly would have given low and minimum wage workers the increase that we talked about for years. Yet the Democrats, which has been their form for month after month—in fact, during my entire time here in the Senate—when we bring something important to this floor, the Democrats block it. Then, as they did today, they come down and attempt to blame Republicans for the bill not getting passed.

I think it is important for the American people to know the truth, particularly as we head toward elections. The tax credits which are so important to America were brought to the floor by the Republicans, with a good compromise package, with an honest attempt to work with Democrats on several important issues. The Democrats to a person unanimously voted against this bill. Now they are here trying to blame Republicans.

I think it is important that we set the record straight. I intend to be a part of doing that as we try to end this session in a productive way next week.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the motion to proceed. We are in a postcloture period, having invoked cloture, 94 to 0.

Mr. THUNE. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALTERNATIVE ENERGY FUEL GRANT PROGRAM

Mr. THUNE. Mr. President, on July 24, the House of Representatives overwhelmingly passed H.R. 5534 by a vote of 355 to 9. This bipartisan legislation seeks to provide grants, not to exceed $30,000, to assist gas station owners and other eligible entities who install alternative fuels such as biodiesel, natural gas and E85 ethanol.

As all of my colleagues know, the American public has been calling on Congress to address our Nation's overdependence upon foreign sources of energy. Senator SALAZAR from Colorado and I have a bipartisan substitute to the House-passed bill that is currently being held in the Senate at the desk. The substitute has been cleared by the relative committees, as well as by my colleagues on this side of the aisle; however, for some unknown reason, some of my Democratic colleagues have placed secret holds on this very noncontroversial bill.

The Thune-Salazar substitute has the support of the U.S. Automakers Alliance, alternative energy groups, and environmental organizations that have called upon Congress to increase the availability of alternative fuels.

I ask unanimous consent to have printed in the RECORD letters from the Alliance of Auto Manufacturers, which includes BMW Group, DaimlerChrysler, Ford Motor Company, General Motors, Mazda, Mitsubishi, Porsche, Toyota, and Volkswagen.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALLIANCE OF AUTOMOBILE
MANUFACTURERS,
September 14, 2006.

Hon. DANIEL AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: I am writing in support of legislation authored by Senators THUNE and SALAZAR that seeks to expand our Nation's alternative fueling infrastructure through the use of CAFE program fines. Automakers urge the Senate to adopt this legislation prior to adjournment.

As our Nation works toward energy independence, automakers support a diverse mix of fuels to power our transportation sector. To date, automakers are proud to report that there are over nine million alternative fuel and advanced technology vehicles on America's roads. These vehicles are powered by E–85 (ethanol), clean diesel, gasoline-electric hybrid engines, as well as other emerging technologies that improve mileage and reduce our dependency on foreign oil.

However, the infrastructure to refuel vehicles capable of running on ethanol is woefully inadequate. Currently, only about 830 of the 170,000 gasoline stations in America offer E–85 for sale. Expanding availability of this, and other renewable, domestic fuel sources, can help reduce our dependence on imported petroleum.

The Thune-Salazar legislation would create an Energy Security Fund within the Department of the Treasury. The Fund would use moneys collected from CAFE program fines and penalties toward a grant program for investment in alternative fuel infrastructure. Furthermore, the Thune-Salazar proposal is similar to legislation that passed earlier this year in the House by a vote of 355–9.

Automakers support this legislation as sound public policy to spur development of an infrastructure for the distribution of alternative fuels. It is an important piece of legislation that deserves passage before the Senate concludes its business for the year.

Sincerely,

FREDERICK L. WEBBER,
President & CEO.

Mr. THUNE. I ask unanimous consent to have printed in the RECORD letters from the National Ethanol Vehicle Coalition and the National Association of Convenience Stores, representing the fuel retailers across this country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF
CONVENIENCE STORES,
Alexandria, VA, August 3, 2006.

Hon. JOHN THUNE,
U.S. Senate
Washington, DC.
Hon. KEN SALAZAR,
U.S. Senate
Washington, DC.

DEAR SENATORS THUNE AND SALAZAR: On behalf of the 2,200 retail member companies of the National Association of Convenience Stores (NACS), I would like to commend you for your dedication to promoting a more stable motor fuels market for America's consumers and for recognizing the challenges that face the nation's motor fuels retailers with the introduction of alternative fuel products.

As you know, many of the alternative fuels available today have chemical properties that necessitate certain adjustments to the current distribution and storage infrastructure. These adjustments can cost substantial amounts. For example, to accommodate the alternative fuel E–85, many retailers must either retrofit existing underground storage tank systems or install new systems. This can be extremely costly, ranging from $40,000 to more than $200,000 in some markets. Therefore, NACS supports your amendment that will provide additional funding through the Clean Cities Program for alternative fuel infrastructure grants.

It is important to note, however, that while these infrastructure grant programs will help offset the cost of converting a retail facility to accommodate an alternative fuel, there are other factors a retailer must consider before making such an investment. These include whether there is the physical capacity to store and dispense an additional fuel product without compromising the availability of traditional fuels, whether the level of consumer demand for the alternative fuel justifies the investment, and whether the alternative fuel can be offered for sale at a price that is competitive with traditional fuels on a miles per dollar basis. These considerations will be determined by individual retailers based upon conditions within their own markets.

The underlying bill, H.R. 5534, was recently approved by the House of Representatives by a vote of 355–9. Your amendment, which seeks to balance competing priorities to increase the likelihood that the proposed "Energy Security Fund" will be signed into law, will facilitate the introduction of alternative fuels to the marketplace by addressing one of the major challenges facing petroleum retailers. NACS applauds your efforts to help address the costs associated with alternative fuels infrastructure. Thank you for your continued support of the nation's convenience and petroleum retailers.

Sincerely,

JOHN EICHBERGER,
Vice President, Government Relations.

NATIONAL ETHANOL
VEHICLE COALITION,
Jefferson City, MO, August 9, 2006.

Hon. JOHN THUNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR THUNE: As you know, the National Ethanol Vehicle Coalition (NEVC) promotes the use of 85 percent ethanol (E85) as a renewable, alternative transportation fuel. Our membership comprises a wide array of interests including ethanol producers, automakers, and health and agricultural organizations—all of which are working together to increase deployment of E85 refueling infrastructure nationally.

I am writing to express our support for the Senate version of H.R. 5534, legislation to establish a federal grant program for alternative fuel infrastructure. Your proposal incorporates an idea originally put forth by the NEVC to use penalties collected from the Corporate Average Fuel Economy (CAFE) program to promote alternative transportation fuels. This legislation would advance both the NEVC's efforts to make E85 a viable transportation fuel nationally and the CAFE program's explicit goal of reducing energy consumption by cars and light trucks.

We also understand the Secretary of Energy would have broad authority to allocate grants authorized under this bill and that the sponsors intend for the Department of Energy to maximize its benefit for the driving public. Unfortunately, the legislation does not prioritize funding for the most viable and prevalent alternative fuels or include any requirements for grant recipients to market or even sell these fuels. Without such clarification, it remains unclear how much funding will go towards deployment of E85 and how many E85 pumps will be placed in service. Therefore, we believe it essential for Congress to provide dedicated funding for E85 national deployment in Fiscal Year 2007.

We appreciate your understanding of the important role the NEVC plays in providing critical technical and marketing assistance and we look forward to continuing to work with you to expand the use of alternative transportation fuels, particularly E85.

Sincerely,

PHILLIP J. LAMPERT,
Executive Director.

Mr. THUNE. Mr. President, simply put, our substitute has no budgetary score and simply authorizes future appropriations for the annual penalties collected each year from foreign automakers who violate CAFE standards.

I hope my colleagues on the other side of the aisle will work with Senator SALAZAR and me to clear this important measure. The House has agreed to take up and pass the Thune-Salazar substitute once it clears our Chamber, allowing the bill to be sent to the President for his signature. In light of the very clear message from the American people that they want Congress to do more to increase the availability of alternative fuels, I hope my colleagues drop any objections they have so this measure can be passed by the Senate.

If we look at the state of the renewable fuel industry today and the state of our energy situation in this country, it is very clear that we need to be doing more to promote the use of alternative energy and renewable fuels.

If you look at the Energy bill that was passed last summer, it included a renewable fuels standard for the first time ever as a matter of policy for this country. We have in law a requirement that a certain amount of renewable fuel—ethanol and other types of bioenergy—be used. Now, that creates a market for ethanol.

We also have on the other side, on the production side, a lot of ethanol plants either currently in production or under construction. In fact, back in my State of South Dakota, we have 11 ethanol plants and 3 others under construction. In just a few short months from now we will be somewhere around a billion gallons of ethanol produced annually.

So we have the production side of it. Our ethanol production is gearing up. We have the market now, the renewable fuels standard we passed last year as a part of the Energy bill, which is something I think was long overdue and much needed in terms of our energy policy in this country.

What we have is a gap in the distribution system. We do not have enough retailers out there, convenience stores, filling stations, that make E-85 available at the pump. In fact, there are 180,000 fuel retailers in this country, and of those only about 600 make E-85 available at the pump.

So what we are talking about is dealing with what, in my view, is a real sort of gap in our system; that is, making all that production that is being brought on line available to consumers in this country who really want to buy and use alternative fuels but do not have access to them because fuel retailers across this country simply do not want to deal with the cost of installing the pumps.

So what this bill does, the Thune-Salazar bill, is provide up to $30,000. The cost for installing a new E-85 pump is considered to be somewhere between $40,000 and $200,000, depending on where you are in the country. But the simple fact is, we think this incentive will go a long way toward filling in that distribution gap so the ethanol production side of it, the supply side of it, can meet the demand; the demand being, of course, the renewable fuels standard we passed last year, as well as Americans' appetite for using renewable fuels and moving increasingly away from our dependence upon foreign sources of energy.

It makes perfect sense. We have an energy crisis in our country. People have reacted with extreme intensity toward $3-a-gallon gasoline. They want to see us take steps that will make America energy independent, that will provide American energy to meet the demands that we have out there in the marketplace, to continue to drive our economy, to provide fuel for those who travel long distances.

I will say, in my State of South Dakota, we are a predominantly agricultural State. We are a State that relies heavily upon tourism. We drive long distances. We are a big user of fuels to get to where we need to go, to get to our destinations—whether it is part of our economy to get to jobs, the marketplace, whether it is farmers in the field or ranchers, or whether it is, again, tourism, which is an important component in our State's economy.

For all these very obvious reasons, we need policies that will make renewable fuels more available to more people in this country. Today, as I said, there is a point in that distribution system that has been closed off. We have the production over here, the ethanol plants under construction, and those that are already fully operating that are producing more and more ethanol. And we have, again, the demand side, consumers who want to use renewable energy. And we have the renewable fuels standard we passed last summer as part of our policy. There is now a requirement for many of our States to get in compliance with that policy.

What we are missing right now is at the fuel retailer level. This is an opportunity to address that, to do something that is meaningful about lessening our dependence upon foreign sources of energy, about using more American energy, and meeting what is a very serious need in our economy.

So, again, I would refer people to the letters I have included in the RECORD. We have auto manufacturers in this country that are increasingly—you see more and more production of E-85, or what they call flex-fuel vehicles, those vehicles that can use E-85. I have to say, our bill does not preclude other alternative sources of energy from the pumps being installed, from them offering other energy other than E-85.

But I think it is fair to say there is a growing demand in this country for E-85. There are more and more flex-fuel cars being manufactured in America today, as evident from the letter from the Alliance of Automobile Manufacturers. But all the car companies in this country are building more and more cars that are flex-fuel vehicles that could use E-85.

The simple fact is, they cannot get access to the fuel because it does not exist, because we do not have the number of pumps that are necessary out there to provide people in this country who want to use renewable energy and want to use E-85 the opportunity to do that.

In my State of South Dakota, we have E-85 pumps installed in most of the cities across the State. Where that has been true, the cost of E-85 is somewhere from 50 cents a gallon less to up to $1 a gallon less, in places such as Aberdeen, SD.

But the simple reality is, we could do a lot to help ease the pressure on fuel prices in this country. We could do a lot to lessen our dependence upon foreign sources of energy. We could do a lot to meet the demand that American consumers have for using renewable energy. But today we have this gap in the distribution system, and we need to address that.

This is such a straightforward piece of legislation. It is so clear and obvious that it is supported—broadly supported—with, as I said, a big bipartisan vote of 355 to 9 coming out of the House of Representatives. We have holds on it in the Senate. I do not know what those holds are. The rules of the Senate, obviously, preclude us from knowing who has holds on bills. I, urge and plead with my colleagues on the other side who are holding up this legislation to release those holds.

It is important. This is noncontroversial. It is broadly supported. It is very necessary if we are going to follow through on the commitment we made last summer in the renewable fuels standard we passed in the Energy bill to increase the use of renewable energy in this country.

We have the production out there. These plants are coming on line. We have car manufacturers that are making flex-fuel vehicles. We have a renewable fuels standard in place that requires usage of a certain amount of ethanol, renewable or E-85. We have consumers who I believe are very conscious of, again, lessening our dependence upon foreign sources of energy and supporting American-grown energy.

For all those reasons, this bill makes so much sense. I am at a loss to explain why anybody would put a hold on it. I understand there are lots of cross pressures in an election year, but I hope that will not get in the way of doing what is right for the country, following through on the commitment that was made last year in the Energy bill in the renewable fuels standard, to put in place the distribution system, the mechanism whereby people can have access to renewable energy, to ethanol, E-85, other types of alternative fuels that would be made available under this legislation by allowing these fuel retailers to install the pumps that are necessary to deliver it to the American people.

Again, as I said, I have a letter from the National Association of Convenience Stores which represents all the fuel retailers across the country. It is important this legislation move, that it not get bogged down, and it move before Congress adjourns at the end of next week for the elections this year.

I know my colleague from Colorado is here. He has been a great advocate and supporter of this legislation. I enjoyed very much the opportunity to work with him on this legislation. I think he is as frustrated as I am at some of the secret holds that have been put on this bill. But, again, I would urge my colleagues in this Chamber, and those on the other side who have been obstructing and stopping this from moving forward, to release those holds.

There may be other issues associated with this legislation that I am not aware of, but the reality is that this bill, on the merits, is broadly supported in both Chambers by both parties. It is a necessary part of our energy policy in this country. It is high time, for the good of the American people, that we get it passed.

The Senator from Colorado is here. I am sure he wants to take some time to speak to this issue. But I appreciate his support and hard work to get it to where we are today. I know he shares my interest in getting the holds released and being able to proceed forward.

So, Mr. President, I yield back my time to allow the Senator from Colorado to be heard.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I ask unanimous consent that immediately following my comments, Senator LEAHY be recognized for his comments on the pending business.

The PRESIDING OFFICER. Is there objection?

The Senator from Alabama.

Mr. SESSIONS. Mr. President, what is the pending business? Is there pending business, might I inquire?

The PRESIDING OFFICER. We are currently on the motion to proceed, on which cloture has been invoked.

Mr. SESSIONS. All right. Does the Senator know how long he might speak?

Mr. SALAZAR. Mr. President, I intend to speak for probably 10 minutes. And I don't know what my friend from Vermont planned on, how much time he will consume after my statement.

Mr. LEAHY. Mr. President, I tell my friends from Colorado and Alabama, I certainly would not consume more time than that.

Mr. SESSIONS. Well, Mr. President, I want to talk on a slightly different issue, so I would accept that and withdraw any objection.

Mr. LEAHY. I thank the Senator from Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I thank my friend from Alabama and the Presiding Officer.

Mr. President, let me, at the outset, say that I very much appreciate the work we have done on the alternative fuels legislation that Senator THUNE and I have been sponsoring and advocating. I would hope it is legislation we can move forward to yet in this Congress. I think when we look at the issues that are confronting our world, from the issues of terrorism, to the issues of energy independence, there is an opportunity for us to do something significant that will move us down that track of energy independence.

Last year, in the passage of the 2005 Energy Policy Act, we acted together in a bipartisan way to move that legislation forward. I am hopeful the legislation Senator THUNE and I have been sponsoring will, in fact, be legislation that can, in fact, become law and reach the President's desk as a result of the work of this Congress. I appreciate his work and his advocacy in trying to find out where the problems lie with respect to this particular bill.

Mr. President, I would like to turn my attention and remarks to the border fencing bill, H.R. 6061, which is before the Senate today.

First, let me say that as I look at where we have gotten today with respect to immigration reform in this Congress and here in America, we are now at the point where we are playing political games and gimmicks and tricks with what is a very important national security issue.

At the heart of the immigration reform debate, which has consumed so much of our time in this Senate and this country over the last year, we recognized it is in America's national security interests for us to develop a comprehensive immigration reform package. We recognized, as well, that we are a nation of laws, and as a nation of laws we should be enforcing our immigration laws in the United States of America. And, finally, we recognized there is a reality of 12 million undocumented workers who live somewhere in the shadows of this society and that we ought to move forward and create a realistic program that addresses those 12 million human beings who live in the United States of America today.

Yet somehow today we have gotten away from that comprehensive approach to immigration reform, to look at what is a 1-percent solution. It is a small part of the solution that we need to deal with for immigration reform. Yet it has been chosen that we move forward to discuss this issue because there are political agendas at stake. It is the House Republican leadership that has refused to go along with the comprehensive approach which President Bush and this Senate have advocated, which has resulted in us coming to the point where we are now talking about a fence-only bill to deal with this very complex issue of immigration reform which has gone unaddressed by this country and by this Congress decade after decade.

President Bush, himself, in his address on August 3, 2006—this year—said:

> I'm going to talk today about comprehensive immigration reform.

This was just a month ago—6, probably 8 weeks ago, where he said:

> I say comprehensive because unless you have all five pieces working together it's not going to work at all.

That was the President of the United States.

Earlier on, the President had said:

> An immigration reform bill needs to be comprehensive, because all elements of this problem must be addressed together, or none of them will be solved at all.

Again, this is President George Bush, former Governor of Texas, who has been working on this immigration issue for a long time. He, as President, reached that conclusion. He said:

> An immigration reform bill needs to be comprehensive, because all elements of this problem must be addressed together, or none of them will be solved at all. Congress can pass a comprehensive bill for me to sign into law.

Unfortunately, we appear to be failing in getting a comprehensive immigration reform package to the President that he can sign. Instead, we have devolved to the point where there is a piece of legislation which the House of Representatives has passed which is a fence-only bill. This fence-only bill is only a very small part of the solution we face to this very complex problem.

From my point of view, it is a cop-out and a political gimmick being played on the people of the United States. Let me remind people that it was not so long ago that in this Chamber, by a large bipartisan majority, Democrats and Republicans came together and said we can pass a comprehensive immigration reform package that addresses the issues that the President and the country want to be addressed in immigration reform. It was a law-and-order bill, which we enacted out of this Senate. It was a bill that dealt in a straightforward manner with border security, with enforcement of immigration laws, and also applying penalties and registration to those people who had come forward from the shadows and registered to take them out of the shadows.

I want to briefly review the comprehensive nature of that bill and some of the components that caused me to support the bill as the right way for us to address immigration reform.

First, we said we would do border security. We are not afraid to do that. We ought to do border security because it is our right as a sovereign nation to do border security. It is our right to make sure that we are protecting America against terrorism coming across our borders.

For us, as we worked on that comprehensive bill, border security was very important. In our legislation we added 12,000 new Border Patrol agents. We created additional border fences—in fact, a 370-mile fence—through an amendment authored by my friend from Alabama. We provided new criminal penalties for construction of border tunnels, which we find in places where there are fences today. We added new checkpoints and points of entry throughout the border between Mexico and the U.S. We expanded exit-entry security systems at all land borders and airports.

So, yes, this legislation was a very tough border security bill. It was part of the comprehensive approach that we took.

Secondly, we said that it is not enough to just strengthen our borders. We need to do more in terms of what we do inside our country. We said we would do more with respect to immigration law enforcement. Instead of continuing the patterns and practices of looking the other way in this country, we said we as a nation of laws are going to enforce our immigration laws.

We said we would add 5,000 new investigators in our legislation. We said we would establish 20 new detention facilities. We said we would reimburse States for detaining and imprisoning criminal aliens. We would require a faster deportation process. We would increase penalties for gang members, for money laundering, and for human trafficking. We would increase document fraud detection. We would create, very importantly, new fraud-proof immigration documents with biometric identifiers. And we would expand authority to remove suspected terrorists from our country.

So it was tough in terms of our saying that as a nation of laws we will enforce the laws. We didn't stop there. We said there is something else that needs to be dealt with in America—those 12 million people who are cleaning hotel rooms, working out at the construction sites, and the people who probably provided you with your breakfast this morning. There are those 12 million people here who are human beings, and we need to deal with them in a humane and moral fashion.

We said to them that we will require there to be some punishment and registration with respect to your presence in the United States of America. You must go to the back of the line, and, eventually, over a long 12-year period, after we put you in this period of "purgatory," you may end up becoming a citizen.

We said we would require a fine for their illegal conduct of several thousand dollars. We would require them to register with the U.S. Government. I don't have to register with the U.S. Government; I am a citizen. We are requiring these people to register with the Government. We require them to obtain a temporary work visa. We require them to pay an additional $1,000 fee. We require them to go to the back of the line of the legal immigration process. We require them to pass a background check so we would make sure they would all be crime-free.

We would require that they learn English. We would require them to learn history and government. We would require them to pass a medical exam. We would require them to prove continuous employment with a valid temporary visa.

Mr. President, that was a comprehensive immigration reform law that was passed by a bipartisan group of Senators in this Senate, and it is legislation that we should be proud of.

Today, we are being asked to forget that work we did, forget the comprehensive nature of that reform, and to take a simple piece of legislation on a fence and say that we have dealt with the immigration problem of our country.

That is simply, again, a piecemeal approach to dealing with the issue, a political gimmick being used in this election year. It is a gimmick that we should stand together as United States Senators, Republicans and Democrats alike, and reject it and say we are going to move forward with comprehensive immigration reform.

Finally, with respect to this fence, when you look at what people have said about the fence, some have said it reminds them of the Berlin Wall. Some have said that it is un-American. But I would like to quote from some of the members of the administration who, frankly, have been working with us on a comprehensive immigration reform package. Secretary of Homeland Defense, Mr. Chertoff, said:

> Fencing has its place in some areas, but as a total solution, I don't think it's a good total solution.

We had a fence in our comprehensive reform bill, but it was not this fence that essentially creates a fence all across the wide chasm of Arizona and most of Texas.

Attorney General Alberto Gonzales said this about the fence:

> I think that's contrary to our traditions.

He noted that "99.9 percent" of illegal immigrants "come across to seek a better life for their families," not to make trouble.

That was his quote with respect to the fence.

He also said:

> I don't know if that would make much sense. We've got a 2,000-mile border. Because of natural geography, we don't need a fence or border along certain portions of that border.

Yet, today we are looking at legislation proposed in the form of H.R. 6061 that would create a fence-only solution to this very complicated problem we are facing.

In conclusion, I believe Americans deserve better from the U.S. Congress and from us in the Senate. We can, in fact, move forward with comprehensive immigration reform and deal with this issue of national security importance, of economic security importance, and of the moral importance of how we deal with the 12 million human beings who live in America today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

MILITARY COMMISSIONS

Mr. LEAHY. Mr. President, I thank my friend from Colorado and my friend from Alabama for their usual courtesy.

Over the last couple of weeks, the President, as Presidents do, used his pulpit to inform the Senate that his top priority was fixing the problem he created when he unilaterally proclaimed what laws govern military commissions. This newfound desire. this last-minute conversion to the idea of working with Congress. stands in stark contrast to his position in 2002. when a number of us. Republicans and Democrats alike, reached out to the administration and asked the President to work with us to establish the authority for fair and effective military commissions.

Four years later, after saying flat out. no, now the administration's go-it-alone plan has succeeded in having no terrorist military commission trials completed and no convictions. They are "tough on terror," but nobody has been convicted.

Still. Congress set to work and the Armed Services Committee last week reported a bill that is supported by Republicans and Democrats to authorize military commissions. They worked with the professionals in the military. and listened to them. But this week the Senate Republican leadership has threatened to filibuster that bill. which came from a Republican-controlled committee and was voted for by both Republicans and Democrats.

I am a little bit confused. I have been here for 32 years, and I don't always follow exactly what is going on. But as I understand it, last week. the leadership was demanding immediate action on military commissions. saying they were going to be the Senate's No. 1 priority. All of a sudden. they are going to filibuster that. Just last year, the same leadership could not be more critical of what it called leadership-led partisan filibusters on the Democratic side. But apparently they are a great idea when led on the Republican side, even on legislation they supported—or said they did—in the present conference.

This week, the priority is a 700-mile fence along the southern border and a study to do the same thing along the northern border. It is getting hard to keep track of their real priorities.

In the Spring, the majority leader praised and voted for comprehensive immigration reform. The President supported it. The majority leader stood with Senators on both sides of the aisle and supported that bill. Now, he seems ready to throw our work over the side and abandon our principles.

If there is an opportunity for Senate floor time. why not use it instead to put an end to the ongoing war profiteering and contracting fraud in Iraq? Why not help those suffering from Hurricane Katrina? Why not pass a Federal budget? We are required by law to do that in April; it is now late September. Let's show the American people we will obey the law and pass one. Or we can consider the remaining appropriations bills; most have to be completed by next Saturday. Why not work on lowering health care costs? That would get a great cheer from everybody in my State. Or we can work on health insurance costs, fuel costs. or the rising costs of interest rates and mortgage rates.

The bill before us was rushed through the House of Representatives; it is not ready for consideration on the Senate floor. It has had no committee hearings whatsoever in the Senate. It is completely different than what the Senate passed, with Republicans and Democrats voting for it just a few months ago. I don't know why we could not have worked in the normal way we have done for a couple hundred years here and worked out the bills we had. Actually, this is an issue on which the President could be of help and show some leadership. He stated privately that he preferred the bill we passed. and it would be nice to hear him support it publicly.

Along with a bipartisan majority of Senators. I voted for a far more measured version of a physical barrier on the southern border. In doing so, we demonstrated our commitment to border security.

The Senate bill has a provision calling for 370 miles of fencing in the most vulnerable high-traffic areas. That is what the White House requested and recommended. That is what we were told the Secretary of Homeland Security wanted. It also had a provision, which makes a lot of sense. for consultation with the Mexican Government regarding any building of new fences to help ease the tensions that come along with such a project. We don't have an awful lot of friends around the world and we should not work to lose any friendships from our neighbors. In the Judiciary Committee, we also took into account the differences along the northern border and the very close working relationship and personal relationship with the Canadian Government. and kept out a study for a barrier on the northern border.

Look what we are debating today instead of all that. It is a hasty, ill-considered, mean-spirited measure that will cost taxpayers billions of dollars. America can do a lot better than this. A wall of this magnitude will be a scar on the landscape, a scar on a fragile desert ecosystem, and a scar on our legacy as a nation of immigrants. My grandparents were immigrants; my parents-in-law were immigrants. What does a 700-mile barrier wall say about us as a free country?

Most troubling. this bill would give the Secretary of Homeland Security unfettered power to decide what laws to follow, but even more important, what laws to totally ignore. Read the bill.

Remember. it is the same Department of Homeland Security that just last year was supposed to handle Katrina. one of the biggest governmental screw-ups in our lifetime. The Department of Homeland Security was supposed to have those people back a year later in their homes. Instead. we are spending billions of dollars. most of which have been wasted: it has disappeared. What we do see are homes intended for the victims of the Hurricane sitting in fields. empty and decaying.

This is the same Department of Homeland Security that has not managed to secure our ports. chemical plants. and our borders. It is the same Department of Homeland Security that the House of Representatives would entrust with unlimited power to "take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States."

Mr. President, we don't create czars in this country. We fought a revolution to get out of the dictatorial control of King George. We have a constitutional form of government. We don't give one person the power to set aside any law they want.

I don't think any executive official. certainly not those who horribly mismanaged our preparation for Katrina and our response to it, should be given one more blank check. How many more blank checks should we give away? We have already given them to Halliburton in Iraq. We have given them to the Department of Homeland Security for Katrina.

Remember how this administration misinterpreted the authorization for use of military force? We told them to get Osama bin Laden and they failed miserably, even when they had him cornered. Instead. they say: What we really meant was. not to get Osama bin Laden, but that the President can violate the FISA law and secretly wiretap Americans without a warrant. It is like "Alice in Wonderland."

This is the same President who signs a law with his fingers crossed behind his back and then issues a signing statement reserving to himself the power to decide what laws to follow. and how and when.

Remember the law against torture? We all voted for that legislation. The President signs a signing statement saying: However, I will determine how best to follow it.

This is the administration to which the Republican House wants to give a blank check, even after Justice O'Connor and the Supreme Court—the Supreme Court made up of seven Republicans out of the nine members—have reminded us our Constitution provides for checks and balances, not a blank check for the administration.

As I said, instead of doing the job we should do—sitting down, having a conference, working this out, and actually voting on this legislation—what do the Senate and House Republican leadership want to do? Just give all the power to a Republican appointee, and we can all go home and campaign for reelection. God bless America.

The only thing the House left out of its bill is calling this a war on immigrants in which they view Secretary Chertoff as the commander in chief. Actually, I would like to see him take care of the problems in this country, starting with Katrina.

Have the lives lost in Iraq and the billions of taxpayers' dollars unaccounted for, the tragedy of 9/11, and Katrina taught us nothing? Everything happened on this administration's watch: Iraq, 9/11, Katrina, and billions of tax dollars wasted trying to fix the messes they created. How many more disastrous mistakes must this administration make before even a Republican-controlled Congress recognizes that abdicating our constitutional role and concentrating power in the executive branch is the wrong strategy for protecting the security and rights of the American people? Do we need to create yet another environment for crony contractors of the Bush-Cheney administration to bilk taxpayers out of billions?

Five years of this administration's incompetence has left America's borders unsecured and our immigration system broken. We joined to pass a bipartisan Senate bill with tough, practical, comprehensive immigration reforms to secure the borders, enforce our laws, and fix our immigration system. We want to bring undocumented immigrants out of the shadows. They are not just numbers; they are actual, real people—mothers, fathers, husbands, wives, children. The President and his administration say that comprehensive immigration reform will make us safer. I agree with the President on this issue. President Bush told the American people he supports comprehensive immigration reform. I told the public I agreed with him. So now, if he wants comprehensive immigration reform, he has to tell the Republican leadership in Congress to stop obstructing it. They haven't even gone to a conference.

Nor do we need a study to determine whether we should build a barrier along the 3,175 miles of the United States-Canada border. Heavens to Betsy, most of us who live up there go back and forth all the time. We are visiting our relatives, visiting our cousins. I have been visiting my wife's relatives for years. When they come down, they are not terrorists, they are our neighbors whom we welcome to the United States. As I said before, and I will say again, I have heard some cockamamie ideas in my time in the Senate, but this rises to the top.

The northern border is different. It spans the continent. It is the world's longest and safest international boundary, and Canada is our most important trading partner. Have we gone blind? It is clear to me that those who want to build this barrier have no clue about the character, the history, and the day-to-day commercial importance of the northern border and the needs of the States and communities that would be affected. It is best to nip this foolishness in the bud before Congress wastes more tax dollars on another boneheaded stunt.

America can do better than this. The Senate has already pointed the way with a bipartisan, comprehensive approach. We need comprehensive reform that reflects America's values and which will actually work. The House bill we debate today will cost the taxpayers dearly, but it will accomplish little.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Alabama.

Mr. SESSIONS. I thank the Chair.

Mrs. BOXER. Mr. President, will my friend yield for a question on how much time he would like? I would like to speak immediately following his remarks.

Mr. SESSIONS. Mr. President, I say to the Senator from California, I attempted to follow the Senator from Colorado, and Senator LEAHY wanted to speak next.

Mrs. BOXER. I don't have a problem.

Mr. SESSIONS. I am thinking about 20 minutes.

Mrs. BOXER. That is wonderful. I ask unanimous consent that at the conclusion of the Senator's remarks, I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, with regard to the question of fencing along our southern border, I wish to make a couple of points.

Over 1 million people were apprehended last year along that border. One million people coming in illegally were apprehended. Probably another half million got through without being apprehended. Good fences make good neighbors. It is time for us to bring lawfulness to that border. I think the American people want that.

If somebody would like to know the differences between our parties and the differences of how we approach the question of having a lawful immigration system in America, I suggest that my colleague—I enjoy working with him a great deal on the Judiciary Committee.

My colleague referred to the legislation that we voted to move forward to consider—legislation that passed this Senate 94 to 3 to fund the fence on the border and passed 83 to 16 to authorize the fence to be constructed—as "hasty, ill-considered, and mean-spirited." He then went on to suggest Secretary Chertoff is conducting a war on immigrants.

How much of a difference can we have here? How big a gulf? Do the American people want us to just say nothing can be done one more time and just give up, or do they want us to take rational steps that would bring lawfulness to the border? I think they want us to do the latter. They have been asking us to do that for some time, and the votes in this Senate and the House of Representatives have been overwhelming in favor of that approach.

My colleague says that we had hearings in the Senate and we had a Senate bill on the floor, and he implied—I thought he said that fencing was a part of that bill, but it wasn't really. It was my amendment on the floor that moved that bill forward in a significant way. At any rate, we did discuss it, and there has been broad support both in the committee and on the floor to proceed to that matter.

I just want to say, yes, we want comprehensive reform. No, we don't want to end all immigration. The wall the Communists built in East Germany was to keep their citizens in East Germany, to keep them from fleeing their country so they could have freedom. That is quite different from an attempt to maintain a legal flow of people into the country because we just can't accept everybody. This country cannot accept everybody who would like to come.

A recent poll in Nicaragua said 60 percent would come to the United States in they could. A poll in Peru said as many as 70 percent would come if they could. The whole world has millions and millions of people who would like to come to this country. So we ought to set up a rational system, one that serves our national interest, one that is fair, and then enforce it, set up a system that works. As long as we have a wide-open border, without control and law, we are not doing our duty. I don't think those of us in this Congress, in this Senate, want to go back home after we recess and say we didn't follow through on what probably most of us have been saying—that we do believe barriers are necessary.

The House has sent us a bill, not unlike the Senate bill that we passed 83 to 16 and we voted to fund 94 to 3. The bill I offered had 370 miles of fencing and 500 miles of barriers. The House bill has about 700 miles, I believe, of fencing and barriers and electronics. There is not a lot of difference fundamentally between the two.

We now will have an opportunity to offer amendments to discuss details. Fundamentally, we need to take action. We need to do something. We don't need to go home again and wait until next year without any action.

Then when it comes to comprehensive reform, we need to bury the proposal we have that the Senate has considered and voted on, move that aside, and come back next year with a fresh approach and create a comprehensive plan for immigration that serves our national interest, that is consistent with what our allies, such as Canada and Australia, do, and consider what they do. If we do, we will come up with some good ideas, and we will have something the American people can support.

If we gain some credibility with the American people by, first, taking action toward enforcement, we will be able to do something good, but it will have to be next year. There is no way this Senate should accept a rushed-through package before this election or after this election in some lame-duck Congress that does not have a fresh look at our policy. I will resist that with every fiber of my being, but I will not resist comprehensive reform because I think we need it.

I wanted to share those thoughts, Mr. President. I am pleased that we just had a unanimous vote to move forward to the fence bill the House has passed. We will talk about it today and tomorrow.

I also serve on the Judiciary Committee and the Armed Services Committee. We have had quite a lot of discussions on those two committees and now in Armed Services, in particular, about how to deal with the effect of the Hamdan decision and how to make sure we are in compliance with the Supreme Court opinion. I want to make a couple of points.

The President thought and believed and his top lawyers advised him—his top lawyers advised him—that the detainee interrogation program that was being conducted, that they wanted to conduct, was producing substantial results for America, obtaining information that has thwarted attacks on America and saved lives, has provided information to identify that some of the people involved in 9/11—these are some of the people who have admitted and we have evidence against to prove were actually complicitous in 9/11, coconspirators. The President has moved those prisoners down to Guantanamo.

The interrogation process for those have been exhausted. They believe they have obtained all the information they can expect to obtain. They need to be tried for the crimes they have committed in a war they are conducting against the United States of America. They will be tried in the forum in which they should be tried, in a forum provided for in the U.S. Constitution, in a military commission.

This is not a trial in the Southern District of New York for an American citizen for bank fraud or drug dealing. This is a military commission adjudication of whether these people are involved in a war against the United States that has resulted in the deaths of 3,000 American citizens on 9/11 and other deaths since then. So he had a legal opinion on that. They briefed it to him. And do you remember the President looking us in the eye right after 9/11, and he said just the other night, Monday night a week ago, I guess, on television, he looked the American people in the eye and said: I am going to use every lawful power I have to defend the people of this country. That is my responsibility, in effect, he was telling us, that is my duty, to protect this country, and I am going to use every lawful power I have. And we cheered. And we said: Yes, sir. And we said: Mr. President, catch those guys. Put your people out there and catch these terrorists who have attacked our country and killed our innocent people and crashed into the Trade Towers and run airplanes into them. Go get them. Do you remember that? Boy, I am telling you, people felt strongly about it.

So now what do we have? Oh, we have the complainers and the second-guessers. I just want to say this: I believe the President's program was legal from the beginning. I have researched the law. I have been involved in this. I was a Federal prosecutor. I don't know everything, but I have some understanding of it through both of the committees in which I have been involved, and I know they researched the law and they believed they were operating lawfully.

I remember the Ex parte Quirin case during World War II when President Roosevelt was President. They caught a group of saboteurs who were let loose on the American homeland from a submarine, I believe it was, and they came in and they planned sabotage against the American people. Do you know what they did? And the Supreme Court approved this in the famous case Ex parte Quirin. They took them, they caught them, they set up a commission, they tried them, and they executed most of them in short order because this was not like some normal trial. These were people coming into our country for the purpose of sabotaging this country, people whose motives and desires were to kill innocent men, women, and children, contrary to the laws of war—contrary to the laws of war, which do not allow for that. That is the big deal.

So the people who have been apprehended, the people who were being detained and incarcerated and interrogated were not prisoners of war. This is crystal clear. You can't execute prisoners of war the way we executed the Nazi saboteurs. Prisoners of war are entitled to all of the protections of the Geneva Accords, and they have to be provided great protections and great advantages, really, and we adhere to that, we adhere to that today, and we always have. It was been taught to every soldier in America.

But these are unlawful combatants. They sneak around. They don't wear uniforms. They don't carry their weapons openly. And their goal and tactic is to utilize terror and slaughter innocent men, women, and children to promote their agenda. That is not a soldier. A soldier can drop a bomb on a military target, but a soldier can't shoot because it may unfortunately result in someone being killed. But a soldier can't deliberately have his policy to kill women and children and noncombatants. Otherwise, they are an unlawful combatant, not a lawful combatant, and they have been considered not to have been covered by the Geneva Accords.

But the Supreme Court, in my opinion fundamentally reversing the Quirin case, which the President relied on, came along and said that in Hamdan. Common article 3 of the Geneva Conventions applies to these terrorists and that we need some more rules and regulations with regard to how to try them to create a just trial.

OK. So what did the President do? Did he act unilaterally and say: I am not going to do it, I am not going to comply with the Supreme Court. Yes, he previously said he thought what he was doing was proper. No. What did the President say? He said: Congress, let's review Hamdan. We are sending you some proposals which will clarify what we can do with interrogations, which will fix the concerns about trying these unlawful combatants, and I want you to act on that, and we need to do it quickly because we need to continue to interrogate terrorists and we need to try those people who are responsible for the deaths of American citizens on 9/11. That is not a seizing of power—some dictator. That is not someone who comes along and says: It has to be my way or the highway.

So we have a group of Senators now on the Armed Services Committee who say: Well, they have their own plan and they have researched the law and they don't want to do what the President says. They want to do it their way. OK. This is what Congress is all about.

I agree with the President. From what I understand of the situation, I am supporting the President's view. But I know people have different views, and I am willing to listen to those concerns. If we can reach an accord that I feel good about and the President feels good about and the Senators objecting who have their own agenda can agree to, that would be wonderful. But there are a couple of things that have to happen.

We cannot end our interrogation procedures that have been so effective. General Hayden, the Director of the CIA, has told us and pleaded with us that if we adopt the proposal the Senators have favored—and it was voted out of the Armed Services Committee—he is going to have to stop the program. Wow. He is going to have to stop that program. So we don't want to do that, surely. I mean, this is a man of integrity and ability and experience. He has talked to his people who conduct these interrogations. They are not torturing anyone. We have a statute that prohibits the torture of anyone—Federal law. People can go to jail for that. It defines what torture is in very explicit terms. If somebody has proof that our people have tortured somebody, well, let's bring them up and try them. But let's not overreach here.

We are in a dangerous world. The leader in Iran recently said that his goal was to see the United States of America bow down before Iran, in a public address. How about that? We have nonstate extremists committed to death and destruction around the world through suicidal attacks, and they represent a real threat to the peace and dignity of the whole world. So this is not an itty-bitty matter.

There are two things that have to be done, and we should do them before we adjourn. The two things are as follows: We need to establish the rules for interrogations because if you read through the lines, if you read through the lines, what you will hear those agents saying is: We thought we were serving you. We thought we were following all these rules the lawyers told us to. But we were using what we thought were legal tactics and techniques to interrogate prisoners, and we have obtained great and valuable information which will help protect our country, which has helped us identify people who attacked us on 9/11, which has thwarted attacks. We have done all of these things. That is what we thought you wanted us to do, Congress. Now you tell us we are some sort of beasts and that we have done all these things wrong and we ought to be sued. And many of our people are being sued right now—400—by terrorists, and we are going to accuse them of being less than American. They put their lives on the line in some of the most dangerous areas of this globe to capture these terrorists. And they are saying: OK, Congress, you tell us.

That is what I read General Hayden to be saying. He didn't say that exactly, but he speaks for those agents of his. And they are having to take out insurance policies against lawsuits because they expect to be sued more by terrorists. Where did this happen—in a war, we have lawsuits?

I am suggesting that this matter is no light deal. We do not need to make a mistake and destroy the morale of those who have served us so ably, with so much fidelity and courage and hard work. We need to fix this, and we need to allow them to utilize legitimate techniques. Some of those have the ability to stress an individual for a period of time but not torture. That is against the law. That is illegal. It is not against the treaties we have signed. We can do that, but we don't need to go too far.

The next thing is, it is time to get on with the trial of the people who attacked us, in a military format because it was a military attack on us. Al-Qaida, you remember, bin Laden declared war on the United States of America for years before 9/11. He attacked our warship, the USS *Cole*, he attacked our embassies in Africa, and there have been other attacks. We are in a state of hostilities with al-Qaida directly, and we have authorized those hostilities by the Congress of the United States. So they are rightly to be tried not in the Southern District of New York, not in the U.S. District Court for the District of Columbia, they are to be tried in a military commission as an extension of the military campaign, the war we are conducting.

The military commissions are not the same as trials, I have to tell my colleagues. They are just not. It is a different animal. Because we are Americans, we want to be sure that even those terrorists we try are not unjustly convicted, that the evidence against them is legitimate and that it proves their guilt to the required degree, and only then should they be punished, as opposed to just being detained, actually punished for the crimes they committed. But it does not require that we meet the standard of Federal district court.

Let me just say these two things. We have made mistakes before. This time we are in now, we have the newspapers all excited, saying we have abused prisoners. We have leftist groups and world interest groups, and they have all said we are abusing prisoners and Guantanamo is horrible. Well, I have been to Guantanamo twice, and it is not horrible. They are treating those prisoners fairly and decently. They are not being tortured. Anybody who abuses prisoners is being disciplined.

They said: Well, you abused prisoners in Abu Ghraib. Well, they have been tried and sent to jail, the American soldiers who participated in that. They put them in jail. And it was not part of any interrogation. What they did was just an abuse of those prisoners for their own amusement, their own sick feelings or ideas. They were not interrogators. They were not interrogating them. They were not following any rules of interrogation. They were just abusing prisoners. And we have tried them and convicted them and sent them to jail. The fact that they did that was discovered by the military itself. Our military has done its level best to treat prisoners fairly and justly, and it is a slander on them to continually suggest that is not so. People from all over the world have gone to Guantanamo.

So I want to say this warning. I am going to watch this legislation. Even if the President agrees to it, I am going to read it. I don't know what they are talking about now. I haven't seen the latest negotiations between the Armed Services Committee and the White House. I want to give this warning. It wasn't too many years ago that people in the Congress and in the news media and the world groups all raised cain, and they said that CIA agents were out talking to bad guys, people who had criminal records, and they were paying them money to be informants for them. And some of them had actually killed people, and this was horrible. The CIA couldn't have that judgment call to make anymore, and they should never again associate themselves with people with criminal histories. The people said: This is going too far.

Many times, the only people who know anything are people who are participating in it. You have to get the information wherever you can get the intelligence. No, the Congress said, listening to the media, listening to the ACLU-type groups. No, no. We have to crack down on our agents and make sure they don't deal with people with criminal records. So we passed a law that banned that.

Then they said: Well, you know, the CIA can gather information differently than the FBI. We don't know what they might gather, so we have to create a wall between the CIA and the FBI, and the CIA can't share information with the FBI—not to prosecute somebody—just to find out what is going on. In this country, when they find out from foreign intelligence that someone is threatening the security of America, they are not able to share that information readily. I suppose they were trying to mollify the news media and the activist groups and those who are always complaining. Maybe they did, in the short run. But do you remember what happened after 9/11? I remember. We said we didn't have enough intelligence. Why didn't we know this was happening to our country? Why didn't we know?

We began to look at it and see what was happening. Both of these issues—they were passed in a fit of morality or trying to go overboard to prove we were good and decent people. They went back and found both of these tactics, the wall between the FBI and the CIA and the ban on agents talking to dangerous people with criminal records were bad, and we promptly reversed them. Can you imagine that? So we threw them out.

All I am saying is we need to watch this deal coming forward to the Senate today. We do not need to go too far. We have laws against torture. We have laws that require us to treat prisoners with decency and respect in accordance with the Geneva Conventions. But there are things we can do consistent with our law and consistent with our treaties. It would be a mistake for us to unilaterally, out of some sort of attempt to placate opinion around the world or the opinions of those who dislike us, to adopt restrictions on our capabilities that go beyond what the law requires. How silly would that be.

It might not make a difference in this case, because he has already confessed, but what cases are we going to see in the future? What other threats will this country have? I, for one, am not going to participate in unilaterally hamstringing the ability of our military and our intelligence agencies to do their job, to protect America consistent with our law, consistent with our heritage, consistent with the treaties which we signed.

It is a tough call. The matters are very complicated. I respect people on both sides, but I am telling you we need to be careful. We don't need to make the mistakes we did when Frank Church was running the Foreign Relations Committee in the Senate and we made a lot of errors, and other errors we made over the years.

I thank the Chair for allowing me to share these thoughts as we continue to wrestle with how to establish interrogation rules and trials of those who have attacked our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

AFTER 9/11

Mrs. BOXER. Mr. President, I have listened to the Senator from Alabama. He brought us back to 9/11 and that is where I am going to start in my remarks right now, on a dreadful day when we saw the Pentagon in flames right here from the Capitol and we ran down those front steps and it was the bluest of skies and we were looking for Flight 93, was it coming our way? We all vowed to go get the people who attacked us.

I came down to this floor and with a heart full of grief. Every one of those planes was going to my State. I voted to go get the terrorists. Go get al-Qaida. Go to war against Osama bin Laden. I am sorry to say that, for whatever reason—and we are beginning to learn more about it—based on misinformation, faulty information, skewed information, we turned around and we took our resources, great resources and the greatest men and women in the military, and we went into Iraq.

The bipartisan Senate Intelligence Committee now tells us unequivocally there was never one connection between al-Qaida and Saddam Hussein. Remember all the talk and all the chatter from the Vice President and the President and Condi Rice? Remember when Donald Rumsfeld said we know where those weapons are? I remember sitting literally 8 feet from Donald Rumsfeld, asking him where the weapons of mass destruction were. And he said, Oh, they are all around Baghdad. You go down the street, take the left, turn to the right—there they are.

No. No. Now we have a circumstance where, because of the great work of our intelligence community, we have brought back people, some of whom were involved—that is what we believe—in 9/11. Right now we do not have a system in place so they can meet their just reward because the Supreme Court said Congress has to act and set up a tribunal in a way that respects the Geneva Conventions—this is very important.

We have three Senators with distinguished military careers on the other side of the aisle, who have said: Whatever we do we must not jeopardize our troops. Therefore, we must make sure that we do not do anything to change the Geneva Conventions. What do they get for thanks from those who have never seen combat?

My husband served in the military. I know what it is like to sit and wait, because he was 6 years in the Army Reserves, asking, Will he be called? Won't he be called? We were fortunate. Senator MCCAIN was not that fortunate. He was a prisoner of war. He, JOHN WARNER, and LINDSEY GRAHAM, who was an attorney in the military, are guiding us to write something that makes sense so that we can try these people. And if in fact they are guilty, they can meet their just reward.

They get people on their own side of the aisle calling them out. I think it is outrageous. To quote the Senator from Alabama:

> People who don't agree with the President on this, they are slandering the military.

I can't believe it. It is basically like swiftboating Senator MCCAIN and Senator WARNER. It is unbelievable.

Who would you trust, I ask the people of America, on this military matter? People who never served a day in combat or people who put their life on the line? And then to hear them slandered in this way on the floor of the Senate—not by name, but by inference—is very disheartening. And to see a Republican do it to a Republican? I don't get it. I don't get it.

I hope we can come together to make sure we have a good plan in place because if we do not have a good plan in place, what good does it do us? It doesn't do us any good if we don't have a plan in place that passes the legal test, because it will be thrown out by the courts and we will be back to square one and we will not be able to try these people in the way they ought to be tried.

I come here to say thank you to those Senators who stepped out and said: Wait a minute; we want to do this right, Mr. President. Work with us. We want to do it right.

I think we have had enough. We have had enough of swiftboating around here, and it has to stop in America. It has to stop in America.

I want to go back to 9/11 because when I voted to go after the terrorists, that is what I thought this Government was going to do. I thought they would throw all the resources at it. We went into Afghanistan. We freed the people there. I was proud. I went to my Afghan-American community and I was so happy for those people. They saw light. And we shorted that. We shorted them. We don't have enough troops there.

You know what is happening even in Kabul now. You are seeing attacks on women and girls, you are seeing murders. The poppy trade is growing. This was our opportunity to not only find Osama bin Laden, who was there, but also to make Afghanistan a model of democracy that the President is always talking about. He stood up at the United Nations—some of the things he said I really believe were correct. But one of the things that was not correct is when he said: We need democracy; take a look at what we have done in Afghanistan and Iraq.

I can tell you, anyone with a television set looks at what is happening in Iraq and says: Oh, my God, it's close to civil war. He puts that picture in our minds next to the word democracy? That is not going to help people. People looking around the world at that say, You know what? I really want democracy, but if my country is going to look like this, count me out.

It is just not real, Mr. President. It is not real. Just like it is not real to go after three Senators with distinguished military careers and tell them they are off-base when they try to put forward a solution to the problems that we are facing in terms of how we try these alleged terrorists. If they did what we think they did, again, I don't want them sitting in prison, I want them tried, convicted, and meet their fate. That means we need to put a system in place.

After 9/11 and after we took that turn and we didn't go after the terrorists as we should and we went into Iraq instead and we got bogged down there, year after year after year, and the President's plan is, and I quote: We will be there as long as I am President. That is his plan. That is not a plan. That is not a strategy. That is not a policy of success. It is the status quo, and it is weighing on the American people.

The President said that. I agree with him. It is weighing on the American people. What he didn't say is it is weighing down the American people because it is so expensive that it is up to near $8 billion, $9 billion, $10 billion a month in Iraq.

I went to a rally on The Mall today for cancer survivors. Mr. President, I don't know if you got to go over there, but it is the most touching thing I have seen in a long time. Each State there has a tent and in the tent are the cancer survivors. They are asking us, they are begging us, they are pleading with us to reverse the cuts that this President made in this budget for cancer research. That is what they are asking.

We spend $5 billion a year on cancer research—$5 billion. That is 2 weeks of the Iraqi war. Why don't we just decide we will end the war 2 weeks earlier and double the funding for cancer research?

Our families need us at their backs. They cannot do this alone. They cannot find the cure for cancer. They cannot come up with the treatments, with the science. Many of them need insurance. We spend $10 billion a month, almost, for the Iraq war. Think about it.

So this war, which has nothing to do with the war on terror, which has been shorted because of this war, is also now stealing from the American people, and they do not want it. They want to start bringing the troops home.

We need a political solution in Iraq. We need a conference with that country and its neighbors. We need to look at semi-autonomous regions, with the Federal Government there making sure that the oil is distributed in the right way. That is a way out of this. Senator BIDEN has explained it many times. He understands that it is not a policy to just say we are just going to keep on keeping on.

Anyone who has ever read a book on Iraq knows that after World War I the Brits put together everyone in that country who didn't get along with each other and then they were just busy taking in oil while everyone else was fighting. It took a monstrosity of a man, a tyrannical man, to keep that country together—and now that man is facing his just rewards.

But there has to be a better way than the status quo. We need a new direction in Iraq, and we need it because the Iraqi people have to step up to the plate and take care of their own country. No country can survive with an occupation force running the show. It doesn't work.

They have to want freedom and democracy. They have to love each other enough to live in the same country as much as we want it for them; otherwise, this is an endless war. This is the forever war.

Come to my office. In front of the door I have four easels. I am sorry to tell you they are huge easels with small print. On those are the names of the dead from California or based in California. We are all faced with this in our States more and more—brokenhearted mothers, hysterical children. And what is the ultimate plan?

First, it was the mission: go get the weapons of mass destruction. Then we found out there were none. That mission was done. Second mission: go get Saddam Hussein. Our military was brilliant. They got Saddam Hussein. He has been brought to trial. Then they said, well, things are still not good. Maybe you ought to get his family members, and we will show them to the Iraqis. That will stop the killing. Tell them that we mean business. Our military did it. That didn't help. Oh, well, we will get a terrorist. That will show them. That didn't help because the underlying problem is these are people who have hatreds that go way back. They have to decide if they want to set those hatreds aside. Otherwise, we will be there forever.

We are fueling terrorism. We cannot stop this civil war. And we are paying the price in dead and wounded, 20,000-plus, with the worst injuries you can imagine, including brain damage, burns, things that I don't know whether any of us here could actually imagine.

The cost is weighing us down. Everywhere you look we don't have the money for this, we don't have the money for that, we don't even have the money for what Senator SESSIONS is putting before the body, which he voted for before. There are areas of the border where you can build the fence. This isn't an issue with me. But we don't even have the money for that. It is not even in this bill that is before us. Where are we going to get it?

I wasn't going to go on and on with these different subjects because I really came to talk about the state of agriculture in my State. I am going to do that now. But when the Senator from Alabama—and he is most sincere—came down here and attacked people who are trying to find a reasonable solution to a difficult problem and said that they were slandering the military if they do not agree with the President, I had to talk about these things.

It was a Republican President who said this. I wish I had the exact quote. I will paraphrase it. This was Teddy Roosevelt. He said—and I paraphrase—that the President is the most important elected official among many, but those who say that he should not be criticized are guilty of being servile and border on the treasonous.

I can tell you when I came here, I took an oath to protect and defend my country. I told the people of California they could count on me to do that. I didn't come here to be a servile Senator, to rubberstamp any President, Democratic, Republican, Independent, you name it. And I certainly didn't come here to say to another Senator who might not agree with me that if they do not support the President they are slandering the military. I find that over the top, outrageous.

We have a bill before us that, as I understand it, the Republicans are not going to allow us to amend. I hope I am wrong. I hope Senator FRIST, in fact, will allow us to amend it because there are some very good ideas in this body that need to be heard about security, about immigration reform. And I know my colleagues in the Chamber today have worked very hard to try to bring balance into the way we approach the immigration debate. I support them on that.

I want to tell you what is happening in my State right now. We haven't acted, and we haven't taken care of the broader issue. I have a farm community, an agricultural community that is in deep trouble. It seems to me, since we have 62 Members supporting the Craig-Kennedy bill, which is the AgJOBS bill, that at minimum we ought to be allowed to offer an amendment, which I know Senator CRAIG wants to do, to deal with this terrific problem. We must do more than one thing at a time.

To those people who say we will take care of the fence, and then after it is built we will figure out how we can take care of the rest of the immigration problem, I say that is a recipe for economic disaster, at least in the agricultural community.

I want to read to you a letter that I received from an organization that represents 1,100 organizations, the United Fresh Produce Association. The headline says: "Farmers to Congress: Support a Safe and Secure American Food Supply, Pass an Immigration Fix Before the Election of 2006."

It goes on to say that we have a horrible problem in our agricultural industry.

Here is what they say:

> American labor-intensive agriculture has proactively sought a solution to its labor and immigration challenges since the early 1990's. Unfortunately, Congress has failed to act. Now, growers and producers are experiencing actual labor shortages rather than just shortages of legal workers. Labor shortages are being reported from coast to coast. Crop losses are starting to occur, from berries and pears in the West to oranges in Florida.
>
> Specialty crops, fruits, vegetables, nursery, greenhouse and floriculture plants, turfgrass, sod, wine grapes, forage crops, and Christmas trees comprise 50 percent of the value of the American crop agriculture. They are labor-intensive crops, and they are at risk. Also at risk are poultry, dairy and livestock production.

My dairymen tell me the same thing. They talk about the fact that the 50-year-old flawed guest worker program just isn't working. It is unresponsive, it is bureaucratic, and it is expensive. It is litigation prone. They are asking for this AgJOBS bill.

You may ask: Senator, why can't you offer this amendment? The answer has to come from the Republican side. They control this place. I can tell you right now there is support from 1,100 businesses from growers to shippers, wholesalers, retailers in every state want this bill.

I ask unanimous consent that their letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FARMERS TO CONGRESS: SUPPORT A SAFE AND SECURE AMERICAN FOOD SUPPLY—PASS AN IMMIGRATION FIX BEFORE ELECTION 2006

> American labor-intensive agriculture has proactively sought a solution to its labor and immigration challenges since the early 1990's. Unfortunately, Congress has failed to act. Now, growers and producers are experiencing actual labor shortages rather than

just shortages of legal workers. Labor shortages are being reported from coast to coast. Crop losses are starting to occur, from berries and pears in the West to oranges in Florida.

Specialty crops (fruits, vegetables, nursery, greenhouse and floriculture plants, turfgrass sod, winegrapes, forage crops, and Christmas trees) comprise 50% of the value of American crop agriculture. They are labor-intensive crops, and they are at risk. Also at risk are poultry, dairy and livestock production. An estimated 70% of the farm labor force lacks proper legal status. The only available labor safety net is a 50 year-old flawed guest worker program known as H–2A, which presently provides only two percent of the farm labor force. It is unresponsive, bureaucratic, expensive, and litigation-prone.

The reforms American agriculture needs now are two-fold: An agricultural worker program, such as reformed H–2A, that meets the special needs of agriculture; A workable transition strategy that allows for more experienced workers to earn legal status while capacity is built on the farm and at the border for wider reliance on an agricultural worker program.

Last May, the U.S. Senate passed a comprehensive immigration reform bill. It contains agricultural provisions consistent with the needs outlined above. Namely, it overhauls H–2A to streamline the program, make it more affordable, and provide a balance of worker and employer protections.

By contrast last December the House of Representatives passed a harsh and anti-employer border security and internal enforcement bill. If it became law, H.R. 4437 would cause American agriculture to lose most of its workforce through mandatory and universal electronic verification of employment authorization documents.

What is at stake? America's food independence and security.

That's a matter of national security.

And the economic contributions and job-creation that exist here in America because the production is here.

A recent study by the American Farm Bureau conservatively projects that the loss of the workforce from an enforcement-only bill would result in U.S. fruit and vegetable production falling $5–9 billion annually in the short term and $6.5–12 billion in the long term, with impacts in other production sectors reaching upward of $8 billion. Three to four jobs in the upstream and downstream economy are generated by each farm worker job, so well over one million good American jobs are at risk.

To avert an unfolding crisis in American agricultural disaster, Congress must enact comprehensive immigration reform that that ensures growers and producers access to a legal workforce American agriculture is unified behind these critical principles:

A safe and secure domestic food supply is a national priority at risk. With real labor shortages emerging, agriculture needs legislative relief now. The choice is simple: Import needed labor, or import our food!

If perishable agriculture and livestock production is encouraged or forced offshore, we will also lose three to four American jobs for every farm worker job.

Any solution must recognize agriculture's uniqueness—perishable crops and products, rural nature, significant seasonality, and nature of the work.

Enacting enforcement alone, or enacting enforcement-first, will cause agriculture to lose its workforce. Even "doing nothing" will worsen the growing crisis, with the border already much more secure, and worksite enforcement on the rise.

As part of a comprehensive immigration reform or stand-alone legislation, agriculture needs a program that (1) eliminates needless paperwork and administrative delays; (2) provides an affordable wage rate; and (3) minimizes frivolous litigation.

For a successful transition, trained and experienced workers who lack proper legal status should be able to eventually earn permanent legal status subject to strict conditions like fines, future agricultural work requirements and lawful behavior.

American farmers, ranchers, and business people are depending on Congress to pass a good bill without further delay. To do otherwise jeopardizes American agricultural production and jobs and the food security of our Nation.

For more information: Agriculture Coalition for Immigration Reform, Craig Regelbrugge; National Council of Agricultural Employers, Sharon Hughes; United Fresh Produce Association Robert Guenther.

Mrs. BOXER. Mr. President, we need to pass an AgJOBS bill. Our farmers and our ranchers are begging us to do it. They need a solution. But because we haven't acted, everything is paralyzed.

I want to show you a picture of Toni Skully, a pear farmer from Lake County, CA, looking at the pear crop she lost because she didn't have enough workers to pick the trees. Pear farms are an estimated $80-million-a-year business in California. They were unable to harvest 35 percent of their crop this year due to the lack of field and packinghouse labor. Unfortunately, situations like Toni's and the pear growers of Lake County are happening all over California.

I discussed this with my colleagues. They are telling me it is happening in their States, too. My lemon growers in San Diego are experiencing a 15- to 20-percent harvest loss. Avocado farmers in Ventura County are worried about workers for the December planting season. Tree fruit growers in Fresno County have seen their labor force increase by as much as 50 percent. In Sonoma, as many as 17,000 seasonal farm workers have not returned from Mexico to work in the fields.

According to USDA, agriculture is a $239-billion-a-year industry. And if we refuse to provide a solution to labor shortages now, we are jeopardizing our domestic economy and our foreign export markets. We are driving up production costs that get passed on to consumers. Our consumers are already having trouble. Even with the decrease in gasoline prices, they are way up from where they where historically. They are dealing with health insurance premiums that are way up. They are dealing with college tuition costs and education costs that are way up. Now they are going to walk in the supermarket where we have such good prices and see that prices are up because of the inability to hire people because there has been a crackdown on the workers.

All of that is happening for one reason: the House wouldn't follow the Senate. The Senate had taken care of it. We had a good, broad bill that dealt with border security, additional guards at the border, and everything they needed at the border, plus a way to deal with the agricultural industry and the millions of workers who are in the shadows who are afraid to come out of the shadows.

Let me tell you, do you think that makes us secure when we don't know who they are? I don't think it does for a minute. That is why we need to have this type of bill passed in the Senate.

But at minimum, I say to Senator FRIST, allow us to offer the Craig amendment. Senator FEINSTEIN is very strong on this.

It was interesting. Independent of one another we immediately said we ought to offer the Craig-Kennedy amendment. She and I talked to Senator CRAIG. We said: Please put us on as cosponsors.

A 2006 study done by the American Farm Bureau found that if agriculture's access to migrant labor is cut off, as much as $5 billion to $9 billion in annual production would be lost—and that is just the short-term prediction. If agriculture's access to migrant labor is cut off, as much as $5 billion to $9 billion in annual production of primarily import-sensitive commodities would be lost in the short term. That is a statistic from the American Farm Bureau Federation.

Again, this is a place where Republicans and Democrats should come together. I don't understand why Senator FRIST will not allow us to offer this Craig amendment. We have a vast majority in this body in favor of it. Our farmers say pass the AgJOBS bill now.

It is supported by United Fresh Fruit and Vegetables, the Agricultural Coalition for Immigration Reform, the National Council of Agricultural Employers, Western United Dairymen, the California Grape and Tree Fruit League, California Citrus Mutual, among many other agricultural groups.

The AgJOBS bill pulls together both the owners and the workers. This is rare in and of itself to have everybody come together, farmer groups and the agribusiness people coming together, and yet with all that support—I believe we are up to 62 supporters in the Senate—we cannot at this stage be assured that Senator FRIST, the Republican leader, will allow us to have a vote on this amendment.

The AgJOBS bill would allow immigrant farm workers who are here now to harvest the crops. It would put 1.5 million workers on a path toward legal status if they prove they worked in agriculture before enactment of the law, and if they work 3 to 5 more years in agriculture after its enactment.

It is a way to save the workforce and get people out of the shadows. We know who they are. That is key, to know who is in this country, not to have people hiding. It makes no sense.

In May, the Senate again passed immigration reform that included this very language we want to offer. It got 62 votes. Building a border fence—again, I voted for it. There are parts of our border that need that kind of structure. I don't have a problem with it.

What I have a problem with is the fact that is not going to solve our problem because we need to address the economy. We are worried about a housing slump. It is coming on pretty quick. We hope it does not materialize, but it does not look good. In many cases, a housing slump is followed by a recession. Do we want to add to the trouble by having a situation where as much as $5 to $9 billion in annual production is lost? I don't think so.

I will do whatever I can to convince the Republican leadership to allow Congress to take care of agriculture. When we have a bill that is supported by 62 Senators, on both sides of the aisle, that is supported by labor and management, it makes sense to move it forward. I cannot stand the thought of looking in the eyes of my dairymen and my farmers one more time when they come back here and say the first issue on their agenda is this problem they are having with their workforce.

There is a way to do this that makes sense. There is a way to do this that will give us control of our border. That is what we ought to be doing. We ought to be looking, at the minimum, to saving our agricultural industry.

I say to my Republican friends, and I am being very honest, I am not sure farmers have been my strong supporters over the years. They usually go Republican. I can read the list of supporters. What is the majority doing, shutting them out?

Let's work together. Let's work together for them, for the consumers, for the workers. We cannot afford the one-two punch of an agriculture industry that begins to fall apart as the housing industry is having problems. We just cannot afford to see another sector have a problem. Autos, housing, now agriculture?

Please, this is too important to play politics with. Help our agriculture businesses. Help our workers. Help get people out of the shadows. Do something to help America. Don't keep this bill so narrow in focus that we do not see the forest for the trees.

I hope we have some good news and that there will be a good agreement on our surveillance issue, on our military tribunal issue. I hope the leadership will open this up to save our agriculture industries. They are asking us for this.

I yield the floor.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I thank the Senator from California for the passion she brings to this issue in pointing out the fact that, indeed, there are major industries in this country that are desperately in need of a labor pool. Agriculture, as the Senator has so articulately pointed out, construction, the tourism industry—three industries that affect our State and the Senator's State—all three of those industries are enormously important.

If we want to do something for immigration and actually make what is, in effect, amnesty now, because the law is not being obeyed, at the time the Senator and I served in the House of Representatives in the 1980s, in which we voted for that immigration bill, there were only an estimated 2 million people in the country illegally. Now it has swelled to something like 12 million.

Amnesty is the condition we have right now because the law is not being obeyed by the people who are supposed to obey it and the U.S. Government is not enforcing the law which allows all the more illegal entrants into the country.

The solution, in the interest of the United States, it seems to me, to get our hands around the problem of illegal immigration, is to pass a law that has some teeth, that will be obeyed and, at the same time, provides the labor pool so we do not wreck our economy in the meantime.

The Senator from California has just pointed out industries in her State, agricultural interests in her State that, in fact, are having difficulty getting workers to harvest the crops. It is another one of the little ironies, that people are saying amnesty, amnesty, amnesty, amnesty, and what we have right now because the law is not being obeyed.

We ought to pass a bill, a bill that controls the borders—of course, there are more reasons for controlling our borders than just immigration, with terrorists coming into our country—a bill, in addition, that will address the labor needs.

UNANIMOUS-CONSENT REQUEST—S. 2810

I address the Senate on another subject with regard to seniors and their prescription drug coverage. We have long advocated there be meaningful prescription drug coverage. Two or 3 years ago we passed one. It ended up showing there are quite a few deficiencies in the prescription drug coverage Medicare Part D for senior citizens. However, it was passed and it is law.

It is our job now to improve that law and correct the deficiencies, plug the loopholes, and make the appropriate changes to this program that are going to help seniors afford the cost of prescription drugs.

Over the past several months, as we have been dealing with this issue, I advocated extending the enrollment period under the Medicare prescription drug program and the elimination of the late enrollment penalty. Under the current law, which was passed several years ago, seniors who did not sign up by May 15 of this year—that was the deadline—and who enroll at a later date, when they do enroll for the Medicare prescription drug program, they are going to pay a penalty of 1 percent of their premium tacked on for each month they delay the enrollment. If they wait to sign up until the end of the year, they are going to pay a late enrollment penalty of 7 percent.

If the whole idea of giving senior citizens some financial help with a prescription drug program is to help them financially, and now we are going to slap a 7 percent late enrollment penalty on them, it works at counter purposes to what we are trying to do to help the seniors.

The Congressional Budget Office says that three million seniors are going to have to pay these higher premiums because they will have the penalties assessed. Many of the senior citizens in this country simply are not aware this penalty exists.

The Kaiser Foundation did a survey and found that nearly half of the seniors are unaware they face a financial penalty if they did not sign up by May 15. We tried, before May 15, to get Congress to extend the enrollment deadline. We got well over a majority of the votes, but we could not get the 60 votes to cut off debate. I believe we ought to at least waive that penalty for those who did not enroll and want to do so at the end of this year.

We filed a bill, S. 2810, the Medicare Late Enrollment Assistance Act, that allows Medicare beneficiaries to sign up during the next open enrollment period without a penalty.

Last May, after the deadline had just passed, this Senator worked with Senator GRASSLEY and Senator BAUCUS to introduce this bill. The bill now has 45 Senators cosponsoring it. The enrollment period for next year is fast approaching. We need to pass this bill before we adjourn. We have less than a week and a half. We have a week and 2 days until the Senate adjourns. It is imperative the Congress pass this legislation and not just continue to talk about it.

It is wrong to penalize seniors who could not enroll by the deadline. What we all ought to be doing is to make this Medicare prescription drug program more senior-friendly. That includes exactly what this bill is. It was filed on a bipartisan basis. It is time to stop playing politics with the health care of our seniors. Waiving that enrollment penalty, backed by Senator GRASSLEY and Senator BAUCUS, is the compassionate thing to do.

We are not alone in this. Listen to the organizations that have come out in favor of S. 2810, the Medicare Late Enrollment Assistance Act: AARP; American Diabetes Association; Alzheimer's Association; American Autoimmune Related Disease Association; Asthma and Allergy Foundation of America; Cystic Fibrosis Foundation; Epilepsy Foundation; Lupus Foundation; Men's Health Network; National Alliance for Mental Illness; National Council of Community Behavioral Health Care; National Family Caregivers Association; the National Grange of the Order of Patrons of Husbandry; the National Health Council; the National Osteoporosis Foundation; the AIDS Institute; the Arc of the United States; United Cerebral Palsy; and the National Coalition for Women with Heart Disease.

That is a pretty broad spectrum of people who deal in health care, particularly with regard to seniors.

Now, somebody may say: Well, it is not paid for. Members of the Senate, it is paid for. The bill is estimated now to cost $500 million over 5 years. And this cost is offset by using part of the stabilization fund which was set up in the Medicare drug law. That fund was to be used to subsidize and entice private companies into the Medicare Program. But the fund is sitting there, and it is not needed because private plans are abundant in the Medicare market. There is money available, and it is time not to penalize our seniors.

So, Mr. President, I ask unanimous consent that the Senate immediately take up and pass S. 2810.

The PRESIDING OFFICER. Acting in my capacity as a Senator from Oklahoma, I object.

Objection is heard.

Mr. NELSON of Florida. Mr. President, given the fact that is the case, that we cannot proceed, and given the fact we have 1 week left in order to avoid this penalty, it is my hope there may be a vehicle that will come along, and that since Senator GRASSLEY and Senator BAUCUS have been trying so hard to get this legislation up, they may find an appropriate legislative vehicle on which to attach it to bring this needed relief to the senior citizens of this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor.

The Senator from Pennsylvania.

WRIT OF HABEAS CORPUS AND DETAINEES

Mr. SPECTER. Mr. President, I have sought recognition to discuss the issue of habeas corpus, which is the Latin term used to define the great writ from ancient England to produce the body, to determine if an individual is being lawfully held.

The writ of habeas corpus has an illustrious history in common law, in English law, and in American law. It is the focus of attention on issues now being considered relating to detainees in Guantanamo, and was the focus of attention in the Hamdan case, which is now being considered by the Congress of the United States in terms of complying with the order of the Supreme Court of the United States for the Congress to discharge its constitutional duty under Article I, section 8, to establish procedures for military commissions.

We have pending at the present time two bills: the Terrorist Tracking, Identification, and Prosecution Act, S. 3886, which has been proposed by the administration; and the Military Commissions Act, S. 3901, which has been reported out by the Armed Services Committee.

There have been extended discussions about these bills in terms of compliance with the Geneva Conventions, whether classified information may be used, whether hearsay is appropriate, whether coerced confessions can be used. But there has been relatively little attention—almost none—on the fact that both of these bills eliminate the writ of habeas corpus review.

Had this prohibition been in effect earlier, the case of Hamdan v. Rumsfeld, decided in June of this year, might not have been decided. As a matter of law, it is my legal judgment that Congress cannot act to delete the remedy of habeas corpus because the Constitution provides, as follows: Article I, section 9, clause 2:

> The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

Now, we do not have a rebellion and we do not have an invasion. Those are the two circumstances under which the writ of habeas corpus may be suspended. Since neither is present and the Constitution cannot be altered by statute, the pending legislation may be unconstitutional.

As a matter of public policy, the writ of habeas corpus is also established as a statutory base in Title 28, United States Code, section 2241. In the case of Rasul v. Bush, in 2004, the U.S. Supreme Court ruled that the detainees at Guantanamo Bay have a right to file petitions for habeas corpus so that a Federal court may review the evidence which justifies their continued detention.

Many of the detainees have filed petitions, but only a few have been heard. And most have not yet had a hearing on their habeas petition.

Senator LEAHY and I have asked for a sequential referral to the Judiciary Committee from the Armed Services Committee because our Judiciary Committee has jurisdiction over habeas corpus and other provisions of the legislation which I have cited.

If you take a look at the pending legislation, it is obvious that the enemy combatants who are detained have virtually no rights, very few procedures applicable to them compared to those who may be charged with serious war crimes. And it would, indeed, be anomalous to have greater procedural protection for someone charged with a war crime, where the evidence is present to justify that charge, contrasted with a detainee, where, as the practice has evolved, there is very little information, let alone the absence of evidence, very little data, to warrant detention.

The pending legislation endorses as the exclusive review mechanism that the hearings will be held under the so-called Combat Status Review Tribunals. And this is a comparison of what the Combat Status Review Tribunals, called CSRTs, will do in comparison to the military commissions.

In the CSRTs, no evidence is presented by the Government. The proceedings are governed by what is called a proffer in criminal courts. The charges are read to the detainees, and they are asked to respond. By contrast, in the military commissions that are parts of both bills, the Government must introduce evidence which support the charges.

In the CSRTs, the detainees have no lawyers. Most speak no English and communicate through interpreters. In the military commissions, the accused detainees have the right to be represented by lawyers.

In the CSRTs, the detainees have no ability to cross-examine the witnesses against them or to see any physical evidence because none is introduced. In contrast, in the military commissions, the detainees' lawyers will be allowed to cross-examine the Government's witnesses and see the Government's physical evidence, although there may be some limitation as to classified information on a controversy yet to be worked out.

In the CSRTs, the detainees have no ability to call their own witnesses to produce evidence. In the military commissions, those rights will be fully protected through the commissions' subpoena power.

In the CSRTs, the tribunals are permitted to consider classified evidence, including, apparently, for all we know—although we are not really certain as to what happened in each individual case—there may be information obtained by torture or by means which produced flagrantly coerced confessions. That will not be the case in the military commissions.

The bills provide that the rulings of the past CSRTs are final and conclusive, with the only appeal allowed being to the District of Columbia Court of Appeals—and such an appeal would be limited as to whether the CSRTs followed their own procedures. In contrast, a full judicial-like appellate procedure is provided for appeals from military commissions.

So from this analysis, it is obvious that the worst of the detainees will be accorded far greater rights—those charged with war crimes—than all the other detainees, many of whom, according to summaries of proceedings, took no action against the United States or its allies.

This habeas corpus legislation, if enacted, will not end the court battle over detention at Guantanamo Bay. If either of these bills becomes law, there will be years of litigation as to whether the U.S. Constitution is violated. If the proposed changes to habeas corpus in these bills are rejected by the courts, we will be back for more legislative fixes and more judicial proceedings.

As I have noted, the request has been made for referral to the Judiciary Committee. There are some difficult procedural steps to get that sequential referral. I am, frankly, not optimistic it will occur. The scheduling of the floor action on these bills is uncertain at this time, depending on whether an agreement is worked out.

It is my hope we will reach an agreement on the issue of how the Geneva Conventions will apply and whether there ought to be any modifications of it. I believe the committee bill, endorsed by Senator WARNER, Senator McCAIN, and Senator LINDSEY GRAHAM, is correct, that we ought not to water down the provisions of Common Article 3 of the Geneva Conventions, that we ought not to modify that or have the appearance of modifying it. It is my legal judgment that what General Hayden is looking for can be accommodated within the existing recognition by the United States.

The Geneva Convention on torture was adopted in 1988 and has language which is very similar on indignities or mistreatment. And the Congress filed a reservation as to that 1988 Convention, saying that it would be defined in terms of the provisions of amendments V, VIII, and XIV to the U.S. Constitution.

My understanding is that is pretty much what General Hayden is looking for, so that it may be possible to establish the existing position of the U.S. Government on that reservation, which would be consistent with full recognition of Common Article 3, as a stand already taken by the United States, so that we would not be limiting Common Article 3 to something new or we would not be appearing to limit Common Article 3 to something new.

With respect to classified information, again, I agree with what Senators WARNER, McCAIN, and GRAHAM have articulated, that it is not appropriate to deny classified evidence to an individual where the death penalty might follow or other serious penalties might be imposed. It is insufficient to give that information to a lawyer. And even if it were given to the lawyer, there is a problem as to whether it might be transmitted, and sources and methods might be revealed to those who could harm the United States.

As to coerced confessions, again, I agree with the Warner-McCain-Graham approach, that coerced confessions should not be admitted.

They are unfair and unreliable. When it comes to the issue of habeas corpus, I think both the administration's bill and the bill passed out of committee, with the endorsement of Senators WARNER, McCAIN, and GRAHAM eliminating habeas corpus is inappropriate. Depending on when the bill comes to the floor, there may be an opportunity for the Judiciary Committee to hold a hearing and to have an analysis of the constitutional limitation on suspending habeas corpus and the public policy interests that are involved.

I, Senators LEAHY, LEVIN, and others will be circulating a "Dear Colleague" letter advising that we intend to offer an amendment if these bills come to the floor with the denial of habeas corpus in them.

Mr. DURBIN. Will the Senator yield for a question?

Mr. SPECTER. Yes.

Mr. DURBIN. First, I thank my colleague for coming to the floor. I heard him open his remarks while I was in my office, and I salute him. I don't think many colleagues are aware of the seriousness of the habeas corpus provision that is in the detainee bill coming out of the Armed Services Committee. I ask my colleague—and I only caught part of his remarks—are you going to ask that this bill be referred to our Senate Judiciary Committee for hearings on this question of habeas corpus?

Mr. SPECTER. Mr. President, in response to the question of the Senator from Illinois, Senator LEAHY and I have signed a letter to the majority leader, Senator FRIST, and the Democratic leader, Senator REID, asking for sequential referral.

Mr. DURBIN. One further question. I ask of the Senator from Pennsylvania, we understand the Armed Services Committee's jurisdiction on treatment of detainees, military commissions, and the like. If I am not mistaken, I ask the Senator from Pennsylvania, when we discuss a fundamental constitutional question, it seems to me that is an appropriate area for the Judiciary Committee to consider the merits of the question. I think I know the answer from what I have already heard in the Senator's previous statements. I hope I can join the Senators in making this request.

Mr. SPECTER. The Senator is correct. The Judiciary Committee has jurisdiction over the constitutional issue. In fact, as to the pending legislation, the Judiciary Committee has jurisdiction over Common Article 3, and the committee also has jurisdiction over changes to the war crimes.

We have submitted to the Armed Services Committee a sequence of war crimes which have been included in the bill. Regrettably, we didn't have enough time for committee action. Although, as the Senator from Illinois may recollect, I advised the committee of what we were doing and circulated early drafts so people could be in a position to comment. I think it is important that Congress move ahead to comply with Hamdan. Also, we ought to do it right. It requires some analysis. We can do it in a relatively short timeframe. Provided we focus on it and have hearings, it is going to require Senators to become acquainted with what is going on.

The fact is, Congress has been derelict in its duty in providing rules for military commissions, and it is our responsibility under article I, section 8. The Senator from Illinois and I filed legislation shortly after 9/11, 2001, to accomplish that, as did other Senators. The Congress did not act because this issue has been too hot to handle, too complicated, too dicey. It is not to the credit of the Congress, which sat back and did nothing.

Finally, in June of 2004, the Supreme Court came down with three opinions. We punted to the courts, as we do repeatedly. Thank God for the courts. Thank God for life tenure and the independence of the courts in this country, which come in to act when there has been inertia and inaction by the Congress, or inappropriate contact by the executive branch historically, and not just with this administration.

When the Hamdan case came down, the Court ordered the Congress to comply with our duty to legislate. All of this comes about because of habeas corpus. I don't believe the Congress has the authority to take away habeas corpus jurisdiction, especially in light of the specific provisions of habeas corpus, but also generally. When we considered, in a rush, the legislation last year that was passed, I was the sole voice on this side of the aisle objecting to it. It was passed with substantial support on the other side of the aisle because it was thought that at least it would not be applied to pending cases. Then there was a surprise when Justice Scalia said these colloquies were inserted by staff after the fact and there was no matter of congressional intent. He would have disregarded it. The majority opinion did not deal with the issue but just took the jurisdiction and moved ahead to decide the case.

This is not an issue which I came to recently. This is an issue that has concerned me for more than two decades. When Chief Justice Rehnquist was up for confirmation, I raised the issue in the confirmation proceedings with him as to whether the Congress had the authority to take away the jurisdiction of the Court on first amendment issues. Chief Justice Rehnquist refused to answer. Overnight we produced an article that he had written criticizing the Congress in the Whitacre proceedings for not asking about due process or equal protection. talking only about matters of lesser concern. such as Whitacre being from Kansas City and it was an honor to both Kansas and Missouri because he lived in one State and worked in the other.

Chief Justice Rehnquist. when confronted with the article. answered the question. He said Congress could not take away the jurisdiction of the Court on first amendment issues. Then I asked him about the fourth amendment. search and seizure. He declined to answer. I asked about the fifth amendment. privilege against self incrimination. He declined to answer. On the eighth amendment. crucial and unusual punishment. he declined to answer. It was a significant statement that Chief Justice Rehnquist made. As to the first amendment. the Congress could not take away the jurisdiction of the Supreme Court or the Federal courts.

There is a much stronger case that you could take jurisdiction on the first amendment rather than on habeas corpus because the Constitution says habeas corpus is suspended only when there is a case of invasion or rebellion. You don't have either. We better be careful what we do on constitutional rights. We better be careful. We were concerned in the PATRIOT Act to make sure we didn't go too far. that we could pass an act to give law enforcement protection and protect the constitutional rights. and we are struggling with the electronic surveillance issue. where we are trying to accommodate the interests of some Republicans and many Democrats to give appropriate protection to civil rights. I think this Congress has sufficient wisdom and experience to protect America from terrorists and still respect constitutional rights.

That was a long answer to a short question. I might say to the Senator from Illinois. I appreciate his coming to lend some emphasis. There are more people who tune up their television sets. watching this lonely discussion. when there is a little colloquy and dialogue as opposed to the monotonous tones of the speaker alone.

Mr. DURBIN. I thank the Senator. If I might. I say to the Senator. I recently joined Senator ALLEN of Virginia on a trip to Guantanamo. We were met by the admiral in charge of the facility. He made it very clear in one of his opening remarks that Guantanamo is not there for punishment. but it is there for detention. He said punishment. of course. would be meted out to those found guilty of crime and wrongdoing. But the people being held there are being detained until we can determine their status. If they are. in fact. guilty of terrorism or war crimes. I think the Senator from Pennsylvania and I would quickly agree that they should be held responsible for those activities and punished to the full extent of the law. But. in most cases. for the hundreds of people in detention there. no charges have ever been leveled against them.

The writ of habeas. which basically is asking the Government to give cause why they are detaining a person. is the way to determine whether this person is being held justly and fairly. I think to eliminate that right. which is fundamental in our western civilization. raises a question as to the outcome for the lives of hundreds of people still in Guantanamo in this uncertain situation where they are not charged with any crime at all: not charged with terrorism. not charged with a war crime. but being held in indefinite status. many of them. for many years.

So I thank the Senator from Pennsylvania for raising this important issue. It is one that needs to be debated on this floor on a bipartisan basis.

Mr. SPECTER. Mr. President. one concluding statement. A group of attorneys who came to see me on this issue have been representing detainees. They produced summaries of proceedings before this body. It is shocking as to how little information there is in these proceedings under the CSRTs. I am trying to find out now if the information I have is not classified and present it in detail to Senators and to Members of the House so you can see how little information there is and how explanations are made and how people are detained without any basis. and on what appears to be a situation where there is no danger.

To the credit of the officials in Guantanamo. many have been released. But that is not sufficient. The detention of an individual under our laws is to be made by a court. When challenged. that requires a habeas corpus proceeding.

Mr. President. I thank the Chair and my colleague from Illinois.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President. I thank my colleague again for coming to the floor and raising this issue. For most people. it is a very complicated constitutional issue. I think it can be reduced to very understandable principles and values that we share as Americans. When you think back to the earliest founding of the United States. we valued so much our personal freedom. our personal liberty. and our rights as individuals. and we created within our Constitution a means to ask a basic question. By the filing of a writ of habeas corpus. we ask this question. by what right does the Government hold this person? Habeas—holding: corpus—body. One of the few words that I remember from the Latin I took many years ago. By what right does the Government hold this body. this person?

That has been a writ. as they call it. a law that has been recognized and respected for generations. It is part of our American body of law. We don't want a circumstance where the Government is wholesale arresting individuals and detaining them without charging them. There was a time. of course. during our Civil War when President Abraham Lincoln suspended the writ of habeas corpus: arrested. detained. and jailed many people without charging them. It was then an extremely controversial decision. In fact. if you read the history of the time. there were even people in the President's own political party who thought he had gone too far. President Lincoln argued that he had to do it in the midst of a civil war.

We look back on it now and wonder if perhaps this was excessive conduct in the name of security. We ask the same questions today. Are we doing things in America today that are going too far. things that infringe on our basic values and how we define ourselves as Americans in this diverse world? Are we doing things which. on reflection. history will not judge in a positive way? I think. unfortunately. the answer is. yes.

The issue of torture is one such issue. We. for decades and generations. had held to the standards of the Geneva Conventions. We basically said that civilized countries in the world act differently than those that are not civilized. Civilized countries. even in time of war. will not engage in torture. cruel. inhumane. or degrading treatment of prisoners. That has been a standard which we have lived by for more than a century in the United States. a standard we have proudly proclaimed as our own. and a standard by which we have judged other nations which we believe have crossed that line.

After 9/11. there were serious questions raised by this administration as to whether we could continue to live under the principles. the standards of the Geneva Conventions. For a period of time. there were memos that circulated at the highest levels of our Government which tried to redefine torture and redefine treatment of prisoners. Those memos. sadly. were distributed. It appears that in some isolated cases. they were followed. It also appears that they were discredited and have been rejected after they had been used as a basis for American treatment of prisoners. We know that now. The facts have come out. Some of the people who were engaged in the preparation of those memos are at the highest levels of our Government today.

Those memos. so-called torture memos. suggested things such as one very noteworthy example: the use of guard dogs. turning dogs loose on prisoners to frighten them into submission or cooperation. That was a departure from what the United States had ever done in the past. That was part of a memo which was prepared at the highest levels of the White House and Department of Defense, a memo which has been acknowledged by the Administration, but which is now being repudiated by them. They are saying it is no longer being followed.

One of the architects of one of those memos is a man named William Haynes. Mr. Haynes recommended things we could do to prisoners to try to get more information. That was distributed, and not long thereafter, we had the Abu Ghraib prison scandal. One of the photographic images we can all recall is the picture of a guard holding a dog on a leash threatening a prisoner. That guard, an American soldier, was charged with violation of the law and has been imprisoned for that conduct.

The irony is that Mr. Haynes, one of the authors of this memo which suggested the use of these dogs, not only was never charged with a crime and was never imprisoned as this soldier was, who was working at the Abu Ghraib prison, but this individual is now being proposed for a Federal judgeship, a lifetime appointment to the second highest court in the land. So, at one level, we are sending soldiers, privates, corporals, and sergeants to prison, and at the highest levels where these memos were being written, we are rewarding the conduct of those who wrote them and suggesting they deserve a lifetime appointment to the Federal judiciary. I believe that is inconsistent and unfair, and if we are going to have a standard and a rule of law, it has to apply at the highest levels as well as to our soldiers. In this case, it did not.

Now we have before us the question raised by the Senator from Pennsylvania which we may face in the next few days. The question is this: Of the hundreds of people who are now being held in Guantanamo without any specific charges, what will happen to them? Will we ever have to charge them with wrongdoing? At this point in time, few, if any, of them have been charged. Over 100 have been released, incidentally, after being incarcerated there for long periods of time. The writ of habeas corpus is the means by which that detainee in Guantanamo and in other settings raises the question: By what right do you hold me in this prison? What crime do you charge me with? What is my wrongdoing? That is the writ of habeas corpus. The bill that is proposed from the Armed Services Committee would eliminate the right of habeas corpus for those who are currently being detained.

I raise this because I have visited this Guantanamo facility, and was told that we are not punishing anyone there because we don't know that they have committed a crime, they haven't been convicted of a crime, and we are only detaining them. But, by eliminating the writ of habeas corpus, we are eliminating that prisoner's right to step up and explain what happened, to tell their side of the story. There is no guarantee we will believe their side of the story. There is no guarantee they will be released. But our basic constitutional principles, the principles we have followed, have given individuals that right to question the Government.

Earlier today, I was visited by three attorneys from the city of Chicago, which I am honored to represent. Thomas Sullivan is a former U.S. attorney, Jeffrey Colman is active in the practice of law in that town, and Gary Isaac is another lawyer. They came to me because they have been involved in representing the detainees at Guantanamo.

Mr. Sullivan, a former U.S. attorney, a former prosecutor, well respected not only in Chicago but around the United States, has raised questions about the treatment of these Guantanamo prisoners. He left with me a description of one of his clients in Guantanamo, a client he represented pro bono, for nothing. The client's name is Mr. Abdul Hadi Al-Siba'i, who was taken into custody in Pakistan in December of 2001. Mr. Sullivan became his lawyer in 2005. After speaking with him and his family through interpreters and visiting him at Guantanamo, he learned the story.

It turns out Mr. Al-Siba'i had been employed for 20 years as an officer in the police department in Riyadh, Saudi Arabia. He took a two months leave of absence in August 2001 to go to Afghanistan to build schools and a mosque. He was captured, first by forces in Afghanistan and then turned over to the United States. He presented his airline tickets to show the journey he had made from Saudi Arabia to Afghanistan. The passport showed where he had been. The tickets showed the dates he was required to return, and he requested that the people who were detaining him in the United States verify the information. If they had a question, call the Riyadh, Saudi Arabia, police department and they would explain who he was, what his background was, and why he was given this two months leave of absence to go into Pakistan.

He was denied that request. The person presiding over his tribunal said:

> I denied that request because an employer has no knowledge of what their employees do when they are on leave.

I can't quarrel with that statement, but any good lawyer would tell you that you try to sift through the evidence and testimony to come out with what you consider to be the truth, and that would mean at least taking the time to ask the question: Was this man a police officer in Saudi Arabia? Did he notify them he was taking a two months leave to work among the poor in Afghanistan? Those are simple questions which one would expect to be asked. They weren't.

Mr. Al-Siba'i explained what occurred when he arrived in Pakistan, was taken into custody by the Pakistani Army, and turned over to the U.S. forces. He said he joined the army in Saudi Arabia when he was 17, got married at 18, and has had a wife and stable job for almost 20 years. He talked about his trip to Sudan during a time of floods when he worked with poor people. He explained what he tried to do—charitable work for those he thought were in need. He went through the long description of the time he spent traveling. He was very open in the course of this tribunal, but at the end of the day, they said: The information is not good enough; you are going to be detained as a prisoner in Guantanamo. That was in 2001.

In 2006, 5 years later, without ever facing a formal charge of any wrongdoing, without any clear investigation into the circumstances he described, he was released from Guantanamo and returned to Saudi Arabia without any explanation whatsoever.

I suggest to those who are following the comments being made on the floor that if an American employee, an American citizen, or an American soldier was held under similar circumstances, we would have a right to be upset. It is one thing for us to acknowledge wrongdoing by an American—it can happen—but it is another thing to expect simple justice. And simple justice requires that someone be charged with a crime.

Just a few hours ago, I was in my office and met with a reporter for the Chicago Tribune named Paul Salopek. Just a few weeks ago, Paul Salopek was in Africa doing a story for National Geographic. He wandered across the border from Chad to Sudan and was arrested and charged with espionage. He was writing a story for the National Geographic about local African tribes. The charge, of course, was not well-founded. Many people came to his assistance, not the least of which was Gov. Bill Richardson of New Mexico, who traveled to Sudan and persuaded the President to release him. But here was an American citizen, and many of us were concerned about his safety and future when we knew that the charges against him were preposterous and they didn't make sense.

Imagine an American citizen being held, as this Saudi was, for 5 years without a charge. The reason he was finally released was that a writ of habeas corpus was filed to ask whether a charge was going to be leveled.

So now we have this debate going on in the Armed Services Committee. I salute my colleagues, Senator WARNER, who was on the floor a few moments ago, as well as Senator McCAIN, Senator GRAHAM, Senator COLLINS, and many others who have said they agree with the approach that has come out of the Armed Services Committee. It establishes a standard for military commissions so that the 14 or so individuals who are going to be tried will be tried under standards that are consistent with American values and American justice. That speaks well of our Nation. To do otherwise would raise the same questions raised by General Colin Powell just a week ago. It would raise a question about our moral standing in this world if we don't live by the same standards we preach day in and day out. I think it is a good thing and consistent to have those judicial standards and principles of justice in these military tribunals.

But the same bill coming out of the Armed Services Committee removes the writ of habeas corpus for all of these other detainees, the hundreds who are being held. So while this bill would hold people charged with crimes to a higher standard of treatment consistent with American law, the bill would completely eliminate the most fundamental principle of law—the writ of habeas corpus—when it comes to these other detainees who may never be charged. That is inconsistent, and it is wrong.

We should trust our system of government despite our fear of terror, despite our experience on 9/11. We shouldn't lose our way and abandon the most basic principles and values which guide our country. Those constitutional principles have weathered many storms, including a civil war which claimed more lives than any war in the history of the United States. Even now in this age of terror, even now living in a dangerous world, let's not abandon these most fundamental principles.

I thank the Senator from Pennsylvania for his earlier comments. I hope we have a chance to debate this issue at length on the floor.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I come to the floor this afternoon to speak about the issue which is before us at the moment; that is, H.R. 6061. We voted on a motion to proceed to debate today and invoked cloture on that motion by getting a substantial number of votes. Now we are in the next phase of the rule process in which we would actually move to the bill, debate it, and possibly amend it.

I voted this morning to move this bill forward because I believe it is important for the American people to understand that we are very serious about border control. If this bill serves that purpose, then that is a step in the right direction.

It is not my intent to come here and say it is a bad bill. It is my intent to come to the Senate floor and talk about what we have done to date in the area of border security and that a piece of paper, a piece of legislation, does not a safe border make. It establishes the legal basis for which we build upon a foundation for safe border and border action, but it is the financing of it, it is the funding of the necessary construction, the supplying and the training of Border Patrol men and women, and creating the devices and vehicles necessary to effectively monitor and control our borders that build a safe border.

Step 1 is a very critical process this Senate, and the Congress itself, has been involved in for some time; that is, the recognition of a broken immigration system and an unsecured border structure in our country that has allowed, over two decades, possibly 8 to 10 million foreign nationals to come into this country illegally.

America didn't awaken to this issue until after 9/11. It awakened because it found that some who had come, legally and illegally, were intent on delivering the citizens of this country an evil act, and that happened. Not only did it kill nearly 3,000 of our fellow country men and women, but it launched this country into a new dimension of foreign policy that we had not been involved in or as intent on as we should have been a long while ago—a war against radical Islamic fundamentalism and the tools they use in that war known as terrorism.

That is where we are today. It has swept our country. It is the political debate of the day. It is the frustration of the American citizen to try to understand why we are where we are today and what we are doing and why young men and women bearing the uniform of the United States of America are dying in a foreign land or foreign lands. All of this issue is really one. It is a combination of understanding the world we live in, and that is a world that is not as safe as we would like it to be, and there are very real enemies out there. But it is also understanding a new world that we live in right here on the North American Continent and one that we have ignored for years; that is, creating secure borders and defining and designing a well-run immigration program that responds to our needs and our economy and, at the same time, is fair and responsible to those foreign nationals who would like to come to our country to work.

I began to work on this issue not just a year ago, not just 2 years ago, but in 1999. I first looked at it through the eyes of American agriculture when they came to me and said: Senator, we have a problem. We have a very big problem. The H–2A program that supplies foreign national workers to agriculture doesn't work. It is broken. It is bureaucratic. It is nonfunctional and doesn't meet our seasonal needs. As a result, that Federal H–2A guest worker program only supplies about 40,000 to 45,000 workers. But we need and have over 1 million in our workforce who are foreign nationals and, frankly, they are illegal, and we know they are. It ought to be fixed because we don't want to base our economy as American agricultural producers on an illegal process because someday it may do us damage.

So I began to work, along with several others, to try to build and propose changes within the immigration laws to create a legal guest worker program. We were doing that in 1999 and 2000. And in 2001, as we all know, America's roof literally fell in as we were attacked by the terrorist elements of radical Islamic fundamentalism.

America became angry and frustrated. We began to find out that our immigration process was broken. I knew about it. I was working on it at the time. What I kept saying to my colleagues in counseling them is, as we secure our borders, let's also redo our immigration laws to identify the illegals who are in our country—treat them justly and fairly but identify them—to see if some of them deserve to stay here and work, while at the same time making sure we have a system that in the future recognizes the need for immigrant labor in our economy and specific to agriculture.

We worked on that a long while.

This year the Senate passed a comprehensive immigration bill. Parts of it I agreed with and parts I disagreed with. I voted for it to move the process along because I thought it was critically necessary because I didn't want to get the cart in front of the horse. I wanted the horse in front of the cart, and the horse in front of the cart is border security as a first line of defense in monitoring and controlling illegals in our country. The second line is a legal process which makes sure that those who are here are legal, and those who want to come to work in our economy are legal. And if you don't do them both in tandem, I think you create phenomenal problems for our country and our economy.

While we have been doing all of this, some would say we have done nothing on the border. That is why we need to pass H.R. 6061. If they are saying that, they are not looking at the facts, and they don't recognize what has happened.

Let me read some of the facts of what we are doing. We have increased funding by $7.97 billion—billion—for border, port, and maritime security. We spent $34 billion on the border and port and maritime security to date. We have added 3,736 new Border Patrol agents, out of a total of 14,000, whom we are training and supplying over the next 5 years. And it was the Craig-Byrd amendment of 2 years ago, at the time of appropriations on the floor, when real dollars went into the program—$500 million a year—to train those border patrolmen that we are talking about right here at this moment.

So if you detain and arrest foreign nationals who are illegal in our country, what do you do with them? You have to hold them. We didn't have anyplace to keep them. We have now added

9,150 new detention beds out of a total of 27,000.

We are now building 370 miles of fences in the congested urban areas along our southwestern border with Mexico. We are doing it right now. The legislation before us simply talks about it. Concrete is being poured, wire is being strung, and double fencing is being created as we speak. Why? Because many of us thought it necessary 2 or 3 years ago to get started in this process that is critically important right now.

In the area of border tactical infrastructure and facility construction—and by that we are talking about surveillance equipment, electronics, sensing devices—$682 million is being spent. The numbers go on and on and on.

Why I am here talking about this is because we are today building a border system to secure and control our borders.

Just before the Easter recess, I was one of those privileged to be at the White House to talk to our President about our chairmanships. I am chairman of the Veterans' Affairs Committee. And that afternoon the President said to me: Well, Senator CRAIG, how are things in Veterans?

I said: Mr. President, I don't want to talk about veterans today. I want to talk to you about something that I think is critical and necessary that we do now.

He said: What is that?

I said: I think you need to declare a state of emergency on our southwest border, nationalize the Guard, assemble our National Guard on the border and close it.

He looked at me with a bit of surprise. He said: How can you propose that? You are the advocate of AgJOBS, Senator CRAIG. You are the guy out there promoting reform in immigration right now.

I said very simply and very clearly: Mr. President, we have to build credibility with the American people that we have lost because our borders are not secure and we have not controlled them.

Now, all of us and all who may be listening know the rest of that story. There are now 6,000 Guard men and women deployed to our southwest border, and that allows us to more effectively utilize the Border Patrol along our border and to spread our Guard out into the broad expanses of a 2,000-mile border which are maybe less dangerous than the congested areas where the greatest numbers come across. Our Guard men and women are not policemen. Our border patrolmen are. They are trained. They are officers of the law so they can detain and arrest. But at the same time, the combination of using our border patrolmen, our National Guard men and women, and our Border Patrol is the right combination.

The reason I talk about this and set this idea in front of my colleagues is to express what is really going on out there; that is, this country is investing heavily on the southwestern border as we speak. We are spending billions of dollars. Fences are being built, and there are literally thousands of our men and women on that border securing it.

Is it working? Yes, it is working. Is our border closed? No, it is not. It is a 2,000-mile border across arid, desolate, and oftentimes extremely rugged terrain, and we will have to continue to invest to do that.

Let me tell my colleagues and show my colleagues the proof of what I am saying. The border is closing. My colleagues will remember that cart-and-horse analogy I used a few moments ago, where if we didn't close the border and get a comprehensive legal process to bring migrant workers into our country for the sake of agriculture and other industries, we could do real damage to our economy. So the border is closing, but we haven't passed a comprehensive reform bill. In fact, the politics would suggest we can't get there right now. And most assuredly, the U.S. House of Representatives, in my opinion, did the wrong thing this summer. They went out and condemned the work product of the Senate when they should have been at a conference table trying to work out our differences. They should have been trying to solve the very real problem that is now embodied in all of these press releases which are pouring in from across the country that speak of the crisis in American agriculture. It is a crisis born out of the reality of what I have just talked about: that a border that should be closed and secured is, in fact, closing and being secured.

Let me start with Idaho: "Potato Growers Struggle Without Immigrant Labor." The potato harvest is now just starting in the State of Idaho. The packing sheds will soon be full as that marvelous Idaho baking potato begins to sell in the world market. There aren't enough people available this year to help harvest those potatoes, and many of those people who are not available are migrant workers. The reason they are not there is because they can't get there. The legal system can't function quickly enough to get them there, and those who were coming illegally aren't coming because the border is closing.

Another press release: "Potato Growers Face Labor Shortage." That is just in Idaho where tragically enough, and in a real sense, we probably have 30,000 or 40,000 illegal foreign nationals working in agriculture and other work areas every year, and our unemployment rate is 2.5 percent, which means we are at full employment. But we need that kind of labor, and it is not coming.

Now let me continue—but only for a moment because other colleagues are here on the Senate floor to talk about this issue—down through these press releases. My colleague from California is on the Senate floor. She represents the largest, wealthiest agricultural region in our Nation known as the great San Joaquin Valley. There is no other agriculture like it in the world. If you haven't been there and visited, it is simply worth your time. Every fresh fruit and vegetable known to any consumer in this country is grown in the great San Joaquin Valley. I have always marveled at that agriculture. It is also true the Senator from California and the San Joaquin Valley probably host more illegal workers than any other area in our country. What is happening there today is that crops are rotting in the fields. Fruit is not being picked. Vegetables are not being harvested. That kind of agriculture that is intensively hand labor agriculture is suffering. I am told by some we could literally lose the raisin industry of our country, and that would be a tragedy if the politics of the Congress will not allow us to get to a legal system to allow that type of workforce to exist in our country today.

I could walk my colleagues through hundreds of press releases and the stories now being told by American agriculture of nobody there to help them pick their crops, to supply the marvelous vegetable stands of the produce sections of America's retail food industry with the abundance that we have all known. We saw it start in February in Yuma, AZ, in the great Imperial Valley where billions of dollars' worth of vegetables are picked in February and March to supply us—lettuce and celery and all of those kinds of things that we are used to. A third of it didn't get picked this year. That is a crop that is worth $3.2 billion at the farm gate, and a third of it rotted in the fields because we in Congress couldn't get our act together. That is a tragedy and it is a shame.

It is believed between now and the end of harvest, or between now and next year, American agriculture could literally lose billions of dollars' worth of fresh produce that would go to the supermarket shelves of our country for all of us to eat, all of us. And if it isn't there and there is a limited amount, you know what happens. The price starts heading up.

Those producers of those products tell me they have advertised in their communities, they have pled with people to come out and work. They said they would increase their salaries substantially. But nobody is there to do the work. Americans do not do stoop labor anymore. It is a reality that we ought to face. Yet we have not been willing to face it.

Yes, we need a fence and we are building it. Yes, we need border security and we are accomplishing it, and we have not finished. Clearly, for the safety and security of this country our borders are more important than nearly anything else. But if you cannot feed your country, if you are going to lose your agriculture, if you are going to cause bankruptcies that are no fault of the farmers themselves, then you are doing some very real damage—along with your unwillingness to recognize the reality of a law that no longer works and a work product we are trying to accomplish at this moment.

We will probably have to go through an election. We will probably have to get the politics of the election out of the way before the House and Senate will come to the reality of the problem that is clearly before us today because we are just a week and a half from adjournment or recess until after the election.

The kind of comprehensive work that we should have been doing in August and we should have been doing in September turned into politics and not constructive work. I hope the House bill in front of us is not an extension of those politics and politics alone. I hope it really is meant to fit into a total package of border control and comprehensive immigration reform that allows this country and our economy and our hard-working agricultural people a legal, transparent, and open guest worker immigrant labor force. We need it. We have always needed it. We should not be denying its reality today.

The Senate attempted to accomplish that. We argued mightily on immigration reform on the floor of the Senate for nearly a month, and we do not all agree because it is in itself a very contentious issue. It has all aspects of the American culture and the American emotion tied into it. But as we studied it I think a majority recognized the reality of doing the right thing. The horse and the cart have to be connected. Border control and border security is the first line of defense, and a legal structure behind it that gives employers a legal, identifiable workforce is necessary and appropriate, and they have to be connected.

Let me close with this thought: We do not reform immigration laws in this country, we let them go. Politically we will not handle them. But we will continue to tighten a fence until our 2,000-mile land border is complete and the border closes. There will be a new phenomenon emerge in the port of Los Angeles along the coast of California, and they will be called "boat people." Because those who want to come here to work, once we have created the fence across the land surface that they now trek, will find another way to get here. Somebody in a fast speedboat will charge $1,000 a head and they will pick them up in Mexico and shoot them around the water and across the waters and into the coastline.

My point is simply this. You have to have two things that work here to make it work. You have to have border security and you have to have a law, a law that works, so when that employer hires a foreign national, the ID card is real and they know they are hiring a legal person. I am not going to put American agriculture or any other law-abiding employer at risk when they need people to get the harvest out unless we do so in a way that says we will sanction you if you hire somebody who is illegal, but we are going to make sure that you have a workforce that is legal and has the kind of transparency of ID and uncounterfeitable documents that are critical and that are in the Senate bill.

Those are some of the issues we need to talk about and we are going to ignore now until after the election. Here are the press releases. Billions of dollars will be lost in American agriculture this year and American consumers will pay an increased price for the quality produce they buy on the fresh fruit shelves of our country. It is a reality. It is happening as we speak.

I thought it was important that I come to the floor to talk about it. Most want to simply ignore it because the politics of the issue is simply too difficult to deal with. It is not too difficult to deal with. We can do both as a great nation. We can secure our borders. We can improve our immigration laws. We can provide a legal and necessary guest worker/migrant worker program for the segments of our economy that speak to that type of workforce. It is our responsibility. I hope we do not shirk it or turn our back on it.

American agriculture, along with a lot of other segments of our economy, will suffer if, in fact, we do not have the political will to accomplish the right and responsible issue and things at hand.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to congratulate the distinguished Senator from Idaho on his comments. I subscribe to them 100 percent. I congratulate him and thank him for the leadership he has provided on the AgJOBS program. I don't think there is anyone in the U.S. Senate who knows more about what the needs in agriculture are across this great land than Senator LARRY CRAIG. He has been consistent and he has been devoted. I think his expressions here today are really the expressions of virtually everyone in the Senate who knows what is happening in their own State with respect to agriculture today.

I also rise joining you, Mr. President, as a member of the Judiciary Committee, and the one who moved the AgJOBS program on to the immigration bill that is part of the Senate bill. I come here with a plea and that plea is, if there is going to be a border security bill before the full U.S. Senate, add the AgJOBS bill to it, because it is a crisis and it is an emergency and there is a practical need to do so.

It just so happens that there are two amendments at the desk that would do this. There is a Republican amendment on AgJOBS sponsored by the Senator from Idaho, and there is a Democratic amendment on AgJOBS sponsored by the Senator from California. They are one and the same. They could be easily added by either one of us and either one of us is willing to cosponsor the amendment of the other. The reason is because it is in fact an emergency.

This is harvest season out in all the great States. I was once told—Senator CRAIG, you know him well—by Manuel Cunha, of the Nisei Farmers League, just for raisins alone in my State, it is 4 counties and it takes 40,000 workers to harvest those raisins.

The Senator mentioned that California is so large in agriculture. I want the President to know that it is a $31.8 billion industry. That is in 2004. It is an enormous industry. We have 76,500 farms in California. I am asking every one of those farm owners to weigh in at this time. Let the Senate know that there is now an opportunity to see that you have a certain, stable workforce. Weigh in with the Senate and say: Put AgJOBS on the border security bill.

We have 1 million people who usually work in agriculture. I must tell you they are dominantly undocumented. Senator CRAIG pointed out the reason they are undocumented is because American workers will not do the jobs.

When I started this I did not believe it, so we called all the welfare departments of the major agriculture counties in California and asked, Can you provide agricultural workers? Not one worker came from the people who were on welfare who were willing to do this kind of work. That is because it is difficult work. The Sun is hot. The back has to be strong. You have to be stooped over. It is extraordinarily difficult work.

For a State as big as mine, there is an immigrant community which is professionally adept at this kind of work. They can pick, they can sort, they can prune, they can harvest—virtually better than anybody. This is what they do. This is what makes our agricultural community exist.

It is very hard for a farmer to hire a documented worker. It is very hard to find that documented worker. So if they are going to produce, they have to find the labor somewhere.

My State produces one-half of the Nation's fruits, vegetables and nuts. One-half comes from California. We produce 350 different crops. We have an opportunity now, with this bill, to get adequate labor for this harvest season on this border security bill.

We know the votes are here in the Senate. We know the votes are in the House of Representatives. We know the

President would sign the bill. Why not do it? Why not do it? Both Senator CRAIG and I want to plead with the leadership of the Senate, allow us to put this amendment up before the Senate. We can limit our debate. We know the votes are there. Let me ask the Senator, when this matter came before the full Senate; that is, before the immigration bill, how many votes did you have for the AgJOBS program?

Mr. CRAIG. I believe when there was a clear and clean vote on AgJOBS alone there were 53 who voted for it that day and there were 4 absent who would have voted for it. I believe there are between 58 and 60 votes for the AgJOBS provision and bill the Senator speaks to.

Mrs. FEINSTEIN. I actually believe, if I might respond, that there are 60 votes because of the amendments that we made in Judiciary—which certainly brought me along, and I wasn't there before.

Mr. CRAIG. That is correct.

Mrs. FEINSTEIN. And I think it brought others along as well.

Mr. CRAIG. If the Senator will yield, she makes a tremendously important point. The original AgJOBS bill that brought the vote I just spoke to is not the bill before us now. The amendments that the Senator has brought and the amendment that I brought—because the Judiciary Committee itself changed some of it at the Senator's guidance and direction, and on the floor we added additional amendments—added the safeguards and protections and fines and the requirement of paying back taxes, to cause that illegal, who might become legal through this process, certain responsibilities that were not in the original bill.

Mrs. FEINSTEIN. That is correct.

If I may, through the Chair, I would like to ask the Senator one question. He mentioned the H–2A Program which in my State has not been a widely used program. This is a reform, also, of the H–2A Program, to make it more broadly applicable across the line. Is that not correct?

Mr. CRAIG. The Senator is absolutely correct. It identifies and deals with those agricultural workers who have been here for 3 years or more, who are undocumented, who could become legal. That is step one. Then it deals with a reform, streamlining of and a more usable H–2A Program, to implement an effective guest worker program.

The point the Senator is making I think is very important for the Senate to understand. If we were to pass AgJOBS tomorrow, if it were to become law, many agricultural workers who were once in the field working but may have moved somewhere else in our economy with the opportunity to become legal would return to agriculture. It is not letting more across the border. It is causing those who have moved to construction and housing and other places to say, Gee, you mean I could become a legal worker if I went back to agriculture and stayed there for 150 workdays?

The answer is yes. There could be a near immediate relief brought by the passage of the AgJOBS provision.

Mrs. FEINSTEIN. The Senator is absolutely right. I think he has made an excellent point. We know that many of the workers in agriculture who are undocumented have gone on to work, for example, in construction, in the service industry, in the restaurant industry, in the hotel industry, and so on and so forth. But they work in the shadows. They work with fear today.

The program that the Senator and I are speaking of is not just a pile of programs. This is a 5-year sunset program. But you would see how it would work. You would then have documentation of every individual that is legally working in that program.

In my State of California, growers are reporting that their harvesting crews are 10 to 20 percent of what they were previously due to two things: stepped up enforcement, a dwindling pool of workers, and the problem that ensues from both.

We have an opportunity to put AgJOBS on this bill, a modified AgJOBS, reforming the H–2A program, pilot AgJOBS for 5 years. I will explain very quickly how that works. I think it is important that people understand this.

The first step would require the undocumented agricultural workers apply for a "blue card," if they can demonstrate that they have worked in American agriculture for at least 150 workdays over the prior of 2 years. The second step requires that a blue cardholder must work in American agriculture for an additional 5 years and work 100 days a year, or 3 years at 150 workdays a year; again, a blue card, biometric, would be documented. For the first time you would know who the worker is. The farmer would have certainty that he can hire that worker. If the worker meets this expected work requirement, they will then be eligible for a green card. Employment would be verified through the employer-issued itemized statement, pay stub, W–2 forms, employer letters, contracts, or agreements, employer-sponsored health care, timecards, or payment of taxes. The program is capped at 1½ million blue cards over 5 years. It will not have an annual cap.

I have explained it. My State alone has a million agricultural workers. How many does Idaho have? I ask he Senator through the Chair.

Mr. CRAIG. We are not quite sure. We believe it could be between 35,000 and 40,000.

Mrs. FEINSTEIN. I thank the Senator very much. That may be a much smaller amount.

But virtually every State represented in this Chamber can come forward with a like amount of people. Virtually every Member in this Chamber can come forward with problems they are having with harvesting at this particular point in time.

I am told there are problems harvesting citrus in Florida, apples in New Hampshire, strawberries in Washington, and cherries in Oregon. In Wyoming, it has been reported that the labor shortage played a central role in the eminent closure of the $8 million Wind River Mushroom Farm.

Let me quickly run through a couple of other things.

Perhaps the most impacted are the organic farms, which are highly labor-intensive. Hand-picked crops such as at Lakeside Organic Gardens, which happens to be in my State, are suffering as fields go untended and acres have been torn up because there is no one to harvest them. The situation is so bad that this particular farmer, Dick Peixoto, has been forced to tear out nearly 30 acres of vegetables and has about 100 acres that are compromised because there is no one to weed them. He estimates his loss so far this season to be $200,000. That is worse than anything he has seen in 31 years of farming.

Some fields in the Pajaro Valley in Santa Cruz County are being abandoned because farmers can't find enough workers. Farmers in that area say there are 10 to 20 percent fewer workers available to harvest strawberries, raspberries and vegetable crops. That is the great Pajaro Valley that produces artichokes and acres and acres of row crops. They say we have sustained strawberry and raspberry losses due to shortage of labor.

> Strawberries lost are approximately 100,000 cartons for the fresh market, raspberries approximately 50,000 cartons. Due to the shortage of labor, we were unable to harvest 900,000 pounds of lemons and 128,000 pounds of grapefruit.

These are some examples of what is happening. You can pick up newspapers, the San Jose Mercury News, headline: "Worker Shortage Crippling Farmers." It goes on and depicts it.

> Morgan Hill: Farmers are reporting a shortage of labor to harvest crops forcing them to take huge losses. The impact is mixed, varying with the amount and type of crops a farmer is growing. Those growing more fragile crops such as strawberries and peppers have been scrambling to find enough workers to pick the harvest.

This goes on to say they cannot harvest their yields. Labor pains increasing for the great San Joaquin Valley that Senator CRAIG spoke about. Manuel Cunha said symptoms of labor shortages are showing up with fewer pickers in the Valley's orchard.

> Between the tree fruit guys, the crew sizes are varying from a crew of 20 to 22, down to 9 to 15. What is happening now is we are starting to see a trend going toward table grapes. The Valley is starting to get into the

table grape harvest in the Arvin area. The word I am hearing is that the table grapes may take workers from tree fruits because the free fruit workers are only working so many hours in the day because of the demand. Union-produced labor shortages became more pronounced in the coming weeks with the start of the raisin grape harvest.

It goes on like this in article after article.

The Farm Bureau Federation of my State: Headline: "Labor Shortage Teeters on Critical Edge."

As the border with Mexico tightens, and Congress continues to drag its feet on passing comprehensive immigration reform, farmers and labor experts say that the California farm labor pool is rapidly shrinking. A lag in reporting labor statistics makes it hard to pinpoint exactly how short the labor supply really is, but many growers put the gap again at about a 10 to 20 percent shortage Statewide.

This goes on and on, report after report.

There is rarely a time where issues come together and it is possible to move aggressively on something such as this. This is one of those times. AgJOBS has been debated on the floor of the Senate. It has been debated in the Judiciary Committee. It has been amended. It has come out of part of the immigration bill.

Senator CRAIG and I have worked to see that the amendment at the desk remedies all the problems that were brought up in the last floor discussion. It is ready to go. It can be added to this bill. It will pass in the House.

Why won't the leadership allow this amendment? It would be one thing if there was not a crisis out there. It is another thing if there is a crisis. And there is a crisis. Everyone in this body knows that. Everyone knows farmers are scrambling. Everyone knows farmers are losing their crops. Everyone knows there is produce on the ground that can't be harvested. Why don't we do something about it? And everyone knows that agricultural labor in the United States of America is virtually dependent on undocumented workers. This is a way to document them. This is a way to enhance security. This is the way to get the workforce for our farming communities that we need.

I went to ports, and I saw boxes and carton after carton of export products at the ports. We depend on exporting our fruit. You can't do it if you can't harvest it. What happens when the prices begin to rise in the markets? And they will. Lettuce that can't be harvested, tomatoes that can't be harvested, almonds, raisins, grapes. We had a chance to do something about it, and you have Senators standing here on the floor saying we could do something about it now, it will pass, it will be signed, it will go into law.

AgJOBS is the one part of the immigration bill about which there is uniform agreement. Everybody in both bodies knows that agriculture in America is supported by undocumented workers. As immigration tightens up, and they begin to pull people and deport them, as farmers have trouble finding them, as they hide in the shadows more, the result is our crops go unharvested.

We are faced today with a very practical dilemma and one that is so easy to solve. The legislation has been vetted and vetted and vetted. Senator CRAIG, I, and a multitude of other Senators have sat down with the growers, with the farm bureaus, with the chambers, with everybody who knows agriculture, and they have all signed off on the AgJOBS bill. Why don't we pass it? What kind of a plea will be heard? How many farmers have to be ruined to prove a point that I don't understand, that I can't fathom, that I can't believe we turned down this opportunity to solve a real problem.

If you want a Republican amendment, it is at the desk. If you want a Democrat amendment, it is at the desk. They are both the same.

I am simply here to say, Mr. Leader, let this come to the floor. Mr. Leader, take the steps that can save American agriculture right now. Leader, pass this bill which has be vetted, which has been debated, which has been discussed in both Houses, several committees and on the floor of the U.S. Senate. Simply bring this amendment to the floor. Don't fill the tree and now allow this amendment.

I say once again, the 75,000 farmers in my State, if there ever was a time to weigh in, this is it. If there was ever a time for you to pick up that phone and call every Member of this body and anyone you can and say, Hey, I am a farmer, and I can't find labor to harvest my crop, this is a bill that can help me, and I want you to pass it now. In my State, 76,000 farms. If half would do it, if a quarter would do it, if a tenth would do it, we would get this bill passed. For farms in other States, this is your moment. Stand up, weigh in. We are, after all, a representative democracy. We represent people. We represent States. These people and these States have weighed in, in the press, and said: We are in trouble. We need help.

Now is the time. I say to the Republican leader of the Senate, do not turn your back on the farm community of America. This community needs undocumented labor to plant, to prune, to clear out weeds, and to harvest. That has been the case for years. Give it certitude. A pilot program; 5 years; 1.5 million blue cards over the 5 years; specific requirements; taxes paid; filing with the Government; fines paid. But people can work and harvest the crops. I say to the Members of this Senate, it would be a terrible tragedy if we turn our backs on the breadbaskets of America. We have an opportunity. It is so simple. Just enact this AgJOBS program now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I am pleased to follow the distinguished Senator from California and the distinguished chairman from Idaho. They make a compelling case. I represent an agricultural State in the great State of Georgia. I understand the difficulties they have outlined. They have also given me a couple of points to follow on to demonstrate how important it is that this Senate, in fact, embrace comprehensive reform but do it in a two-step process where we ensure our borders.

The distinguished Senator from California made the following statement: The reason we have so much illegal immigration today is because Americans don't do the jobs or won't do the jobs. I submit that is partially right.

The reason we have so much illegal immigration today is because it is easier to get into the United States illegally than it is legally. At a time of war on terror, that is a huge problem. We owe it to ourselves to fix our immigration system in a tandem, in-step process that guarantees security and then reforms immigration to meet the demands of American business, American agriculture, and American industry.

We do not find anyone trying to break out of the United States of America. They are all trying to break in, for a very good reason. This is the land of hope, opportunity, and promise. We have to return to the day where the way to come to this country is legally and not illegally. The best way to do that is to make illegal immigration into this country untenable. The way to do that is go from making promises to actually causing reality to take place on our border.

I support the motion to proceed on this House bill, H.R. 6061. I support Senator SESSIONS' amendment to the original bill in the Senate to put up a barrier. I support authorizing them. But I remind my colleagues in this body that we do two things that start with "a": we authorize and appropriate. An authorization is a promise, and an appropriation is a commitment. It is time in terms of securing our borders that this Senate and the body across the hall made a commitment and made border security a reality.

I commend Chairman JUDD GREGG on the tremendous work he has done. Chairman GREGG is precisely correct. We are making progress toward securing the border. However, we have not closed the deal. We have not finished the appropriation. We have not gone from the authorization commitment that it will take to do so. Until we do, we can never have a meaningful immigration reform program.

I suggested, Senator CORNYN has suggested, Senator SESSIONS has suggested, and Senator FEINSTEIN just made the statement that this is truly a national emergency. If it is, it is truly a time for an emergency supplemental from the President of the United States to fund those things we have all agreed it takes to secure our border.

For the sake of clarity, I will go through those for a second: 6,000 more Border Patrol agents, which, by the way, can be accomplished and trained in 24 months; barriers along the border in those geological and geographic areas that demand barriers, as in southern California years ago. We know how much that cost. That can be accomplished in 24 months. We need the "eyes in the sky" referenced in H. Res. 6061, the seamless "eyes in the sky" so our manpower can be multiplied tremendously because we have unmanned aerial vehicles patrolling our border, all 2,000 miles of it, night and day. We need to fund the judicial and prosecuting authority along our border to the southwest to see to it that when we make a case, we prosecute. Lastly, we need to build the detention facilities that end the practice of catch and release.

The beauty of going ahead and making the commitment to do it is, immediately upon doing so, those who are here illegally will comply with whatever program we come up with because they will know they can no longer go home. When the border is secure, it works both ways. We can do that. I have not met an American citizen yet in this debate which has been raging for the better part of the last 5 months in the Congress of the United States who wouldn't consider granting legal status to someone who is here illegally if they have cleared the terrorist watch list, if they have demonstrated they have a job, but they don't want to do it until they are sure our border is secure.

History is a great teacher. Twenty years ago, Alan Simpson, from Wyoming, was the author of the American immigration reform bill. The American people were clamoring to do something about the 3 million undocumented and illegal workers who were in America in 1986. People along our borders were clamoring for border security. We passed the Simpson bill. It promised border security. It granted amnesty to those 3 million.

The reality was, we delivered on the amnesty. We looked the other way on border security. And today, we have a 12 million-illegal-aliens problem. If we do a wink and a nod to border security now and reform immigration to attract more, all we will do 20 years from now is have an untenable number of 20, 25, or 30 million.

So H.R. 6061 sends a great message. I might add, the reason it got 96 votes with no dissenting votes on a motion to proceed today, most Members of the Senate have gone home. Most have talked the last 5 months to their constituents. Most know the American people want the border secure. It is a good political vote to authorize those barriers, those fences, and this appropriations. However, it is ultimately our responsibility to see to it that we authorize and appropriate border security and do it in tandem with a reformed immigration program.

By the way, I am always amused by how everyone said we have to get this new reform program in place and don't make the barrier be a trigger for it. That won't work. The truth is, it takes just as long to get the reform program workable as it does to perform those items I just delineated to secure the border. In fact, the verifiable, nonforgeable, biometric ID that we need, we know we can do it in 18 months and have implemented in 24 months. That happens to be exactly the same period of time it takes to get the job done on the border.

It is time we start parsing on the edges. It is time we stop making this a chicken-or-egg proposition. It is not a chicken-or-egg proposition. Reform of immigration can only take place after we have secured the border. The work it takes to secure the border is exactly the time period it takes to prepare for the new situation of legal immigration.

We are close to a great opportunity to respond to the American people and do what is right. I commend my colleagues who come to the Senate and support 6061. It will send a great signal. But it is only a promise. We need to deliver a reality.

I ask unanimous consent that this letter to me from Richard A. Smith be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 5, 2006.

Hon. JOHNNY ISAKSON,
U.S. Senator.

DEAR SENATOR ISAKSON: I write to inform you of the grave concern I have with respect to both Houses failure to pass immigration reform legislation. I cannot imagine what more you and your colleagues require to motivate Congress to take action on this pressing matter of national security. More than a full year has passed and still not a shred of evidence that the House or Senate fully appreciate the concern this country has over illegal immigration. The impression is that government has completely failed its citizens on this pressing issue.

My vote and support, will go to the party that can address this critically important national security issue. The United States of America is being invaded by a foreign country without firing a single shot and our country's elected officials are apparently incapable of coming to agreement on a solution. I could not be more disgusted with Congress over this issue. You and your colleagues are urged to act on this pressing issue.

Very truly yours,
RICHARD A. SMITH,
Bernardsville, NJ.

Mr. ISAKSON. I will not read all of it, but this is an American citizen who wrote this letter today which I think illustrates the critical need for securing our border and ensuring it is done before we open the gates.

> More than a full year has passed and still not a shred of evidence that the House or the Senate fully appreciate the concern this country has over illegal immigration. The impression is that government has completely failed its citizens on this pressing issue.
>
> The United States of America is being invaded by a foreign country without firing a single shot and our country's elected officials are apparently incapable of coming to an agreement or a solution. I could not be more disgusted with the Congress over this issue. You and your colleagues are urged to act on this pressing issue.

I don't know how many letters have been written that contain thoughts almost identical to those of Richard Smith, but there have been lots of them. They are by far the preponderance of the communications to this Congress and this Senate.

Let's get H.R. 6061 up for a vote. Let's pass it. Let's make another promise toward border security. But let's come back in a timely fashion. Let's secure our borders and make the commitment and the investment that will take place. Let's reform our immigration process so the way to come to America in the future is the right way, not the easy way because we looked the other way.

Anders Bengsten was the father of my grandfather, whose name was also Anders Bengsten. He was a potato farmer in Sweden. When the famine hit in 1903, he emigrated to the United States of America. In Scandinavia, you don't keep the last name you had there; you take your father's first name, Isak, and add to it "son." That is why most Scandinavians are Isakson, Ericson, Johnson, and Olson. He came to America and became Anders Isakson. He fled because of the potato famine. He landed on Ellis Island. He came legally. I have gone to Sweden and gotten the embarkation and legal papers. I have them at home.

My father was born in 1916, while Anders was still here legally but as an immigrant. My father is an American citizen today because of birthright citizenship. I am a citizen today because Anders Isakson bore that son in 1916. The proudest thing I have on my wall in my den at home is the May 3, 1926, documents that made Anders Isakson a U.S. citizen when he completed his process, 23 years after coming here legally as an immigrant, to become a citizen of the United States of America. There is not a person in this room who respects immigration and the right to come to America and the promise of Ellis Island more than I do. I am a living testimony to its promise.

It is time we return to a pathway to citizenship that is legal. It is time we stop looking the other way and letting people come to America the easy way and the soft way, and say to those who are learning our language, studying our history, those who are pledging allegiance to our country and disavowing their previous allegiance, those who are coming the right way ought to be the stars in the crown of American immigration. It is time we secure our border. It is time we reformed our immigration so the numbers coming reflect the demands of our economy. It is time we stop making promises. It is time we start delivering. America is too important. This issue is too critical to the American people.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMAIR FLIGHT 5191

Mr. McCONNELL. Mr. President, the people of Kentucky are still reeling from a terrible tragedy that struck less than a month ago. On August 27, ComAir flight 5191 crashed shortly after takeoff at Blue Grass Airport in Lexington. Forty-nine people perished.

Grief has descended on scores of families and into countless lives because of this devastating event. I know I am joined by all Kentuckians in extending sympathies and prayers to the families and loved ones of the victims.

As we continue to grieve, people throughout the Commonwealth are looking for answers. The National Transportation Safety Board has begun an investigation into the cause of this crash and what recommendations can be made to improve future aviation safety. I think we have an obligation to make sure their investigation proceeds smoothly and thoroughly and concludes in a timely manner so that all the questions can be answered as completely as possible. I have been personally briefed by the NTSB on the status of the investigation and intend to follow it very closely.

I spoke to the President about the crash, and he offered the entire State his prayers and is devoting the resources of the Federal Government toward the investigation.

I also expressed concerns to the Transportation Secretary nominee, Mary Peters. She is aware of our concerns and the need for a thorough investigation conducted in a timely manner. Today, she will have the opportunity to update the committee as well. We also need to hear what changes need to be made to our aviation system to prevent catastrophes in the future.

Mr. President, it is impossible to overstate the sorrow that has draped over so many lives in the Commonwealth of Kentucky. Most of the passengers on flight 5191 were from my State. In a variety of different places across the State, it is rare not to know someone who knew one of the victims.

As Kentucky continues to heal, we will take a deep breath, refrain from jumping to conclusions, and finish a thorough and complete investigation.

Kentuckians have drawn together during this crisis to lend each other strength. I am proud of the outpouring of aid and voluntarism that the residents of the Bluegrass State have shown their neighbors. Grief will be there for a long time to come, but sympathy and support will be there too.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOLIDARITY WITH ISRAEL

Mrs. CLINTON. Mr. President, today, supporters of Israel are gathering in New York to show solidarity with our friend and ally, the State of Israel, and I am proud to join my voice with theirs in support of Israel. As world leaders gather in New York City for the General Assembly, the world must know that Americans and all people who value freedom and the rights and dignity of human beings around the world stand with Israel as it defends itself against unwarranted, unprovoked attacks from terrorists and their state sponsors.

It is essential for those of us who care deeply about what is happening in Israel now to recognize that Israel's struggle is a struggle on behalf of a future where people will be able to live in peace and security. The kidnapping of Israeli soldiers that precipitated the conflicts in Lebanon and Gaza have not yet been resolved, and it is essential that Israel's abducted soldiers are returned to Israel unconditionally. I have met with family members of one of the soldiers abducted in Israel near the Lebanese border who spoke eloquently and movingly about the importance of securing the safe return of the captured soldiers. Today I sent a letter to Jacob Kellenberger, president of the International Committee of the Red Cross, asking that he do whatever possible to determine the health and well-being of the three soldiers, to ensure that they have their full rights under the Geneva Conventions, and to do what he can to secure their release.

Israel's right to exist, and exist in safety, must never be put in question, and we must continue to stand up to offensive rhetoric and terrorist violence that threatens Israel's existence. Iranian President Mahmoud Ahmadinejad, a repeated purveyor of offensive rhetoric, is currently visiting New York for the United Nations General Assembly. It is my hope that world leaders will convey the message that through his statements calling for Israel's destruction and support for the terrorists who rain rockets on Israeli civilians and abduct its soldiers, President Ahmadinejad continues to lessen his standing as a credible world leader in the community of nations.

ARMENIAN INDEPENDENCE

Mrs. BOXER. Mr. President, I take this opportunity to recognize and celebrate the important milestone of the 15th anniversary of Armenian independence.

Armenia has a rich history which spans more than 3000 years. Considered one of the cradles of civilization, Armenia was the first country in the world to officially adopt Christianity as its religion. The Armenian alphabet and language have helped ensure the continuation of a vibrant Armenian culture, despite great odds and numerous attempts to destroy the Armenian nation and the Armenian people.

I was honored to witness the resiliency, courage, and spirit of the Armenian people when I visited Armenia as a Member of Congress in 1991, in the aftermath of the devastating earthquake. During that trip, my commitment to recognizing the Armenian genocide was further strengthened.

In 1915, the Ottoman Turks attempted to annihilate the Armenian people in a brutal genocide. To this day, the Turkish Government refuses to acknowledge the atrocities for what they were—a systematic genocide. Not only were the Armenian people able to survive the genocide, but they kept their small nation alive. It was a great victory when the first Republic of Armenia was formed in 1918 following the Armenian genocide. But again, Armenia faced dissolution when it was taken over by the Soviet Union in 1920; the short-lived independence of Armenia ended when it became a Soviet Republic in the USSR.

Again, the Armenian people persevered despite their loss of independence and despite more devastation. In 1988, disaster hit when an earthquake rocked Armenia, killing approximately 50,000 people and leaving more than half a million people homeless.

Then, on September 23, 1991, Armenia declared its independence from the Soviet Union and formed the second Republic of Armenia. This was a rebirth of the independent state of Armenia and an historic moment for an oppressed country. It was a cause for celebration for Armenians around the world.

I am proud that the United States helped the newly independent Armenian nation during its transition to democracy. In December, 1991, the United States formally recognized the independence of Armenia, and the two countries established diplomatic relations with embassies in each country in January 1992.

But more remains to be done. This 15th anniversary offers an opportunity to celebrate the United States' relationship with Armenia and to renew our commitment to this country and our calls for Armenian genocide recognition.

Following September 11, 2001, Armenia was one of the first countries to respond with assistance to the United States. Armenia provided embassy protection and clearance for U.S. flight, shared intelligence, and froze bank accounts. The U.S. friendship with Armenia remains critical in our fight against terrorism. The United States must never forget Armenia's help and must do all it can to help this independent, democratic nation prosper.

On this milestone 15th anniversary, I am honored to recognize Armenian independence. I pledge to do all I can to assist Armenia and my Armenian-American constituents in California.

WELCOMING KAZAKSTAN PRESIDENT NURSULTAN NAZARBAYEV

Ms. LANDRIEU. Mr. President, next week the United States will welcome President Nursultan Nazarbayev, the leader of the Republic of Kazakhstan. Fifteen years ago 15 independent states were formed after the collapse of the Soviet Union. The international community has followed the aftermath of these events in that part of the world with great interest.

Kazakhstan has demonstrated important economic gains during this period. The reforms which have been carried out thus far have allowed it to become one of the world's rapidly developing economies with an annual growth of 9–10 percent. Additionally, it has become the place for common ground among its various ethnic and spiritual groups.

As ethnic and religious conflicts divide regions around the world, Kazakhstan is working to preserve broad interfaith tolerance by creating the Congress of World and Traditional Religions. This program unites a predominantly Muslim country with more than 40 other faiths and fosters a dialog which assists in overcoming religious differences.

One cannot overlook Kazakhstan's contribution to nonproliferation and promotion of global security. Kazakhstan had the world's fourth largest nuclear arsenal, and renounced this lethal heritage without any pressure or coercion.

Independent Kazakhstan is a young nation, yet it has shown tremendous progress and occupies a worthy place in the international community. President Nursultan Nazarbayev has made significant contributions to the establishment of strong and friendly relations with the United States.

After the tragic events on September 11, 2001, Kazakhstan extended its generosity to the people of the United States and after Hurricane Katrina it offered its generous support to the people of Louisiana.

Today our countries enjoy a solid foundation for the continued flourishing of a partnership along the entire spectrum of bilateral relations. Kazakhstan is a dependable partner of the United States in the global war on terrorism. I am confident the upcoming visit of President Nazarbayev to the United States will deepen and strengthen the strategic partnership between our two countries.

NORTHERN MARIANA ISLANDS

Mr. BINGAMAN. Mr. President, the Commonwealth of the Northern Mariana Islands, CNMI, became a part of the United States 30 years ago with high expectations, but today they are an American community in deep distress. The CNMI economy is being bled by a rapid decline in its garment industry as the result of new international trade rules, by losses in its tourism industry, and by the loss of over $100 million each year in wages that are sent offshore by foreign guest workers. The community on Saipan, where 90 percent of the population resides is experiencing increasing problems with water quality and service, the electric system has returned to scheduled outages after years of reliable service, and overburdened wastewater systems cause regular contamination of the land, air, and water. The Government has recently made layoffs in an effort to balance the budget and has even cut back the number of workdays for those who continue to have jobs. Unemployment is conservatively estimated at 14 percent and rising, and a shocking 65 percent of children receive food assistance. Only 6 months ago, the Government asked Congress for an unprecedented $140 million in new appropriations to maintain government operations and meet critical needs.

There are many reasons for this dire situation; some are temporary, others are systemic. One of the systemic causes of this situation which should be addressed promptly by Congress and the administration is the local government's labor and immigration policies, particularly their promotion of an extremely high population growth rate, 500 percent in 30 years, and their promotion of the use of alien guest workers instead of U.S. citizens for nearly all private sector occupations. In order to establish a stable and sustainable foundation for the CNMI's future, a new Federal immigration and labor policy framework and Federal institutions are needed to properly control the borders and to properly manage the guest worker program.

When the CNMI became a U.S. territory in 1976, most U.S. laws were immediately extended. However, the granting of U.S. citizenship to the inhabitants and the extension of U.S. immigration law were not to occur until "after termination of the Trusteeship Agreement"; that is, not until after the international community, acting through the United Nations, recognized the extension of U.S. sovereignty over the islands by terminating the U.N. Trusteeship Agreement.

Unfortunately, during the 10-year period between U.S. approval of the covenant in 1976 and U.N. termination of the trusteeship in 1986, the CNMI began the importation of foreign workers to exploit a combination of immigration, wage, and trade privileges. In 1986, the Reagan administration wrote to the CNMI Governor stating that "the tremendous growth in alien labor [is] . . . extremely disturbing" and urged "timely and effective action to reverse the . . . situation." The administration warned that "the uncontrolled influx of alien workers . . . can only result in increased social and cultural problems." The CNMI policy was also inconsistent with the legislative history of the covenant which states that local immigration control was intended to restrict immigration in order to protect the indigenous community from being overwhelmed by immigrants.

Notwithstanding these concerns expressed by the Reagan administration, and later the Bush and Clinton administrations, the CNMI continued to import alien guest workers and other, nonworker, aliens. The population of 16,000 in 1976 has exploded to an estimated 80,000 today.

Mr. President, in 1999, the Northern Mariana Islands Covenant Act Implementation Act was reported favorably by the Committee on Energy and Natural Resources, and it passed the U.S. Senate by unanimous consent in 2000. It would have extended the Immigration and Nationality Act, INA, to the CNMI as anticipated under the covenant agreement which joined the United States and CNMI in political union in 1976. The measure was reintroduced in the 107th Congress and was again reported favorably by the Energy Committee. I was pleased that the measure continued to have bipartisan support at that time, including the "strong support" of the administration.

On June 21, 2006, I joined with my colleague and the chairman of the Energy Committee, PETE DOMENICI, in a letter to the Secretary of the Interior, copied to the Attorney General and the

Secretary of Homeland Security, asking whether there have been developments that would cause the administration to alter its support for this bill. We have not yet received a reply.

Mr. President, I ask unanimous consent that a copy of the recent letter to Secretary Kempthorne, a copy of the original, 2001 letter of support from the administration, and a copy of a section-by-section summary of the legislation all be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BINGAMAN. Mr. President, I believe the reasons the Administration and Congress should continue to support legislative action are compelling, and I present them here for the consideration of my colleagues and the public. In short, there are five reasons that legislation is needed to more fully implement the covenant agreement that ties the CNMI and the United States in political union: the lack of local institutional capacity, national security, ineffective law enforcement against organized crime, an unsustainable economic model, and inadequate protection for alien workers. I believe that any one of these reasons is a basis for the administration to reaffirm its support. All five reasons make the case for continued support overwhelming.

First, congressional action is needed because the CNMIs lack the institutional capacity to control its borders or to properly manage immigration and guest worker programs. In 1997, reports by both the U.S. Immigration and Naturalization Service, INS, and by the bipartisan U.S. Commission on Immigration Reform found that the CNMI does not have, and never will have, the capacity to properly control its borders because border control requires sovereign authority to operate overseas consulates, issue visas, and have access to classified national and international "watch" lists. During the Energy Committee's hearings on this legislation in September of 1999, the General Counsel of the INS, Mr. Bo Cooper, was asked, "Do you foresee any circumstances under which the government of the Commonwealth could operate an immigration system that is satisfactory to the Federal Government?" Mr. Cooper responded, "No, I do not." This fundamental fact has not changed with time, and it alone constitutes a basis for enacting legislation to extend Federal immigration control to the CNMI.

Second, Federal legislative action is needed because the post-9/11 environment requires that the United States secure its borders. The CNMI is an American community that deserves that same level of protection from attack as other American communities. The United States also has important military assets and training facilities in the CNMI, and our Nation's Naval and Air Force bases in nearby Guam are increasingly important both regionally and globally. The threat from North Korea, tension between Taiwan and China, and terrorist activity in the nations of Southeast Asia, all underscore the strategic importance of the Marianas. Yet the lack of institutional capacity to secure the borders underscores the vulnerability of the Marianas, and the Nation. Border control is an inherently sovereign function, and given the increasing importance of the Marianas, the increased threats they face, and the obligation of the President to protect all U.S. communities, this function can no longer be delegated to local authorities.

A third reason for congressional action is the CNMI's lack of capacity to screen for criminals entering the islands. This deficiency has contributed to the establishment of organized crime elements from Japan, China, and Russia in the community and to an increase in illegal drug, gambling, prostitution, and trafficking crimes associated with such elements. The 1997 INS report found that: "[There are] serious deficiencies in all facets of the Marianas' current system of immigration enforcement and control" and "There appears to be universal recognition amongst the Mariana Government Authorities that various organized crime groups, such as the Japanese Yakuza, the Chinese Triads, and the Russian Mafia have made inroads into the Marianas . . . Few of these persons are ever detected at the port-of-entry or apprehended while in the Marianas." The report recommended that Congress enact legislation to extend the Immigration and Nationality Act.

A fourth reason for congressional action is to change CNMI immigration and labor policies that are unsustainable and contribute to the distress the community now faces. The CNMI, promotes the use of guest workers to fill virtually all private sector jobs: unskilled, skilled, and even professional jobs. In addition, both the CNMI Government and the private sector earn income from the hiring of alien workers but not from hiring U.S. citizens. Consequently, those U.S. citizens who cannot find increasingly scarce Government work are left to go on welfare or emigrate. Unemployment is conservatively estimated at 14 percent and rising. An astounding 65 percent of children are on food assistance. Also contributing to this unsustainable economic model is the problem of wage remittances. For 2005, it was reported that guest worker remittances to their home countries was well in excess of $100 million. These remittances are bleeding the community of wealth that is no longer available to buy goods and services, create jobs, and otherwise stimulate economic activity for the benefit of the community.

The CNMI's labor and immigration policies also contribute to an unsustainable economy because they result in huge population growth rates which have overwhelmed the community's infrastructure and services. Most of these new residents are very low-wage or no-wage migrants who are a net drain on the economy, consuming more in public services than they contribute in taxes. As a result, water and power are rationed; sewage fouls the land, air, and water; and healthcare and education facilities are seriously overcrowded. Each year the economy struggles to support growing numbers of unemployed U.S. citizens, as well as thousands of nonworking alien and illegal alien residents.

Finally, local labor and immigration policies contribute to an unsustainable economy because the resulting high crime and deteriorating infrastructure create disincentives to investment. Gone are the clean and open beaches and the reliable utilities and services that attracted new hotel and tourist investment 20 years ago. Instead, the CNMI has asked the Congress for a $140 million bailout to sustain an economic model that is fundamentally flawed.

The fifth reason Federal legislative action is needed is to protect guest workers from abuse. Abuse of workers was the driving force behind congressional establishment of the Federal-CNMI Initiative on Labor, Immigration, and Law Enforcement in 1994. Following establishment of this program, Interior Department investigations confirmed the allegations of outrageous abuses, from widespread and systematic cheating of workers out of ages, to improper confinement, to coerced abortions. The worst of these abuses have apparently ended, in part through the efforts of the U.S. Department of the Interior's labor ombudsman. This office was established under the initiative in 1999 as a stop-gap measure because the Energy Committee's efforts to enact reform legislation had run into insurmountable opposition in the U.S. House of Representatives. The Interior labor ombudsman's responsibility was, and remains, to advocate on behalf alien workers; to give them a voice in the face of the inadequately funded and often indifferent local bureaucracy.

Unfortunately, the 2006 ombudsman's report states that while there have been improvements in the treatment of guest workers, "There are still a number of serious problems that have yet to be effectively addressed by local government officials: ensuring the health and safety of alien workers; inadequate prevention efforts to curb labor abuses through periodic regulatory inspections; unacceptable delay in investigating and adjudicating worker complaints due to failure to allocate sufficient resources to the Department of Labor; difficulty rooting out corruption within the agencies tasked with regulating alien entry and work permitting, and an inability or unwillingness to prosecute repeat offenders."

Mr. President, if, after 12 years of effort, the chief Federal labor official in the CNMI still finds such systemic problems in the local government's capabilities and commitment to stop the abuse of guest workers, then it is clearly time for Congress to enact reform legislation. Stop-gap measures have only resulted in stop-gap solutions. If foreign-national guest workers continue to be mistreated under the U.S. flag, then it is the duty of the Congress to extend the Federal laws and institutions necessary for their protection.

I am disappointed with the lack of priority which the Department of the Interior has given the CNMI Initiative during recent years. Since 2000 the Department has failed to submit an annual report on the initiative. This year the report was finally submitted but only after the Department was twice directed to do so in congressional appropriations report language. As for content, the report is completely inadequate. It was composed only of a statement by the Interior labor ombudsman and it failed to include the input of Federal law enforcement officials or any of the socioeconomic data needed to properly assess socioeconomic and law enforcement trends in the islands. Without regular tracking of census and economic data, such as population, household income, and government revenues and expenditures, Congress must rely upon press reports to assess conditions in the islands. Nevertheless, the information contained in the Department's narrowly scoped report still leads to the conclusion that conditions have not fundamentally changed with respect to the protection of guest workers, and Federal legislative action is still needed.

Any one of these five reasons—lack of institutional capacity, border control, law enforcement, unsustainable economics, and inadequate worker protection—is sufficient cause for Federal action. All five reasons make an overwhelming case. Certain fundamental facts that existed in 2001 when the administration first announced its support for legislation remain unchanged. For example, the CNMI still lacks the capacity to properly operate immigration and guest worker programs. Other facts are new and provide further justification for the administration to reaffirm its support. For example, after 9/11 the United States is at greater risk of attack and must secure its borders and protect the U.S. citizens of the Marianas as we protect all communities on American soil.

Border security and immigration control are inherent functions of national sovereignty that were intended to be extended to the CNMI following international recognition of the extension of U.S. sovereignty over the islands. That recognition occurred in 1986. As predicted by the Reagan administration 20 years ago, the failure of Congress to extend these laws has resulted in unacceptable social and cultural problems. Four U.S. administrations have expressed serious concern with these conditions, and two administrations have endorsed legislation to extend the INA with appropriate protections for the local economy. There have been no developments since 2001 that provide a basis for the administration to alter its strong support for this approach. In fact, the case for extending Federal policies and institutions to the CNMI to protect the community and to stabilize its economy is more compelling than ever.

I look forward to receipt of the administration's reply to the committee's June 21 2006 letter, and to working with them, Chairman DOMENICI, and representatives of the CNMI on legislation to extend Federal immigration policies and institutions to the CNMI as anticipated by the covenant and as needed to protect the community and restore its economy to a sustainable future.

EXHIBIT 1

U.S. SENATE, COMMITTEE ON ENERGY
AND NATURAL RESOURCES,
Washington, DC, June 21, 2006.

Hon. DIRK KEMPTHORNE,
Secretary, U.S. Department of the Interior, Washington, DC.

DEAR SECRETARY KEMPTHORNE: The U.S. Senate is currently engaged in a debate regarding our Nation's immigration policies, including discussion of border security, labor demand, and the status of persons currently in the country without legal status. As members of the Committee on Energy and Natural Resources which has jurisdiction with respect to the Territories of the United States, we have, over the course of several years, considered these issues with respect to the Commonwealth of the Northern Mariana Islands (CNMI).

On June 5, 2001, the Committee reported legislation, the Northern Mariana Islands Covenant Implementation Act (S. 507, S. Rpt. 107-28) that would have extended Federal immigration law to the CNMI with certain transition, exemption, and assistance provisions. This legislation was reported with a statement of support by the Administration as set forth in the letter of May 15, 2001 from Assistant Attorney General Daniel J. Bryant to then-Chairman Frank H. Murkowski.

Given the passage of time, we are writing to ask whether there have been any developments in the CNMI that would cause the Administration to readdress their statement from 2001. We ask that you please provide a response within 30 days, as Chairman of the Interagency Group on Insular Affairs, and direct any questions that you may have to Josh Johnson or Allen Stayman of the Committee staff at 202-224-4971. Thank you in advance for your assistance.

Sincerely,

PETE V. DOMENICI,
Chairman.
JEFF BINGAMAN,
Ranking Member.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, May 15, 2001.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, Washington, DC.

DEAR MR. CHAIRMAN: This letter presents the views of the Department of Justice on S. 507, the "Northern Mariana Islands Covenant Act." We strongly support S. 507.

S. 507 would extend the Immigration and Nationality Act to the Commonwealth of the Northern Mariana Islands ("CNMI"). It contains special provisions to allow for the orderly application of national immigration law, taking into account the local economy in this newest United States territory. S. 507 is identical to S. 1052 from the 106th Congress.

We believe that S. 507 would improve immigration policy by guarding against the exploitation and abuse of individuals, by helping to ensure that the United States adheres to its international treaty obligation to protect refugees, and by further hindering the entry into United States territory of aliens engaged in international organized crime, terrorism, or other such activities. Consequently, we support S. 507 and urge its passage.

This bill has resource implications for the Executive branch. If it passes, we look forward to working with the appropriate committees to ensure that the necessary resources are dedicated to achieve the purpose of the bill.

Thank you for the opportunity to present our views. Please do not hesitate to call upon us if we may be of further assistance. The Office of Management and Budget has advised us that, from the standpoint of the Administration's program, there is no objection to the submission of this letter.

Sincerely,

DANIEL J. BRYANT,
Assistant Attorney General.

Identical letter sent to the Honorable Jeff Bingaman, Ranking Minority Member.

NORTHERN MARIANA ISLANDS COVENANT IMPLEMENTATION ACT, 107TH CONGRESS.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title and purpose. The statement of purpose is intended to guide and direct Federal agencies in implementing the provisions of this Act, and states, in part:

". . . it is the intention of Congress in enacting this legislation: (1) to ensure effective immigration control by extending the Immigration and Nationality Act with special provisions to allow for the orderly phasing-out of the non-resident contract worker program of the Commonwealth of the Northern Mariana Islands, and the orderly phasing-in of Federal responsibilities over immigration in the Commonwealth of the Northern Mariana Islands; and to minimize, to the greatest extent possible, potential adverse effects this orderly phase-out might have on the economy of the Commonwealth of the Northern Mariana Islands. . . ."

Section 2. Immigration reform for the Commonwealth of the Northern Mariana Islands. Subsection (a) amends Public Law 94-241 which approved the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America by adding a new section 6 at the end.

The new Covenant Section 6: provides for the orderly extension of Federal immigration laws to the CNMI under a transition program designed to minimize adverse effects on the economy. Specific provisions are made to ensure access to workers in legitimate businesses after the end of the transition and for the adjustment of those foreign workers who are presently in the CNMI and who have been continuously employed in a legitimate business for the past five years.

Subsection (a): provides, except for any extensions that may be provided by the Attorney General to specific industries in accordance with the provisions of subsection (d), for a transition program ending after eight years to provide for the issuance of: nonimmigrant temporary alien worker; family-sponsored, and employment-based immigrant visas.

Subsection (b): addresses the special problems faced by employers in the CNMI due to the Commonwealth's unique geographic and labor circumstances by providing an exemption from the normal numerical limitations on the admission of H-2B temporary workers found in the INA. This subsection enables CNMI employers to obtain sufficient temporary workers, if United States labor and lawfully admissible freely associated state citizen labor are unavailable, for labor sensitive industries such as the construction industry.

Subsection (c): sets forth several requirements during the transition program which must be met with respect to temporary alien workers who would otherwise not be eligible for nonimmigrant classification under the INA. The intent of this subsection is to provide a smooth transition from the CNMI's current system. The Secretary of Labor will be guided by the Act, including the Statement of Purpose and the explanation in the Committee Amendments section of the Committee Report in establishing the system for the allocating and determining the number of permits. Subsection (j) provides for petitions to adjust the status of certain long-term employees. If any petitions are granted under subsection (j), the number of permits are to be reduced accordingly to the extent that the system adopted by the Secretary of Labor assumed an allocation of permits for the positions held by persons whose status is adjusted under subsection (j).

Subsection (d): provides general limitations on the initial admission of most family-sponsored and employment-based immigrants to the CNMI, as well as a mechanism for exemptions to these general limitations. This subsection is intended to address the concerns expressed by this Committee, in approving the Covenant in 1976, regarding the effect that uncontrolled immigration may have on small island communities. This subsection further provides for a "fail-safe" mechanism to permit, in cases of labor shortages, that certain unskilled immigrant worker visas intended for the CNMI be exempted from the normal worldwide and per-country limitations found in the INA for such unskilled workers. This subsection does not increase the overall number of aliens who may immigrate to the United States each year.

Paragraph (1): of this subsection authorizes the Attorney General, after consultation with the governor and the leadership of the Legislature of the CNMI and in consultation with other Federal Government agencies, to exempt certain family-sponsored immigrants who intend to reside in the CNMI from the general limitations on initial admission at a port-of-entry in the CNMI or in Guam. For example, unless the CNMI recommends otherwise, most aliens seeking to immigrate to the CNMI on the basis of a family-relationship with a United States citizen or lawful permanent resident would be required to be admitted as a lawful permanent resident at a port-of-entry other than the CNMI or in Guam, such as Honolulu.

Paragraph (2): generally provides the Attorney General with the authority to admit, under certain exceptional circumstances and after consultation with federal and local officials, a limited number of employment-based immigrants without regard to the normal numerical limitations under the INA. The purpose of this provision is to provide a "fail-safe" mechanism during the transition program in the event the CNMI is unable to obtain sufficient workers who are otherwise authorized to work under U.S. law. This paragraph would also provide a mechanism for extending the "fail-safe" mechanism beyond the end of the transition program, for a specified period of time, with respect to legitimate businesses in the CNMI.

Subparagraph (A): provides that the Attorney General, after consultation with the Secretary of Labor and the Governor and leadership of the Legislature of the CNMI, may find that exceptional circumstances exist which preclude employers in the CNMI from obtaining sufficient work-authorized labor. If such a finding is made, the Attorney General may establish a specific number of employment-based immigrant visas to be made available under section 203(b) of the INA during the following fiscal year. The labor certification requirements of section 212(a)(5) will not apply to an alien seeking benefits under this subsection.

Subparagraph (B): permits the Secretary of State to allocate up to the number of visas requested by the Attorney General without regard to the normal per-country or 'other worker' employment-based third preference numerical limitations on visa issuance. These visas would be allocated first from unused employment-based third preference visa numbers, and then, if necessary, from unused alien entrepreneur visa numbers.

Subparagraph (C): deals with entry of persons with employment-based immigrant visas. Persons who are otherwise eligible for lawful permanent residence under the transition program may have their status adjusted in the CNMI.

Subparagraph (D): provides that any immigrant visa issued pursuant to this paragraph shall be valid only to apply for initial admission to the CNMI. Any employment-based immigrant visas issued on the basis of a finding of 'exceptional circumstances' as described in subparagraph (A) above, would be valid for admission for lawful permanent residence and employment only in the CNMI during the first five years after initial admission. Such visas would not authorize permanent residence or employment in any other part of the United States during this five-year period. The subparagraph also provides for the issuance of appropriate documentation of such admission, and, consistent with the INA, requires an alien to register and report to the Attorney General during the five-year period. This five-year condition is intended to prevent an alien from using the CNMI-only transition program as a loophole to gain employment in another part of the United States. Without this condition, such an alien, as a lawful permanent resident, would be eligible to work anywhere in the United States, thereby avoiding the lengthy (seven years or longer) waiting period currently faced by other aliens seeking unskilled immigrant worker visas.

Subparagraph (E): provides that an alien who is subject to the five-year limitation under this paragraph may, if he or she is otherwise eligible, apply for an immigrant visa or admission as a lawful permanent resident on another basis under the INA.

Subparagraph (F): provides for the removal from the United States, of any alien subject to the five-year limitation if the alien violates the provisions of this paragraph, or if the alien is found to be removable or inadmissible under applicable provisions of the INA.

Subparagraph (G): provides the Attorney General with the authority to grant a waiver of the five-year limitation in certain extraordinary situations where the Attorney General finds that the alien would suffer exceptional and extremely unusual hardship were such conditions not waived. The benefits of this provision would be unavailable to a person who has violated the terms and conditions of his or her permanent resident status, such as an alien who has engaged in the unauthorized employment.

Subparagraph (H): provides for the expiration of limitations after five years.

Subparagraph (I): provides for not more than two five-year extensions, as necessary, of the employment-based immigrant visa programs of this paragraph, with respect to workers in legitimate businesses in the tourism industry. This provision is designed to ensure that there be a sufficient number of workers available to fill positions in the tourism industry after the transition period ends. The subparagraph also permits a single five-year extension for legitimate businesses in other industries. The provisions are explained more fully under the discussion of Committee Amendments.

Subsection (e): provides further detail regarding nonimmigrant investor visas.

Subsection (f): provides further detail regarding persons lawfully admitted into the CNMI under local law.

Subsection (g): provides travel restrictions for certain applicants for asylum.

Subsection (h): deals with the effect of these provisions on other law.

Subsection (i): provides that no time spent by an alien in the CNMI in violation of CNMI law would count toward admission and is self-explanatory.

Subsection (j): provides a one-time grandfather for certain long-term employees and is more fully discussed in the section of the Report describing the Committee Amendment.

Section 2, subsection (b): provides for three conforming amendments to the INA.

Section 2, subsection (c): provides for technical assistance to specifically charge the Secretary of Commerce to provide technical assistance to encourage growth and diversification of the local economy and the Secretary of Labor to provide assistance to recruit, train, and hire persons authorized to work in the U.S.

Section 2, subsection (d): provides administrative authority for the Departments of Justice and Labor to implement the statute.

Section 2, subsection (e): provides for a report to Congress.

Section 2, subsection (f): limits the number of alien workers present in the CNMI prior to the transition program effective date.

Section 2, subsection (g): authorizes appropriations.

CONDEMNING DRIVE HUNTS

Mr. LAUTENBERG. Mr. President, I rise today to discuss the inhumane and unnecessary annual slaughter of small cetaceans, including Dall's porpoise, the bottlenose dolphin, Risso's dolphin, false killer whales, pilot whales, the striped dolphin, and the spotted dolphin, by Japan's drive fishery.

Drive hunts are run by fishers who use scare tactics to herd, chase, and corral the animals into shallow waters where they are trapped and then killed or hauled off live to be sold into captivity. The overexploitation of these highly social and intelligent animals for decades has resulted in the serious decline, and in some cases, the commercial extinction, of these species.

On April 7, 2005, I introduced Senate Resolution 99 to help end this inhumane and unnecessary practice and urged participating countries to stop the brutal treatment of these animals. Fishers have killed small cetaceans along the coastlines of Japan for centuries with no regard for the humaneness or sustainability of the hunt. Currently, up to 20,000 small cetaceans of several species are killed in Japanese drive and harpoon hunts each year. In the last two decades, more than 400,000 have been slaughtered in Japan alone.

The cruelty endured by dolphins and whales caught in drive hunts is immense. Aboard motorized boats, drive hunt fishers loudly bang metal pipes over the side of their boats to disorient the animals and drive them toward shore where they are trapped by nets and stabbed with long knives, usually just behind the blowhole or across the throat. Many of the animals eventually die from blood loss and hemorrhagic shock or their spinal cord is severed.

Today, the Humane Society of the United States/Humane Society International, Animal Welfare Institute, and Whale and Dolphin Conservation Society are joining with concerned citizens throughout this country and around the world to gather in peaceful demonstrations to express their concern for the welfare of these animals. I, too, join them in condemning these brutal and senseless hunts.

TRIBUTE TO JUDGE JAMES DEANDA

Mr. LEAHY. Mr. President, this afternoon I would like to take a moment to mark the passing of a great American—Judge James DeAnda. Judge DeAnda died of cancer on September 7, 2006, at the age of 81. He was appointed to the Federal bench by President Jimmy Carter in 1979 and served as judge on the U.S. District Court for the Southern District of Texas until his retirement in 1992. Before his distinguished tenure as a Federal trial judge, James DeAnda was a tireless civil rights advocate with what has become known as a "voracious appetite for justice."

Born in Houston, TX, James DeAnda was the son of Mexican immigrants. He attended Texas A&M University and served in the U.S. Marines during World War II before graduating from the University of Texas Law School in 1950, when there were only a handful of Hispanic law students. James DeAnda returned to Houston after graduation, but he had difficulty finding work because White law firms refused to hire a Hispanic lawyer. Not one to be discouraged, James DeAnda joined another Hispanic lawyer to form a legal practice dedicated to representing Hispanic Americans.

In one of his earliest cases, James DeAnda was a member of the four-person legal team behind Hernandez v. Texas, 1954, the first case tried by Mexican American attorneys before the U.S. Supreme Court. In Hernandez, the Supreme Court overturned the murder conviction of a Hispanic man by an all-White jury and for the first time gave Hispanics status as a distinct legal classification deserving of special protection under the Constitution. This case represented a watershed moment in our civil rights history because it opened the door to voting rights, education, and employment challenges by Hispanic Americans. James DeAnda himself used this newly attained classification to fight the segregation of Hispanic children within public schools. He was involved in a number of cases including Cisneros v. Corpus Christi Independent School District, 1970, in which the Supreme Court extended for the first time Brown v. the Board of Education to Hispanics.

In 1968, James DeAnda helped found the Mexican American Legal Defense and Educational Fund, MALDEF. As one of our Nation's leading Latino advocacy organizations, MALDEF played a crucial role in Judiciary Committee hearings on reauthorization of the Voting Rights Act this year. Several MALDEF leaders testified before the Senate and House committees about the continued importance of the Voting Rights Act in ensuring equal access and fair representation for minority voters. MALDEF conducted extensive studies showing the unavailability of translated voting materials and language assistance to Spanish-speaking voters, despite the legal requirement that they be provided and clearly demonstrated the need for reauthorization of the Voting Rights Act.

Judge James DeAnda inspired generations of civil rights advocates. The continuing work of the organization he helped to found, MALDEF, serves as an enduring legacy to this great American. Our thoughts and prayers go out to his family.

NATIONAL SCHOOL BACKPACK AWARENESS DAY

Mr. MENENDEZ. Mr. President, I rise in recognition of the fifth annual National School Backpack Awareness Day, September 20, 2006. Today, the American Occupational Therapy Association, AOTA, in collaboration with more than 350 occupational therapy practitioners across the country will be educating thousands of children and their families about how to stay healthy and succeed in school, especially how to prevent backpack related injuries. These organizations are taking real steps towards protecting our children during their most formative years.

Occupational therapists and occupational therapy assistants play an incredibly important role in our local communities. Occupational therapy practitioners work directly with students, parents, and teachers to modify educational environments so that all students can achieve academic success. They often develop plans to improve function and productivity, so as to maximize independence within the academic environment. Their knowledge about how children can stay healthy and succeed in school is invaluable. Today's effort to protect them from backpack injuries is much needed, and I know it will have a positive impact on thousands of families.

Many children enjoy picking out a backpack at the start of the school year, usually based on a certain color or design, but if worn incorrectly or if too heavy, there is a serious potential for injury. In light of this concern, today at schools, stores, hospitals, and shopping malls all over the Nation, children's backpacks will be "weighed-in." This will ensure that children are not carrying more than 15 percent of their bodyweight on their back. According to U.S. and international studies, children using overloaded and improperly worn backpacks experience neck, shoulder and back pain. Furthermore, children wearing backpacks improperly suffer from compromised breathing and increased fatigue at significantly higher rates than students wearing their backpacks properly and with appropriate loads. In our great State of New Jersey, these "weigh-ins" are being conducted at nine locations throughout the State. By the end of the day, children all over America will be healthier and equipped with information about how to properly load and carry a backpack.

National School Backpack Awareness Day is a prime example of how occupational therapy works within our schools and communities to promote wellness and improve quality of life. I know today will be a success and ask my colleagues to join me in celebrating September 20, 2006, as National School Backpack Awareness Day.

ADDITIONAL STATEMENTS

STILLWATER MINING COMPANY

• Mr. BAUCUS. Mr. President, I once heard my home State of Montana described as a small town with long streets and I can't think of a more apt description. We are all neighbors, and one of our cardinal rules is if your neighbor needs help, lend a hand. Last month, as fires raged across our State, many of our neighbors needed a hand and Montanans from all over Big Sky country pitched into help. Among the first to help out was the Stillwater Mining Company.

As many are aware, the massive Derby Mountain Fire caused serious damage around Big Timber, MT. At one time the Derby Mountain Fire was the top priority fire in the country. When the communities around Big Timber needed help, the folks at the Stillwater Mining Company rolled up their sleeves and figured out how they could help.

The Stillwater Mining Company knew what a massive disaster the Derby Fire had become, and how those fighting the fire needed every pair of hands they could get. To get more boots on the ground, the Stillwater Mining Company provided full pay leave to all of their employees who volunteered to either fight the fire or to assist the fire crews. They paid for every meal that the Red Cross served at the Derby Fire. They sent their human resource staffers to the area to help manage the evacuations. Their computer mapping specialists helped to make highly sophisticated fire maps. They sent their own personal bulldozers to the fire lines. They sent their sprinkler systems to the front lines to saturate areas to protect homes. They also allowed helicopters to dip into their mining ponds. And all of this was done by the Stillwater Mining Company while at the same time they were forced to shut their mines down for 8 days due to the fire.

The Stillwater Mining Company saw a neighbor in need and without hesitation they lent a hand. I am proud to call them neighbor, and in Montana there is no higher compliment.•

IN MEMORY OF JULIANNE HAMMOND

• Mr. BIDEN. Mr. President, earlier this month, the Wilmington community lost Julianne Hammond—one of our most prominent lawyers and a good friend to my wife Jill.

She was the 28th woman ever admitted to practice law in Delaware and worked for 30 years in real estate finance and land use law, changing the landscape of our city with many redevelopment efforts.

Juli was a very outgoing, optimistic, happy person, who never let her illness get her down even as she battled breast cancer for 18 years. She literally worked until a week or so before she passed away, never talking about how sick she was.

She also was a very caring person and wanted to help others in their battles with cancer. That is how we got to know Juli. In 1994, she became a founding board member of the Biden Breast Health Initiative to help educate young women on the importance of breast self-exam and early detection. She would assist Jill with special events and raising funds, doing everything and anything to help others.

I don't know how she had the time and energy, but Juli also served as vice president of the board of the Wilmington Economic Development Corporation, a board member of the Land Use Committee for the Committee of 100, and secretary of the board of the Wellness Community of Delaware.

Wilmington and New Castle County will not be the same without Juli. I know my colleagues join Jill and me in extending our deepest sympathies to her family.•

MONTANA'S HEROES

• Mr. BAUCUS. Mr. President, the great America poet Robert Frost once said that "good fences make good neighbors." In my home State of Montana, nothing could be further from the truth. Although our State is more than 600 miles wide, and nearly 300 miles long, we really are one big small town. And when one of our neighbors is in need, we are always willing to roll up our sleeves and lend a helping hand.

During this year's fire season, many of our neighbors were in dire need as fires raged across our State. Nearly 1 million acres burned, an area larger than the State of Rhode Island. As homes, livestock, crops, and land burned, Montanans from one corner of the State to the other lost everything they had. But from this destruction and rubble, arose many Montana heroes, and I would like to take a moment to publicly recognize them.

On the front lines were all the brave wild land firefighters. These men and women came from all over the country, and even some foreign countries, to put their lives on the line for people they had never met. While it is easy to be a Monday morning quarterback and criticize some of their techniques, it is clear that these brave men and women deserve nothing but praise. When I visited the fires and I looked into the men and women's eyes after working 12 hour days in 100 degree heat, as they were so exhausted they could hardly stand, I knew that they had given everything their all, 110 percent, to protect Montanans. These men and women sought no praise or recognition, and whenever they were congratulated they would merely say, "We're just doing our jobs." But these men and women weren't just doing a job; they were saving lives, protecting property, and nothing could be more heroic. Words cannot do their deeds justice but on behalf of every Montanan, I would like to offer my deepest thanks.

And these men and women couldn't have done their job without all the support from different people and agencies throughout the State. All the folks at the Department of Natural Resources and Conservation, the Montana Department of Emergency Services, the Bureau of Indian Affairs, the Park Service, the U.S. Fish and Wildlife Service, Montana State and local law enforcement, the local governments and county commissioners, volunteer fire departments, and the Northern Rockies Coordinating Group, which coordinated all these efforts, and their Federal partners. All these folks worked tirelessly to manage these blazes. Day or night they were constantly monitoring the fires, providing important updates, and making sure the people of the affected communities had every resource possible to deal with these disasters.

I would also like to recognize all the people who worked behind the scenes, the people whose names might not appear in the news, but without whose effort these fires couldn't have been contained. The busdrivers, the local volunteers, the food service providers, the pilots, the list could go on and on. Without these services, the damage to my home State would have been much worse.

Finally, I would like to thank all the Montanans who rolled up their sleeves, saw a neighbor in need, and helped out. Whether it was ranchers helping move livestock, community organizations and churches holding clothing drives, or people opening their homes to those who had nowhere to go, all these people truly exemplify the Montana spirit.

The 2006 fire season will go down in history as one of worst in our State's history. Yet it will also go down as a time when neighbors helped neighbors, when people traveled hundreds of miles to lend a hand to a friend. It will go down as a time of heroes.•

IN MEMORY OF ELLA LITTLE CROMWELL

• Mr. LIEBERMAN. Mr. President, it is with a heavy heart that I rise today in memory of Ella Little Cromwell, a truly remarkable woman from Hartford who passed away Sunday, September 17. Mrs. Cromwell was one of the most engaging and charismatic people I have ever had the pleasure to know. Through tireless effort, Ella Cromwell became a real political institution in Hartford, and was a leader in many efforts to promote justice and equal rights.

Mrs. Cromwell believed very deeply in the value of political participation and believed that it was essential for Americans from all backgrounds to become involved in the democratic process in order to reach their fullest potential. Growing up in Hartford, she saw that there were various obstacles preventing African Americans and other minorities from being involved in the political process, and she dedicated her life to helping people overcome those obstacles.

Through her hard work with both the Hartford Democratic Town Committee and the Hartford chapter of the National Association for the Advancement of Colored People, NAACP, of which she served as second vice president for many years, Mrs. Cromwell played an active role in helping African Americans develop a stronger voice in the city's politics. A master of both grassroots and retail politics, she was able to quickly increase her influence in Hartford politics, and helped to elect African-American candidates to local and State level offices. In many ways, her home in Hartford served as a kind of political club, where prospective candidates would come seeking her support and advice. It was well known that her support could be extremely helpful for any candidate.

Also, as a member of the Connecticut Democratic State Central Committee for 38 years, right up until her death, she made certain the interests of her community were represented at the State level as well. Almost every democratic candidate for statewide office would have to pay a visit to Ella Cromwell.

Rarely does an individual have such a meaningful and lasting effect on her community, but whether with the NAACP or the Democratic State Central Committee, Ella Cromwell never failed to touch the lives of the people around her. What is truly remarkable is the faith she continued to show in the power of the political process to effect change in her community, and the way in which she would continue to engage in the hard, sometimes thankless, work of grassroots campaigning even after she had achieved considerable political influence. Even at the age of 76 she would campaign door-to-door at the same brisk pace she had employed years earlier as a young woman first getting involved. Ella Cromwell truly embodied the democratic sprit upon which our country was founded.

With this in mind, I bid a sad farewell to Ella Little Cromwell, and I will keep her friends and family in my thoughts and prayers. May her commitment to the well-being of others continue to serve as an inspiration for all who knew her.•

CHIEF ROB STONE: IN MEMORIAM

• Mrs. BOXER. Mr. President, today I honor the memory of a dedicated public servant, battalion chief Rob Stone of the California Department of Forestry. From the time he became a seasonal firefighter at the age of 18, Chief Stone devoted his adult life to providing the citizens of California with safety and service. On September 6, 2006, while assessing a fire from the air and coordinating ground firefighting efforts, Chief Stone was tragically killed in the line of duty when the spotter plane crashed in the rugged forest of the Mountain Home State Park.

Upon graduation from high school, Chief Stone attended the California Department of Forestry Firefighting Academy to pursue his lifelong goal of becoming a firefighter. His prodigious talents were evident as Chief Stone moved in rank from firefighter to become one of the youngest engineers ever in the California Department of Forestry. He was then promoted to captain, and his most recent assignment was battalion chief of the Porterville Air Attack Base. Chief Stone's commitment to excellence, coupled with his passion for his profession, enabled him to become a model member of the California Department of Forestry. Chief Stone's colleagues shall always remember him for his leadership and commitment to his job.

Chief Stone is survived by his wife Randi, son Wil, and daughter Libbie; parents Cliff and Janet; sister Melissa Martin; brother Marty; and his grandmother Louise Lyons. When he was not on duty or spending time with his family, Chief Stone was an avid outdoorsman who enjoyed gathering cows, hunting, fishing, and camping. Chief Stone served the State of California with honor and distinction and fulfilled his oath as a firefighter. His contributions and dedication to firefighting are greatly appreciated and will serve as a shining example of his legacy.

We shall always be grateful for Chief Stone's exemplary service and the sacrifices he made while serving and protecting the people and the land that he loved.•

SIERRA OAKS SENIOR AND COMMUNITY CENTER

• Mrs. BOXER. Mr. President, today I wish to recognize and congratulate the Sierra Oaks Senior and Community Center for 20 years of dedicated service to the seniors in the communities of Tollhouse, Auberry, Shaver Lake, and Prather. Since opening their doors in 1986, this regional asset has made significant contributions to improving the lives of northeastern Fresno County's senior community and their families.

For the past two decades, the Sierra Oaks Senior and Community Center has provided a myriad of important social services and activities to help seniors live more independent and active lives. Whether it is providing free health assessments, offering classes in quilting, painting, and computers, or holding a stroke survivors support group, the center upholds the principle that seniors should be afforded the opportunity to live independently and thrive in their own communities. The dedicated staff and outstanding group of senior volunteers work diligently to ensure that those who are in need of their support are treated with the care and respect that they deserve. Through the center, many seniors have acquired invaluable tools to help them lead more active and enjoyable lives.

I congratulate the Sierra Oaks Senior and Community Center on its 20th anniversary and wish its staff, volunteers, and sponsors even greater success as they continue to provide important services to the seniors of Tollhouse, Auberry, Shaver Lake, and Prather. You have not only been a pillar of support for your clients, but you have performed a great service for the communities that you serve.

HONORING THE UNIVERSITY OF REDLANDS

• Mrs. BOXER. Mr. President, today I recognize the University of Redlands. This academic year, the university celebrates its 100 anniversary.

The University of Redlands was originally chartered in 1907 on a tract of donated land by individuals associated with the American Baptist Church. It admitted its first student in September 1909 and in 1910 proudly celebrated its first graduating class of three students. Throughout the next century, the University of Redlands has become a preeminent institution and today celebrates a century of contribution and service through education.

With today's growth in population, there is an ever-present strain on our Nation's university systems and the ability of students to receive meaningful direct contact with university faculty. The University of Redlands has successfully maintained personal instruction throughout the years and continues today to maintain a student to faculty ratio of 12 to 1. There are currently over 200 full-time faculty and a core of 200 adjunct faculty who are selected for their expertise and experience in their fields. Throughout these past 100 years, the university has also maintained a high level of faculty quality, with 88 percent of the full-time faculty holding a Ph.D. or terminal degree.

The University of Redlands has successfully met the ever-changing needs of a diverse population. Over one-third of the university's students are members of historically underrepresented groups, and the student body represents all corners of the world and draws students from across the United States. Most recently, the entering class of 2006 saw 40 percent of its students from outside of the State of California.

The university's success contributes significantly to the growth of the local community. Its faculty and staff make the University of Redlands one of the largest employers in the region, helping to maintain a strong local economy. In the past decade, the university has invested over $140 million in its physical plant, employing many local craftsmen and laborers. In addition to investing in the local economy and construction, the university invests significantly in its students, with over $28 million of university funds budgeted for need-based, merit-based or talent-based awards. This contribution has produced an alumni which has made a lasting impact on America, with 45,000 alumni currently contributing to the betterment of society throughout the world.

The University of Redlands' commitment to community outreach is seen most noticeably in its students' service and contributions. Over 80,000 community service hours are provided annually by University of Redlands' students to help meet local, national and international needs. Meeting these needs has been a fundamental tenet in the university's educational philosophy for many years, as it was one of the first educational institutions in the Nation to require community service as a condition for graduation.

On its centennial, the University of Redlands looks back on a proud history of growth and contribution in inland California and the world. I applaud the service and dedication of the faculty, staff, and students of the University of Redlands as they celebrate 100 years of improving lives and education.●

TRIBUTE TO BRIAN UNITT

● **Mrs. BOXER.** Mr. President, today I wish to recognize inland southern California attorney Brian Unitt as he receives the San Bernardino County Bar Association's Florentino Garza Fortitude Award. Mr. Unitt is a community leader and an example to us all.

The Florentino Garza Award is given to exceptional individuals who overcome significant obstacles and achieve success in the legal field. This prestigious award takes its name from inland attorney Florentino Garza, who overcame a childhood as an orphan and a life as a migrant farmworker to graduate from college and law school and eventually gain prominence in the legal profession.

Today I recognize the exceptional work of Brian Unitt, who has overcome blindness to achieve outstanding success in the legal field. Brian Unitt was diagnosed with retinitis pigmentosa at a young age. This debilitating condition begins with a degeneration of cells in the eye's retina, producing reduced vision and eventual loss of sight.

Brian Unitt received his law degree from the University of California, Davis, in 1983. Throughout his undergraduate years and in law school, he took class notes in Braille using a slate and stylus, and he typed examinations using an electric typewriter. He passed the California State bar examination on his first attempt and began practicing law shortly thereafter in Riverside, CA. In 1996, Brian Unitt became partner at that same firm, now known as Holstein, Taylor, Unitt and Law.

As an attorney, Mr. Unitt practices personal injury law, focusing particularly on appellate work. His experience and dedication over the years has allowed him to be a tremendous advocate for injured individuals, assisting others who have suffered a physical loss. Other attorneys who have had the opportunity to know or work with Brian Unitt have described him as "brilliant in his legal work," "a true scholar of the law," "a superb lawyer," "a wonderful, wonderful, brilliant plaintiff's attorney," and "civil, professional, and ethical."

Today I salute the life and service of Brian Unitt. His life story is a true portrayal of a man who overcame tremendous physical adversity to assist others in their battle with physical adversity. I applaud Brian Unitt and look forward to what I hope will be many years of service to the people of inland California. Please join me in honoring a true hero.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:30 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4583. An act to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products.

H.R. 5295. An act to protect students and teachers.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 210. Concurrent resolution supporting the goal of eliminating suffering and death due to cancer by the year 2015.

H. Con. Res. 317. Concurrent resolution requesting the President to issue a proclamation annually calling upon the people of the United States to observe Global Family Day, One Day of Peace and Sharing, and for other purposes.

H. Con. Res. 386. Concurrent resolution honoring Mary Eliza Mahoney, America's first professional trained African-American nurse.

H. Con. Res. 415. Concurrent resolution condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

H. Con. Res. 419. Concurrent resolution recognizing and supporting the efforts of the State of New York to develop the National Purple Heart Hall of Honor in New Windsor, New York, and for other purposes.

At 1:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 503. An act to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4583. An act to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products; to the Committee on Commerce, Science, and Transportation.

H.R. 5295. An act to protect students and teachers; to the Committee on Health, Education, Labor, and Pensions.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 210. Concurrent resolution supporting the goal of eliminating suffering and death due to cancer by the year 2015; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 386. Concurrent resolution honoring Mary Eliza Mahoney, America's first professionally trained African-American nurse; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 415. Concurrent resolution condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is; to the Committee on Foreign Relations.

H. Con. Res. 419. Concurrent resolution recognizing and supporting the efforts of the State of New York develop the National Purple Heart Hall of Honor in New Windsor, New York, and for other purposes; to the Committee on Armed Services.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 503. An act to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment:

S. 2912. A bill to establish the Great Lakes Interagency Task Force, to establish the Great Lakes Regional Collaboration, and for other purposes (Rept. No. 109-338).

S. 3551. A bill to direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania (Rept. No. 109-339).

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 3617. A bill to reauthorize the North American Wetlands Conservation Act (Rept. No. 109-340).

H.R. 5061. A bill to direct the Secretary of the Interior to convey Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery to the State of Virginia (Rept. No. 109-341).

By Mr. McCAIN, from the Committee on Indian Affairs, without amendment:

H.R. 854. A bill to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe (Rept. No. 109-342).

By Mr. McCAIN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1535. A bill to amend the Cheyenne River Sioux Tribe Equitable Compensation Act to provide compensation to members of the Cheyenne River Sioux Tribe for damage resulting from the Oahe Dam and Reservoir Project, and for other purposes (Rept. No. 109-343).

S. 374. A bill to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River (Rept. No. 109-344).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

[Treaty Doc. 108-23: Extradition Treaty with Great Britain and Northern Ireland with 1 understanding, 2 declarations and 3 provisos (Ex. Rept. 109-19)]

THE TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION IS AS FOLLOWS

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Understanding, Declarations, and Provisos.

The Senate advises and consents to the ratification of the Extradition Treaty between the United States of America and the United Kingdom of Great Britain and Northern Ireland, and related exchanges of letters, signed at Washington on March 31, 2003 (hereinafter in this resolution referred to as the "Treaty") (Treaty Doc. 108-23), subject to the understanding in section 2, the declarations in section 3, and the provisos in section 4.

Section 2. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding:

Under United States law, a United States judge makes a certification of extraditability of a fugitive to the Secretary of State. In the process of making such certification, a United States judge also makes determinations regarding the application of the political offense exception. Accordingly, the United States of America understands that the statement in paragraphs 3 and 4 of Article 4 that "in the United States, the executive branch is the competent authority for the purposes of this Article" applies only to those specific paragraphs of Article 4, and does not alter or affect the role of the United States judiciary in making certifications of extraditability or determinations of the application of the political offense exception.

Section 3. Declarations.

The advice and consent of the Senate under section 1 is subject to the following declarations:

(1) Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States.

(2) The Treaty shall be implemented by the United States in accordance with the Constitution of the United States and relevant federal law, including the requirement of a judicial determination of extraditability that is set forth in Title 18 of the United States Code.

Section 4. Provisos.

The advice and consent of the Senate under section 1 is subject to the following provisos:

(1)(A) The Senate is aware that concerns have been expressed that the purpose of the Treaty is to seek the extradition of individuals involved in offenses relating to the conflict in Northern Ireland prior to the Belfast Agreement of April 10, 1998. The Senate understands that the purpose of the Treaty is to strengthen law enforcement cooperation between the United States and the United Kingdom by modernizing the extradition process for all serious offenses and that the Treaty is not intended to reopen issues addressed in the Belfast Agreement, or to impede any further efforts to resolve the conflict in Northern Ireland.

(B) Accordingly, the Senate notes with approval—

(i) the statement of the United Kingdom Secretary of State for Northern Ireland, made on September 29, 2000, that the United Kingdom does not intend to seek the extradition of individuals who appear to qualify for early release under the Belfast Agreement;

(ii) the letter from the United Kingdom Home Secretary to the United States Attorney General in March 2006, emphasizing that the "new treaty does not change this position in any way," and making clear that the United Kingdom "want[s] to address the anomalous position of those suspected but not yet convicted of terrorism-related offences committed before the Belfast Agreement"; and

(iii) that these policies were reconfirmed in an exchange of letters between the United Kingdom Secretary of State for Northern Ireland and the United States Attorney General in September 2006.

(2) The Senate notes that, as in other recent United States extradition treaties, the Treaty does not address the situation where the fugitive is sought for trial on an offense for which he had previously been acquitted in the Requesting State. The Senate further notes that a United Kingdom domestic law may allow for the retrial in the United Kingdom, in certain limited circumstances, of an individual who has previously been tried and acquitted in that country. In this regard, the Senate understands that under U.S. law and practice a person sought for extradition can present a claim to the Secretary of State that an aspect of foreign law that may permit retrial may result in an unfairness that the Secretary could conclude warrants denial of the extradition request. The Senate urges the Secretary of State to review carefully any such claims made involving a request for extradition that implicates this provision of United Kingdom domestic law.

(3) Not later than one year after entry into force of the Treaty, and annually thereafter for a period of four additional years, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate a report setting forth the following information with respect to the implementation of the Treaty in the previous twelve months:

(A) the number of persons arrested in the United States pursuant to requests from the United Kingdom under the Treaty, including the number of persons subject to provisional arrest; and a summary description of the alleged conduct for which the United Kingdom is seeking extradition;

(B) the number of extradition requests granted; and the number of extradition requests denied, including whether the request was denied as a result of a judicial decision or a decision of the Secretary of State;

(C) the number of instances the person sought for extradition made a claim to the Secretary of State of political motivation, unjustifiable delay, or retrial after acquittal and whether such extradition requests were denied or granted; and

(D) the number of instances the Secretary granted a request under Article 18(1)(c).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions.

*Stephen Goldsmith, of Indiana, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2010.

*Andrew von Eschenbach, of Texas, to be Commissioner of Food and Drugs, Department of Health and Human Services.

*Peter W. Tredick, of California, to be a Member of the National Mediation Board for a term expiring July 1, 2007.

*Sandra Pickett, of Texas, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2010.

*Roger L. Hunt, of Nevada, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2009.

*John E. Kidde, of California, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2011.

*Eliza McFadden, of Florida, to be a Member of the National Institute for Literacy Advisory Board for a term expiring January 30, 2009.

*Jane M. Doggett, of Montana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2012.

*Randolph James Clerihue, of Virginia, to be an Assistant Secretary of Labor.

*Arthur K. Reilly, of New Jersey, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2012.

*Lauren M. Maddox, of Virginia, to be Assistant Secretary for Communications and Outreach, Department of Education.

Mr. ENZI. Mr. President, for the Committee on Health, Education, Labor, and Pensions I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Public Health Service nominations beginning with Judith Louise Bader and ending with Raquel Antonia Peat, which nominations were received by the Senate and appeared in the Congressional Record on July 27, 2006.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON (for herself, Ms. COLLINS, and Mrs. LINCOLN):

S. 3914. A bill to establish an Advisory Committee on Gestational Diabetes, to provide grants to better understand and reduce gestational diabetes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. DURBIN, Mr. DODD, Mr. LAUTENBERG, Mr. SCHUMER, and Mr. JOHNSON):

S. 3915. A bill to amend title XIX of the Social Security Act to encourage States to provide pregnant women enrolled in the Medicaid program with access to comprehensive tobacco cessation services; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself and Mr. HAGEL):

S. Res. 575. A resolution supporting the efforts of the Independent National Electoral Commission of the Government of Nigeria, political parties, civil society, and religious organizations to facilitate the first democratic transition of Nigeria from 1 civilian government to another in the general elections to be held in April 2007; to the Committee on Foreign Relations.

By Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. BIDEN, Mr. CHAMBLISS, Mrs. DOLE, Mr. DOMENICI, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. STEVENS, Mr. TALENT, Mr. FRIST, Mr. DEWINE, Mr. INOUYE, Mr. PRYOR, Mr. SALAZAR, Mr. SCHUMER, Ms. SNOWE, Mr. VITTER, and Mr. BURNS):

S. Res. 576. A resolution supporting the goals of Red Ribbon Week; considered and agreed to.

By Mr. BAUCUS (for himself, Mr. BURNS, and Mr. BYRD):

S. Res. 577. A resolution designating September 24, 2006, as "National Good Neighbor Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 246

At the request of Mr. BUNNING, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 246, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 709

At the request of Mr. DEWINE, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 709, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 828

At the request of Mr. HARKIN, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 930

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 930, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug safety, and for other purposes.

S. 965

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 965, a bill to amend the Internal Revenue Code of 1986 to reduce the recognition period for built-in gains for subchapter S corporations.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1376

At the request of Mr. COCHRAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1376, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 1687

At the request of Ms. MIKULSKI, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from New York (Mr. SCHUMER), the Senator from Virginia (Mr. WARNER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1915

At the request of Mr. ENSIGN, the names of the Senator from Florida (Mr. NELSON) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 1915, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 1948

At the request of Mrs. CLINTON, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2354

At the request of Mr. NELSON of Florida, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2354, a bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices.

S. 2491

At the request of Mr. CORNYN, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Rhode Island (Mr. CHAFEE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2616

At the request of Mr. SANTORUM, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2616, a bill to amend the Surface Mining Control and Reclamation Act of 1977 and the Mineral Leasing Act to improve surface mining control and reclamation, and for other purposes.

S. 3500

At the request of Mr. THOMAS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 3500, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 3707

At the request of Mr. LOTT, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 3707, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 3771

At the request of Mr. HATCH, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 3771, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 3882

At the request of Mr. KYL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 3882, a bill to amend title 18, United States Code, to support the war on terrorism, and for other purposes.

S. 3887

At the request of Mr. DORGAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 3887, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. CON. RES. 116

At the request of Mr. DODD, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. Con. Res. 116, a concurrent resolution supporting "Lights On Afterschool!", a national celebration of after school programs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself, Ms. COLLINS, and Mrs. LINCOLN):

S. 3914. A bill to establish an Advisory Committee on Gestational Diabetes, to provide grants to better understand and reduce gestational diabetes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am pleased to introduce the Gestational Diabetes Act of 2006 to bring attention to an important health issue facing women and children.

I don't need to tell anyone that we have an obesity epidemic in the United States. Too many in our country don't know that eating poorly and not taking care of themselves can have significant health impacts. For women, these health issues can become especially significant during pregnancy.

Women who are overweight or obese are more likely to have a C-section and are at an increased risk for serious complications with their pregnancy. And more women then ever are entering their pregnancies overweight which can also trigger gestational diabetes.

In New York, gestational diabetes has risen by nearly 50 percent in about 10 years. In New York City alone, gestational diabetes affects 1 in 25 women, about 400 women per month. Gestational diabetes affects between 4 and 8 percent of pregnant women in the United States. Infants of women who have gestational diabetes are at increased risk for obesity and developing Type 2 diabetes as adolescents or adults.

As women we need to pay attention to our health. We are always worrying about the health of our children, our husbands, and our parents. But we often forget to take care of ourselves.

Prevention is critical and I applaud new initiatives from the New York City Department of Health to increase efforts to inform women about gestational diabetes and behaviors that can prevent Type 2 Diabetes.

Today, I am introducing the Gestational Diabetes Act, also known as the GEDI Act. This legislation will increase our understanding by determining the factors that contribute to this condition and help mothers who had gestational diabetes reduce their risk of developing Type 2 diabetes.

This Act will provide funding for projects to assist health care providers and communities find ways to reach out to women so that they understand how their health during pregnancy will impact not only their child's health, but also their own.

The GEDI Act would expand research to determine and develop interventions that will lower the incidence of gestational diabetes. We need to alert women to the risk before this condition becomes an epidemic.

We should be doing everything we can to address the growing prevalence of gestational diabetes and obesity during pregnancy. The GEDI Act is an important step in assuring that women understand this critical issue.

The GEDI Act is supported by: American Association of Colleges of Pharmacy, American Association of Diabetes Educators, American Diabetes Association, American Dietetic Association, American College of Obstetricians and Gynecologists, Association of Asian Pacific Community Health Organizations, Association of Women's Health, Obstetric and Neonatal Nurses, Breastfeeding Coalition of Washington, Breastfeeding Task Force of Greater Los Angeles, Global Alliance for Women's Health, International Community Health Services, National Association of Chronic Disease Directors, National Research Center for Women & Families, Society for Women's Health Research, WithinReach, and Women's Health Council of the National Association of Chronic Disease Directors.

I ask unanimous consent letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE AMERICAN ASSOCIATION
OF COLLEGES OF PHARMACY,
Alexandria, VA, August 9, 2006.

Hon. HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of America's 92 accredited colleges and schools of pharmacy let me personally thank you for your concern for the nearly 21 million children and adults with diabetes. The American Association of Colleges of Pharmacy (AACP) supports your introduction of legislation focused on an important cohort of individuals at risk for contracting diabetes--pregnant women.

The Gestational Diabetes Act will bring greater attention to a public health problem that left unchecked will overwhelm our society. Coupled with the growing incidence of obesity, gestational onset diabetes requires new, unique approaches and interventions that your legislation can help stimulate.

We know that pharmacists are effective in helping diabetic patients improve their health outcomes through self-management programs. These community-based providers have been effective in working with the greater public health community to increase the awareness of pregnant women of the need to increase their intake of folic acid to reduce the incidence of neural tube defects in newborns. Colleges and schools of pharmacy are actively engaged in working with communities to reduce the incidence of public health threats and creating novel health promotion and wellness programs. We encourage you to utilize this significant resource as your legislation continues its way through the Congress and on to final passage.

Thank you for your attention to an important public health threat. We look forward to working with you to improve the health of pregnant women by reducing their risk for gestational diabetes.

Sincerely,
WILLIAM G. LANG IV, MPH,
VP Policy and Advocacy.

AMERICAN ASSOCIATION
OF DIABETES EDUCATORS,
August 8, 2006.

Senator HILLARY RODHAM CLINTON,
Russel Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the American Association of Diabetes Educators, I would like to thank you for the introduction of the Gestational Diabetes Act.

The American Association of Diabetes Educators (AADE) is a multi-disciplinary professional membership organization dedicated to advancing the practice of diabetes self-management training and care as integral components of health care for persons with diabetes, and lifestyle management for prevention of diabetes. Our members include nurses, dietitians, pharmacists, physicians, social workers, exercise physiologists and other members of the diabetes teaching team.

Given the growing prevalence of diabetes in all populations, steps taken now will not only address the need to lower the incidence of gestational diabetes but prevent women with this condition and their children from developing Type 2 diabetes.

As an organization dedicated to improving the health and lives of people with diabetes, AADE appreciates your leadership on this important legislation and its intent to better understand and reduce the incidence of gestational diabetes.

Sincerely,

MALINDA PEEPLES, RN, MS, CDE,
President.

AMERICAN DIABETES ASSOCIATION,
Alexandria, VA, August 3, 2006.

Hon. HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: Today, almost 21 million children and adults in America have diabetes—including 9.7 million women—and almost one third of them do not know it. On behalf of all Americans living with diabetes in our country, I would like to thank you for the introduction of the Gestational Diabetes Act. The American Diabetes Association enthusiastically supports this important legislation and its intent to better understand and reduce the incidence of gestational diabetes.

Gestational diabetes develops in 4–8% of all pregnancies, with the prevalence increasing up to 10% in some populations. Women who have had gestational diabetes or have given birth to a baby weighing more than 9 pounds are at a dramatically increased risk for developing type 2 diabetes later in life. The Gestational Diabetes Act will allow for better data collection and expand the resources available to fight this dangerous disease. By setting up a national grant program, communities will be able to determine the most efficient and customized approaches to prevent, diagnose and treat gestational diabetes on the local level. Additionally, grants can be used by state-based diabetes prevention and control programs to collect and analyze surveillance data on women with and at risk for gestational diabetes, among other purposes. These components are crucial to stemming the tide of gestational diabetes in America, and lowering the overall incidence of diabetes in this country.

Every 24 hours, Americans pay a horrific price to diabetes: 4100 people are diagnosed with the disease, there are 230 amputations in people with diabetes, 120 people will enter end-stage kidney disease programs, and 55 people will go blind. During this same time period, there will be 613 deaths due to this epidemic. The American Diabetes Association believes that if we are to truly make strides against this devastating disease, we must improve treatment and research on the communities most impacted by diabetes.

The Association applauds your efforts on behalf of Americans with diabetes. We look forward to working with you toward the passage of the Gestational Diabetes Act and other legislation critical to Americans with diabetes.

Sincerely,

L. HUNTER LIMBAUGH,
Chair, National Advocacy Committee.

AMERICAN DIETETIC ASSOCIATION,
Washington, DC, September 8, 2006.

Hon. HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the 65,000 registered dietitians who are members of the American Dietetic Association (ADA), we thank you for your leadership in introducing the Gestational Diabetes Act. While gestational diabetes is one of pregnancy's most common complications, the associated risks for mothers with GDM and their children are startling. In the United States, maternal obesity also is a concern and increases the risk of gestational diabetes, cesarean deliveries, and complications during delivery, macrosomia, congenital defects and childhood obesity. ADA has been in the forefront of this issue by developing evidence-based Nutrition Practice Guidelines for Gestational Diabetes Mellitus.

It is the position of the American Dietetic Association that women of childbearing potential should maintain good nutritional status through a lifestyle that optimizes maternal health and reduces the risk of birth defects, suboptimal fetal development, and chronic health problems in their children. The key components of a health promoting lifestyle during pregnancy include appropriate weight gain; consumption of a variety of foods in accordance with the Food Guide Pyramid; appropriate and timely vitamin and mineral supplementation; avoidance of alcohol, tobacco, and other harmful substances; and safe food-handling.

Women have specific nutritional needs and vulnerabilities and, as such, are at unique risk for various nutrition-related diseases and conditions. Therefore, ADA strongly supports research, health promotion activities, health services, and advocacy efforts that will enable women to adopt desirable nutrition practices for optimal health. Women are at risk for numerous chronic diseases and conditions that affect the duration and quality of their lives. Although women's health-related issues are multifaceted, nutrition has been shown to influence significantly the risk of chronic disease and to assist in maintaining optimal health status.

The American Dietetic Association strongly supports your efforts to create a Research Advisory Committee within CDC to address problems associated with gestational diabetes. Registered dietitians can play a unique role in providing medical nutrition therapy for pregnant women with inappropriate weight gain. As a result, ADA would like to work with you in ensuring that a qualified registered dietitian serves on the committee.

Sincerely,

RONALD E. SMITH,
Director of Government Relations.

THE AMERICAN COLLEGE OF
OBSTETRICIANS AND GYNECOLOGISTS,
Washington, DC, August 4, 2006.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON, On behalf of the American College of Obstetricians and Gynecologists (ACOG), 51,000 physicians and partners in women's health care, we are pleased to support the GEstational DIabetes (GEDI) Act of 2006. This legislation would provide research, monitoring, screening and training for health care providers on gestational diabetes.

Gestational diabetes mellitus (GDM) is one of the most common clinical issues facing obstetricians and their patients. A lack of data from well-designed studies has contributed to the controversy surrounding the diagnosis and management of this condition. The GEDI Act of 2006 would provide critical funding for research and community education on this important issue. Because of the expertise and solid scientific evidence we have to contribute, we urge you to ensure ACOG's participation on the advisory committee created by this legislation.

Gestational diabetes affects 4 to 8 percent, approximately 135,000, of all pregnant women in the United States each year. The increase in obesity in the U.S. has raised the prevalence of gestational diabetes resulting in significant health consequences, including increased risk for developing Type 2 diabetes. This legislation could help reverse these negative trends.

Thank you for your continued leadership on women's health care issues and we are pleased to work with you to ensure enactment of this legislation of vital importance to women and babies. Should you have any questions, please contact Krysta Jones, of ACOG's Government Affairs staff.

Sincerely,

DOUGLAS W. LAUBE,
President.

ASSOCIATION OF ASIAN PACIFIC
COMMUNITY HEALTH ORGANIZATIONS,
Oakland, CA, August 7, 2006.

Senator HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON, On behalf of the Association of Asian Pacific Community Health Organizations (AAPCHO), I would like to thank you and express our support for the Gestational Diabetes (GEDI) Act of 2006.

AAPCHO is a non-profit national association of community health organizations. Our mission is to promote advocacy, collaboration and leadership that improves the health status and access of Asian Americans, Native Hawaiians and Pacific Islanders within the U.S. and its territories and freely associated states, primarily through our member community health centers.

Diabetes is a serious chronic condition among Asian Americans and Pacific Islanders (AAPIs). For FY 2003, AAPCHO member centers, serving primarily AAPIs, reported an average diabetes incidence rate of 11 per 1000 patients, far above the Healthy People 2010 target rate of 2.5 per 1000 patients. The Gestational Diabetes Act will improve treatment and research in the AAPI community.

We appreciate your efforts and look forward to working with you to improve the health status of AAPIs with diabetes through the GEDI Act and other legislation concerning diabetes. Please contact me if you have any questions or would like additional information.

Sincerely,

JEFFREY CABALLERO,
Executive Director.

BREASTFEEDING TASK FORCE
OF GREATER LOS ANGELES,
Redondo Beach, CA, August 14, 2006.

Sen. HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the Board of Directors of the Breastfeeding Task Force of Greater Los Angeles, I am writing to pledge our support of the Gestational Diabetes Act and urge the inclusion of breastfeeding in the research and treatment components. Gestational diabetes develops in 4 to 8 percent of all pregnancies, with the prevalence increasing up to 10 percent in some populations. Women who have gestational diabetes are at a dramatically increased risk for developing Type 2 diabetes later in life.

We support this legislation because it aims to lower the incidence of gestational diabetes and prevent women afflicted with this condition and their children from developing Type 2 diabetes. Research shows that lactation improves maternal glucose homeostasis, thus delaying or reducing the mother's risk of developing Type 2 diabetes. Babies born to mothers with gestational diabetes are at great risk for developing diabetes later in life. When these babies are breastfed, their risk is reduced.

In Los Angeles County, approximately 10,000 women are afflicted with gestational diabetes each year. The Breastfeeding Task Force of Greater Los Angeles believes that if we are to improve the lives of these women, we must support and protect breastfeeding in the communities most impacted by diabetes. The Gestational Diabetes Act will improve data collection and expand resources available for prevention, diagnosis and treatment. These activities are critical to battling gestational diabetes in America.

The Breastfeeding Task Force of Greater Los Angeles thanks you for your efforts on behalf of the mothers affected by gestational diabetes and their babies. We look forward to working with you toward the passage of the Gestational Diabetes Act and other legislation critical to mothers and babies.

Sincerely,

KAREN PETERS,
Executive Director.

AWHONN,
Washington, DC, August 8, 2006.
Senator HILLARY CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: The Association of Women's Health, Obstetric and Neonatal Nurses (AWHONN) would like to thank you for introducing the Gestational Diabetes Act. AWHONN is a national membership organization of 22,000 nurses, and it is our mission to promote the health and well-being of women and newborns. Our members are staff nurses, nurse practitioners, certified nurse-midwives, and clinical nurse specialists who work in hospitals, physicians' offices, universities, and community clinics throughout the United States. AWHONN supports this important legislation and its intent to better understand and reduce the incidence of gestational diabetes.

As you know, almost 21 million Americans have diabetes including 9.7 million women. Gestational diabetes develops in 4 to 8 percent of all pregnancies with the prevalence rate reaching up to 10 percent in some populations according to the American Diabetes Association. Significant negative health impacts exist for women during and after pregnancy and for infants as a result of gestational diabetes. For example, women and infants run a higher risk for developing Type 2 diabetes in their lifetimes; pregnant women are at risk for preeclampsia; and, newborns at risk for having low blood sugar and severe jaundice.

The Gestational Diabetes Act seeks to establish a Research Advisory Committee that will develop multi-site gestational diabetes research projects to expand and enhance monitoring of gestational diabetes by standardizing procedures for accurate data collection and identifications of this disorder. In addition, the bill allows for demonstration grant programs that are focused on the reduction of the incidence rate of gestational diabetes. Finally, the bill calls for an expansion on current research at the Centers for Disease Control and the National Institutes of Health.

AWHONN applauds your leadership on this issue, and we support the introduction of the Gestational Diabetes Act. We look forward to working with you towards the passage of this legislation that is critical for improving the research on and treatment of gestational diabetes, which ultimately affects the health and well-being of both women and newborns throughout their lifespan.

Sincerely,

MELINDA M. RAY,
Director, Public Affairs.

GLOBAL ALLIANCE
FOR WOMEN'S HEALTH,
New York, NY, August 9, 2006.
Senator HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON. The Global Alliance for Women's Health endorses the National Public Health Initiative on Diabetes and Women's Health. It addresses an important and underattended aspect of women's health. The passage and implementation of this initiative will significantly advance the health of American women and will undoubtedly provide guidance for those of us working to advance the health of women worldwide.

Sincerely,

ELAINE M. WOLFSON,
President.

INTERNATIONAL COMMUNITY
HEALTH SERVICES,
Washington, DC, August 8, 2006.
Senator HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: International Community Health Services (ICHS) applauds your efforts in raising awareness and support for gestational diabetes research and prevention. ICHS supports the introduction and passage of the Gestational Diabetes Act.

ICHS is currently a member of the REACH diabetes coalition, a CDC program which provides funding for outreach and education to minority populations, but is limited to people 40 years and older. We serve 15,000 patients speaking 35 languages with the majority being women in their childbearing years who are disproportionately affected by diabetes. In our 2006 community needs assessment diabetes was identified by doctors and community members as one of the highest concerns. Due to this disproportionate affect and community concern, our clinics offer special services for patients with diabetes. Additionally preventing diabetes from developing and mitigating the harmful effects falls in line with the Healthy People 2010 objectives.

Thank you for taking the lead on the important issue of gestational diabetes. With growing rates of obesity and women becoming mothers later in life, this is a crucial time to take action and provide funding for further research.

ICHS is proud to support the Gestational Diabetes Act and we commend Senator Clinton for introducing the legislation.

Sincerely,

TERESITA BATAYOLA,
Executive Director.

NATIONAL ASSOCIATION OF
CHRONIC DISEASE DIRECTORS,
Washington, DC, August 7, 2006.
Senator HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: Today, almost 21 million children and adults in America have diabetes—including 9.7 million women—and almost one-third of them do not know it. On behalf of all Americans living with diabetes in our country, I would like to thank you for the introduction of the Gestational Diabetes Act. The National Association of Chronic Disease Directors (NACDD), a membership organization of program directors and staff in every state and territorial health department, enthusiastically supports this important legislation and its intent to better understand and reduce the incidence of gestational diabetes.

Gestational diabetes develops in 4–8 percent of all pregnancies, with the prevalence increasing up to 10 percent in some populations. Women who have had gestational diabetes or have given birth to a baby weighing more than 9 pounds are at a dramatically increased risk for developing type 2 diabetes later in life. The Gestational Diabetes Act will allow for better data collection and expand the resources available to fight this dangerous disease. Creating a national program will allow states to determine the most efficient and customized approach to prevent, diagnose and treat gestational diabetes at the local level. Additionally, grants can be used by state-based diabetes prevention and control programs to collect and analyze surveillance data on women with and at risk for gestational diabetes. These components are crucial to stemming the tide of gestational diabetes in America and lowering the overall incidence of diabetes in this country.

Every 24 hours, Americans pay a horrific price to diabetes: 4,100 people are diagnosed with the disease, there are 230 amputations in people with diabetes, 120 people will enter end-stage kidney disease programs, and 55 people will go blind. During this same time period, there will be 613 deaths due to this epidemic. The National Association of Chronic Disease Directors believes that if we are to truly make strides against this devastating disease, we must improve prevention and control in the communities most impacted by diabetes.

NACDD applauds your efforts on behalf of Americans with diabetes. We look forward to working with you toward the passage of the Gestational Diabetes Act and other legislation critical to Americans with diabetes.

Sincerely,

DAVID P. HOFFMAN,
Chair, Legislative and Policy Committee.

NATIONAL RESEARCH CENTER
FOR WOMEN & FAMILIES,
Washington, DC, September 12, 2006.
Hon. HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: The National Research Center for Women & Families applauds your leadership in introducing the "GEstational DIabetes (GEDI) Act of 2006".

We share your concern that gestational diabetes is associated with potentially serious health problems for the mother and child during and after childbirth. Gestational diabetes increases a mother and child's risk for developing Type 2 diabetes. With 135,000 women per year being diagnosed with gestational diabetes and that number steadily increasing, it is necessary to better understand the disease and to prevent the development of Type 2 diabetes. Data collection and monitoring gestational diabetes and obesity during pregnancy are essential first steps. The GEDI Act's data systems, demonstration grants, and research expansion will all aid in lowering the incidence of gestational diabetes and will help prevent Type 2 diabetes.

Thank you again for your vision and leadership in drawing attention to this and many other important health issues.

Sincerely,

DIANA M. ZUCKERMAN,
President.

SOCIETY FOR WOMEN'S
HEALTH RESEARCH,
Washington, DC, August 11, 2006.

Senator HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: Today, almost 21 million children and adults in America have diabetes, including 9.7 million women. Gestational diabetes develops in 4–8 percent of all pregnancies, with the prevalence increasing up to 10 percent in some populations. On behalf of all Americans living with diabetes in our country, the Society for Women's Health Research (SWHR) thanks you for the introduction of the Gestational Diabetes Act.

As the nation's only advocacy organization committed to improving the health of all women through research, the Society supports this important legislation, with its focus on learning more about treatment and prevention of gestational diabetes through research. The Gestational Diabetes Act will allow for better data collection and to analyze surveillance data on women with and at risk for gestational diabetes, among other purposes. These components are crucial to stemming the tide of gestational diabetes in America, and lowering the overall incidence of diabetes in this country.

Thank you for your leadership and your support of women's health research.

Sincerely,

PHYLLIS GREENBERGER,
President & CEO.
MARTHA NOLAN,
Vice President, Public Policy.

WITHINREACH,
Seattle, WA, August 9, 2006.

Senator HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: Thank you for the introduction of the Gestational Diabetes Act. WithinReach (formerly Healthy Mothers, Healthy Babies Coalition of Washington State) and the Breastfeeding Coalition of Washington State (a program of WithinReach) enthusiastically support this legislation and the need for Americans to better understand and reduce the incidence of gestational diabetes.

You may not be aware of the connection between early nutrition and its impact on diabetes. Specifically, not breastfeeding increases the risk of diabetes (in both infant and mother). A review of the literature by Schaefer-Graf et al. demonstrate that among children of women who have GDM, having been breast fed for over 3 months is negatively associated with being overweight in early childhood. In this group, the risk of childhood overweight was reduced by 40–50 percent. The effect was most pronounced when the mother was obese.

Breastfeeding mothers provide their children with a lower risk of infection and chronic diseases. There is a clear dose-response relationship between duration of breastfeeding and the extent of risk reduction. Breastfeeding improves the health of infants and mothers and can result in cost savings for parents, insurers, employers, and society. The medical and economic value of breast feeding is high. Support from employers, health insurers, health providers, and society are required to reach the goals set forth in Healthy People 2010 including 75 percent of mothers initiating breastfeeding, 50 percent of infants receiving breastmilk at 6 months, and 25 percent of infants breastfeeding at 1 year of age.

Most women want to breastfeed and deserve our help in fulfilling their goals, including providing them societal support and sparing them societal experiences that make it difficult to succeed. The GeDi Act and an increased rate of breast feeding will proactively improve the health of Americans, as well as decrease diabetes and its related illnesses and medical costs.

WithinReach and the Breastfeeding Coalition of Washington State applaud your efforts and ask that you ensure the important health and economic connection between breast feeding and diabetes is made.

Sincerely,

GINNY ENGLISH,
Executive Director, WithinReach.
KIMBERLY RADTKE,
Coordinator,
Breastfeeding Coalition of Washington.

NATIONAL ASSOCIATION OF
CHRONIC DISEASE DIRECTORS,
Washington, DC, August 8, 2006.

Senator HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: Current national behavioral health statistics reveal that 7.2 percent of U.S. women 18 years of age and older have diabetes. This number is underestimated due to 30 percent of women who have diabetes have not been diagnosed. Of the women surveyed, 1.6 percent states that their diabetes was pregnancy related or Gestational diabetes. Gestational diabetes occurs in 4–8 percent of pregnancies and places both the woman and her infant at greater risk for developing type 2 diabetes and is associated with health problems for both woman and child during the pregnancy and childbirth. With the increasing rise in obesity, the prevalence of gestational diabetes is also rising, however genetics, ethnicity, and maternal age are risk factors for the disease. Over the last several decades, the science of diagnosing and treating Gestational Diabetes advanced, but additional research is needed to understand the complex interrelationships of obesity, genetics, ethnicity and diabetes in women.

Women and diabetes are major priorities of the Women's Health Council of the National Association of Chronic Disease Directors. The Council is currently studying the issues surrounding diabetes and young women through the "Pregnancy Risk Assessment Surveillance System. The Council supports your proposed legislation as the legislation further enhances the science of diabetes and its impact on women. Also, the Women's Health Council serves as an active member of the National Public Health Initiative on Diabetes and Women's Health and this proposed legislation furthers the objectives of this Initiative.

The Gestational Diabetes Act creates a Research Advisory Committee headed by the CDC and includes representatives of federal agencies, and health organizations to develop demonstration grants funding multisite gestational diabetes research projects to expand and enhance monitoring of gestational diabetes by standardizing procedures for accurate data collection and identifying this disorder. This bill also tracks mothers who had gestational diabetes and develop methods to prevent their development of Type 2 diabetes.

Thank you for developing policy that supports women and their health status.

Sincerely,

ADELINE YERKES,
Chairperson, Women's Health Council.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 575—SUPPORTING THE EFFORTS OF THE INDEPENDENT NATIONAL ELECTORAL COMMISSION OF THE GOVERNMENT OF NIGERIA, POLITICAL PARTIES, CIVIL SOCIETY, AND RELIGIOUS ORGANIZATIONS TO FACILITATE THE FIRST DEMOCRATIC TRANSITION OF NIGERIA FROM 1 CIVILIAN GOVERNMENT TO ANOTHER IN THE GENERAL ELECTIONS TO BE HELD IN APRIL 2007

Mr. FEINGOLD (for himself and Mr. HAGEL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 575

Whereas the United States maintains strong and friendly relations with Nigeria and values the leadership role that the United States plays throughout the continent of Africa, particularly in the establishment of the New Partnership for African Development and the African Union;

Whereas Nigeria is an important strategic partner with the United States in combating terrorism, promoting regional stability, and improving energy security;

Whereas Nigeria is a leading contributor to global peacekeeping efforts, including operations in Lebanon, Yugoslavia, Kuwait, the Democratic Republic of Congo, Somalia, Rwanda, and Sudan;

Whereas past corruption and poor governance have resulted in weak political institutions, crumbling infrastructure, a feeble economy, and an impoverished population;

Whereas political aspirants and the democratic process of Nigeria are being threatened by increasing politically-motivated violence, including the assassination of 3 gubernatorial candidates in different states during the previous 2 months; and

Whereas the Chairperson of the Independent National Electoral Commission has—

(1) announced that governorship and state assembly elections will be held on April 14, 2007;

(2) stated that votes for the president and national assembly will take place on April 21, 2007; and

(3) vowed to organize free and fair elections to facilitate a smooth democratic transition: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of Nigeria as a strategic partner and long-time friend of the United States;

(2) acknowledges the rising prominence of Nigeria as a leader and role model throughout the region and continent;

(3) commends the decision of the National Assembly of Nigeria to reject an amendment to the constitution that would have allowed for a third presidential term;

(4) encourages the Government of Nigeria and the Independent National Electoral Commission to demonstrate a commitment to successful democratic elections by—

(A) developing an aggressive plan for voter registration and education;

(B) addressing charges of past or intended corruption in a transparent manner; and

(C) conducting objective and unbiased recruitment and training of election officials;

(5) urges the Government of Nigeria to respect the freedoms of association and assembly, including the right of candidates, members of political parties, and others—

(A) to freely assemble;

(B) to organize and conduct public events; and

(C) to exercise those and other rights in a manner free from intimidation or harassment;

(6) urges a robust effort by the law enforcement and judicial officials of Nigeria to enforce the rule of law, particularly by—

(A) preventing and investigating politically-motivated violence; and

(B) prosecuting those suspected of such acts;

(7) urges—

(A) President Bush to ensure that the United States supports the Government of Nigeria in that regard; and

(B) the Government of Nigeria to actively seek the support of the international community for democratic, free, and fair elections in April 2007; and

(8) expresses the support of the United States for coordinated efforts by the Government of Nigeria and the Independent National Electoral Commission to work with political parties, civil society, religious organizations, and other entities to organize a peaceful political transition based on free and fair elections in April 2007 to further consolidate the democracy of Nigeria.

SENATE RESOLUTION 576—SUPPORTING THE GOALS OF RED RIBBON WEEK

Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. BIDEN, Mr. CHAMBLISS, Mrs. DOLE, Mr. DOMENICI, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. STEVENS, Mr. TALENT, Mr. FRIST, Mr. DEWINE, Mr. INOUYE, Mr. PRYOR, Mr. SALAZAR, Mr. SCHUMER, Ms. SNOWE, Mr. VITTER, and Mr. BURNS) submitted the following resolution; which was considered and agreed to:

S. RES. 576

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, and more than 100 other organizations throughout the United States annually cosponsor Red Ribbon Week during the week of October 23 through October 31;

Whereas a purpose of the Red Ribbon Campaign is to commemorate the service of Enrique "Kiki" Camarena, a special agent of the Drug Enforcement Administration who died in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign is nationally recognized and is in its twenty-first year of celebration to help preserve the memory of Special Agent Camarena and further the cause for which he gave his life;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug and alcohol abuse places the lives of children at risk and contributes to domestic violence and sexual assaults;

Whereas drug abuse is one of the major challenges that the citizens of the United States face in securing a safe and healthy future for the families and children of our Nation;

Whereas emerging drug threats, such as the growing epidemic of methamphetamine abuse and the abuse of inhalants and prescription drugs, jeopardize the progress made against illegal drug abuse; and

Whereas parents, youths, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States demonstrate their commitment to drug-free, healthy lifestyles by wearing and displaying red ribbons during this week-long celebration: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of Red Ribbon Week;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages all people of the United States—

(A) to promote the creation of drug-free communities; and

(B) to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

SENATE RESOLUTION 577—DESIGNATING SEPTEMBER 24, 2006, AS "NATIONAL GOOD NEIGHBOR DAY"

Mr. BAUCUS (for himself, Mr. BURNS, and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 577

Whereas our society has developed highly effective means of speedy communication around the world, but has failed to ensure meaningful communication among people living across the globe, or even across the street, from one another;

Whereas the endurance of human values and consideration for others are critical to the survival of civilization; and

Whereas being good neighbors to those around us is the first step toward human understanding: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 24, 2006, as "National Good Neighbor Day"; and

(2) calls on the people of the United States and interested groups and organizations to observe National Good Neighbor Day with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5021. Mrs. FEINSTEIN (for herself and Mr. CRAIG) submitted an amendment intended to be proposed by her to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table.

SA 5022. Mr. CRAIG (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5023. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5024. Mr. MCCONNELL (for Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. HATCH, Mr. ROCKEFELLER, and Ms. SNOWE)) proposed an amendment to the bill S. 3525, to reauthorize the safe and stable families program, and for other purposes.

SA 5025. Mr. MCCONNELL (for Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. HATCH, Mr. ROCKEFELLER, and Ms. SNOWE)) proposed an amendment to the bill S. 3525, supra.

TEXT OF AMENDMENTS

SA 5021. Mrs. FEINSTEIN (for herself and Mr. CRAIG) submitted an amendment intended to be proposed by her to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 7, after line 10, insert the following:

TITLE II—AGRICULTURAL JOB OPPORTUNITIES, BENEFITS, AND SECURITY

SEC. 201. SHORT TITLE.

This title may be cited as the "Agricultural Job Opportunities, Benefits, and Security Act of 2006" or the "AgJOBS Act of 2006".

SEC. 202. DEFINITIONS.

In this title:

(1) AGRICULTURAL EMPLOYMENT.—The term "agricultural employment" means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) BLUE CARD STATUS.—The term "blue card status" means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 211(a).

(3) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(4) EMPLOYER.—The term "employer" means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(5) JOB OPPORTUNITY.—The term "job opportunity" means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

(6) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

(7) TEMPORARY.—A worker is employed on a "temporary" basis where the employment is intended not to exceed 10 months.

(8) UNITED STATES WORKER.—The term "United States worker" means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized

to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(9) WORK DAY.—The term "work day" means any day in which the individual is employed 5.75 or more hours in agricultural employment.

Subtitle A—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

SEC. 211. AGRICULTURAL WORKERS.

(a) BLUE CARD PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer blue card status upon an alien who qualifies under this subsection if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2005;

(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act;

(C) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2); and

(D) has not been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(2) AUTHORIZED TRAVEL.—An alien in blue card status has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—An alien in blue card status shall be provided an "employment authorized" endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF BLUE CARD STATUS.—

(A) IN GENERAL.—The Secretary may terminate blue card status granted under this subsection only upon a determination under this title that the alien is deportable.

(B) GROUNDS FOR TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under subsection (c), the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(i) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States;

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

(IV) fails to perform the agricultural employment required under subsection (c)(1)(A)(i) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (c)(1)(A)(iii).

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) SUNSET.—The obligation under subparagraph (A) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(6) REQUIRED FEATURES OF BLUE CARD.—The Secretary shall provide each alien granted blue card status and the spouse and children of each such alien residing in the United States with a card that contains—

(A) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(B) biometric identifiers, including fingerprints and a digital photograph; and

(C) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(7) FINE.—An alien granted blue card status shall pay a fine to the Secretary in an amount equal to $100.

(8) MAXIMUM NUMBER.—The Secretary may issue not more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

(b) RIGHTS OF ALIENS GRANTED BLUE CARD STATUS.—

(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien in blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the alien is granted permanent resident status under subsection (c).

(3) TERMS OF EMPLOYMENT RESPECTING ALIENS ADMITTED UNDER THIS SECTION.—

(A) PROHIBITION.—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

(B) TREATMENT OF COMPLAINTS.—

(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) INITIATION OF ARBITRATION.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).

(v) TREATMENT OF ATTORNEY'S FEES.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(c) ADJUSTMENT TO PERMANENT RESIDENCE.—

(1) AGRICULTURAL WORKERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(i) QUALIFYING EMPLOYMENT.—

(I) IN GENERAL.—Subject to subclause (II), the alien has performed at least—

(aa) 5 years of agricultural employment in the United States for at least 100 work days per year, during the 5-year period beginning on the date of the enactment of this Act; or

(bb) 3 years of agricultural employment in the United States for at least 150 work days per year, during the 3-year period beginning on the date of the enactment of this Act.

(II) 4-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to meet the requirements of subclause (I) if the alien has performed 4 years of agricultural employment in the United States for at least 150 work days during 3 years of those 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on the date of the enactment of this Act.

(ii) PROOF.—An alien may demonstrate compliance with the requirement under clause (i) by submitting—

(I) the record of employment described in subsection (a)(5); or

(II) such documentation as may be submitted under subsection (d)(3).

(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement under clause (i)(I), the Secretary may credit the alien with not more than 12 additional months to meet the requirement under clause (i) if the alien was unable to work in agricultural employment due to—

(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

(iv) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(v) FINE.—The alien pays a fine to the Secretary in an amount equal to $400.

(B) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien adjustment to permanent resident status, and provide for termination of the blue card status granted such alien, if—

(i) the Secretary finds by a preponderance of the evidence that the adjustment to blue card status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(C) GROUNDS FOR REMOVAL.—Any alien granted blue card status who does not apply for adjustment of status under this subsection before the expiration of the application period described in subparagraph (A)(iv), or who fails to meet the other requirements of subparagraph (A) by the end of the applicable period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(D) PAYMENT OF TAXES.—

(i) IN GENERAL.—Not later than the date on which an alien's status is adjusted under this subsection, the alien shall establish the payment of any applicable Federal tax liability by establishing that—

(I) no such tax liability exists;

(II) all outstanding liabilities have been paid; or

(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(ii) APPLICABLE FEDERAL TAX LIABILITY.—For purposes of clause (i), the term "applicable Federal tax liability" means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required under paragraph (1)(A) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(iii) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subparagraph.

(2) SPOUSES AND MINOR CHILDREN.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted status under paragraph (1), including any individual who was a minor child on the date such alien was granted blue card status, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(B) TREATMENT OF SPOUSES AND MINOR CHILDREN BEFORE ADJUSTMENT OF STATUS.—

(i) REMOVAL.—The spouse and any minor child of an alien granted blue card status may not be removed while such alien maintains such status, except as provided in subparagraph (C).

(ii) TRAVEL.—The spouse and any minor child of an alien granted blue card status may travel outside the United States in the same manner as an alien lawfully admitted for permanent residence.

(iii) EMPLOYMENT.—The spouse of an alien granted blue card status may apply to the Secretary for a work permit to authorize such spouse to engage in any lawful employment in the United States while such alien maintains blue card status.

(C) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS AND REMOVAL.—The Secretary may deny an alien spouse or child adjustment of status under subparagraph (A) and may remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(i) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under subsection (e)(2);

(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(d) APPLICATIONS.—

(1) TO WHOM MAY BE MADE.—The Secretary shall provide that—

(A) applications for blue card status may be filed—

(i) with the Secretary, but only if the applicant is represented by an attorney or a non-profit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(ii) with a qualified designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Secretary; and

(B) applications for adjustment of status under subsection (c) shall be filed directly with the Secretary.

(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—

(A) IN GENERAL.—For purposes of receiving applications under subsection (a), the Secretary—

(i) shall designate qualified farm labor organizations and associations of employers; and

(ii) may designate such other persons as the Secretary determines are qualified and have substantial experience, demonstrate competence, and have traditional long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act, Public Law 89–732, Public Law 95–145, or the Immigration Reform and Control Act of 1986.

(B) REFERENCES.—Organizations, associations, and persons designated under subparagraph (A) are referred to in this title as "qualified designated entities".

(3) PROOF OF ELIGIBILITY.—

(A) IN GENERAL.—An alien may establish that the alien meets the requirement of subsection (a)(1)(A) or (c)(1)(A) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(B) DOCUMENTATION OF WORK HISTORY.—

(i) BURDEN OF PROOF.—An alien applying for status under subsection (a)(1) or (c)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days (as required under subsection (a)(1)(A) or (c)(1)(A)).

(ii) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(iii) SUFFICIENT EVIDENCE.—An alien can meet the burden of proof under clause (i) to establish that the alien has performed the work described in subsection (a)(1)(A) or (c)(1)(A) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(4) TREATMENT OF APPLICATIONS BY QUALIFIED DESIGNATED ENTITIES.—Each qualified designated entity shall agree to forward to the Secretary applications filed with it in accordance with paragraph (1)(A)(ii) but shall not forward to the Secretary applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this

section to be made by the Secretary. Upon the request of the alien, a qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien.

(5) LIMITATION ON ACCESS TO INFORMATION.—Files and records prepared for purposes of this subsection by qualified designated entities operating under this subsection are confidential and the Secretary shall not have access to such files or records relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to paragraph (6).

(6) CONFIDENTIALITY OF INFORMATION.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, neither the Secretary, nor any other official or employee of the Department, or a bureau or agency of the Department, may—

(i) use the information furnished by the applicant pursuant to an application filed under this section, the information provided to the applicant by a person designated under paragraph (2)(A), or any information provided by an employer or former employer, for any purpose other than to make a determination on the application, or for enforcement of paragraph (7);

(ii) make any publication whereby the information furnished by any particular individual can be identified; or

(iii) permit anyone other than the sworn officers and employees of the Department, or a bureau or agency of the Department, or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(B) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished under this section, or any other information derived from such furnished information, to—

(i) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; or

(ii) an official coroner, for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(C) CONSTRUCTION.—

(i) IN GENERAL.—Nothing in this paragraph shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes of information contained in files or records of the Department pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(ii) CRIMINAL CONVICTIONS.—Information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement or law enforcement purposes.

(D) CRIME.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall be subject to a fine in an amount not to exceed $10,000.

(7) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(A) CRIMINAL PENALTY.—Any person who—

(i) files an application for status under subsection (a) or (c) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(ii) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(B) INADMISSIBILITY.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(8) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for adjustment of status under this section.

(9) APPLICATION FEES.—

(A) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

(i) shall be charged for the filing of applications for status under subsections (a) and (c); and

(ii) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(B) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

(C) DISPOSITION OF FEES.—

(i) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the "Agricultural Worker Immigration Status Adjustment Account". Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under subparagraph (A)(i).

(ii) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the "Agricultural Worker Immigration Status Adjustment Account" shall remain available to the Secretary until expended for processing applications for status under subsections (a) and (c).

(e) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.—

(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

(2) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for status under subsection (a)(1)(C) or an alien's eligibility for adjustment of status under subsection (c)(1)(B)(ii)(I), the following rules shall apply:

(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) WAIVER OF OTHER GROUNDS.—

(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

(ii) GROUNDS THAT MAY NOT BE WAIVED.—Paragraphs (2)(A), (2)(B), (2)(C), (3), and (4) of such section 212(a) may not be waived by the Secretary under clause (i).

(iii) CONSTRUCTION.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for status under this section by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(f) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

(1) BEFORE APPLICATION PERIOD.—Effective on the date of enactment of this Act, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1)(B) and who can establish a nonfrivolous case of eligibility for blue card status (but for the fact that the alien may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for blue card status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for blue card status during the application period described in subsection (a)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit for such purpose.

(g) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(1) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for status under subsection (a) or (c) except in accordance with this subsection.

(2) ADMINISTRATIVE REVIEW.—

(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(3) JUDICIAL REVIEW.—

(A) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

(h) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—Beginning not later than the first day of the application period described in subsection (a)(1)(B), the Secretary, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits that aliens may receive under this section and the requirements to be satisfied to obtain such benefits.

(i) REGULATIONS.—The Secretary shall issue regulations to implement this section not later than the first day of the seventh month that begins after the date of enactment of this Act.

(j) EFFECTIVE DATE.—This section shall take effect on the date that regulations are issued implementing this section on an interim or other basis.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this section, including any sums needed for costs associated with the initiation of such implementation, for fiscal years 2007 and 2008.

SEC. 212. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) who is granted blue card status under the Agricultural Job Opportunity, Benefits, and Security Act of 2006,"; and

(4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted blue card status.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

Subtitle B—REFORM OF H-2A WORKER PROGRAM

SEC. 221. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by striking section 218 and inserting the following:

"SEC. 218. H-2A EMPLOYER APPLICATIONS.

"(a) APPLICATIONS TO THE SECRETARY OF LABOR.—

"(1) IN GENERAL.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

"(A) the assurances described in subsection (b);

"(B) a description of the nature and location of the work to be performed;

"(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

"(D) the number of job opportunities in which the employer seeks to employ the workers.

"(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

"(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

"(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

"(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

"(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

"(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

"(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

"(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied under subsection (a) and to all other workers in the same occupation at the place of employment.

"(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

"(E) REQUIREMENTS FOR PLACEMENT OF NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

"(i) the nonimmigrant performs duties in whole or in part at 1 or more work sites owned, operated, or controlled by such other employer;

"(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

"(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

"(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

"(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(H) EMPLOYMENT OF UNITED STATES WORKERS.—

"(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

"(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

"(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

"(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

"(IV) Emergency procedures.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

"(ii) Job offers.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

"(iii) Period of employment.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the foreign worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the foreign worker who is in the job was hired has elapsed, subject to the following requirements:

"(I) Prohibition.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H–2A workers in order to force the hiring of United States workers under this clause.

"(II) Complaints.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

"(III) Placement of United States workers.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

"(iv) Statutory construction.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

"(c) Applications by Associations on Behalf of Employer Members.—

"(1) In general.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A and 218B.

"(2) Treatment of associations acting as employers.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

"(d) Withdrawal of Applications.—

"(1) In general.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

"(2) Limitation.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

"(3) Obligations under other statutes.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

"(e) Review and Approval of Applications.—

"(1) Responsibility of employers.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or work site, a copy of each such application (and such accompanying documents as are necessary).

"(2) Responsibility of the Secretary of Labor.—

"(A) Compilation of list.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under this subsection. Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

"(B) Review of applications.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application.

"SEC. 218A. H–2A EMPLOYMENT REQUIREMENTS.

"(a) Preferential Treatment of Aliens Prohibited.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

"(b) Minimum Benefits, Wages, and Working Conditions.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

"(1) Requirement to provide housing or a housing allowance.—

"(A) In general.—An employer applying under section 218(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

"(B) Type of housing.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

"(C) Family housing.—If it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

"(D) Workers engaged in the range production of livestock.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

"(E) Limitation.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

"(F) Charges for housing.—

"(i) Charges for public housing.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

"(ii) Deposit charges.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

"(G) Housing allowance as alternative.—

"(i) In general.—If the requirement under clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

"(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers, and H–2A workers, who are seeking temporary housing while employed at farm work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

"(iii) AMOUNT OF ALLOWANCE.—

"(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2 bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(2) REIMBURSEMENT OF TRANSPORTATION.—

"(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

"(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

"(C) LIMITATION.—

"(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

"(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

"(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

"(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

"(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

"(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORK SITE.—The employer shall provide transportation between the worker's living quarters and the employer's work site without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

"(3) REQUIRED WAGES.—

"(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

"(B) LIMITATION.—Effective on the date of the enactment of the Agricultural Job Opportunities, Benefits, and Security Act of 2006 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

"(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

"(i) FIRST ADJUSTMENT.—If Congress does not set a new wage standard applicable to this section before the first March 1 that is not less than 3 years after the date of enactment of this section, the adverse effect wage rate for each State beginning on such March 1 shall be the wage rate that would have resulted if the adverse effect wage rate in effect on January 1, 2003, had been annually adjusted, beginning on March 1, 2006, by the lesser of—

"(I) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

"(II) 4 percent.

"(ii) SUBSEQUENT ANNUAL ADJUSTMENTS.—Beginning on the first March 1 that is not less than 4 years after the date of enactment of this section, and each March 1 thereafter, the adverse effect wage rate then in effect for each State shall be adjusted by the lesser of—

"(I) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

"(II) 4 percent.

"(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

"(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

"(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

"(i) the worker's total earnings for the pay period;

"(ii) the worker's hourly rate of pay, piece rate of pay, or both;

"(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the three-quarters guarantee described in paragraph (4);

"(iv) the hours actually worked by the worker;

"(v) an itemization of the deductions made from the worker's wages; and

"(vi) if piece rates of pay are used, the units produced daily.

"(G) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2008, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

"(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural work force has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

"(v) recommendations for future wage protection under this section.

"(H) COMMISSION ON WAGE STANDARDS.—

"(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the 'Commission').

"(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

"(I) 4 representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

"(II) 4 representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

"(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

"(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United

States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

"(V) recommendations for future wage protection under this section.

"(iv) FINAL REPORT.—Not later than December 31, 2008, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

"(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

"(4) GUARANTEE OF EMPLOYMENT.—

"(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least three-fourths of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

"(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

"(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the 'three-fourths guarantee' described in subparagraph (A).

"(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

"(5) MOTOR VEHICLE SAFETY.—

"(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

"(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

"(ii) DEFINED TERM.—In this paragraph, the term 'uses or causes to be used'—

"(I) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

"(II) does not apply to—

"(aa) transportation provided, or transportation arrangements made, by an H–2A worker, unless the employer specifically requested or arranged such transportation; or

"(bb) car pooling arrangements made by H–2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

"(iii) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

"(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

"(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

"(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

"(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

"(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

"(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

"(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

"(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

"(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

"(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

"(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

"(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

"(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

"(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218, or section 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

"SEC. 218B. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H-2A WORKERS.

"(a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

"(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

"(c) CRITERIA FOR ADMISSIBILITY.—

"(1) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

"(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

"(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

"(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

"(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

"(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

"(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

"(d) PERIOD OF ADMISSION.—

"(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the work site and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

"(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

"(B) the total period of employment, including such 14-day period, may not exceed 10 months.

"(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

"(e) ABANDONMENT OF EMPLOYMENT.—

"(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

"(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H–2A worker prematurely abandons employment.

"(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

"(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

"(f) REPLACEMENT OF ALIEN.—

"(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

"(A) who abandons or prematurely terminates employment; or

"(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

"(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

"(g) IDENTIFICATION DOCUMENT.—

"(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify such person's proper identity.

"(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

"(A) The document shall be capable of reliably determining whether—

"(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

"(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

"(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

"(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

"(C) The document shall—

"(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

"(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

"(h) EXTENSION OF STAY OF H–2A ALIENS IN THE UNITED STATES.—

"(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

"(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

"(A) for a period of more than 10 months; or

"(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

"(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

"(A) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

"(B) DEFINITION.—For purposes of subparagraph (A), the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

"(C) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

"(D) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

"(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

"(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

"(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

"(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

"(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H-2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅕ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

"(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

"(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—Notwithstanding any provision of the Agricultural Job Opportunities, Benefits, and Security Act of 2006, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder, goat herder, or dairy worker—

"(1) may be admitted for an initial period of 12 months;

"(2) subject to subsection (j)(5), may have such initial period of admission extended for a period of up to 3 years; and

"(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

"(j) Adjustment to Lawful Permanent Resident Status for Aliens Employed as Sheepherders, Goat Herders, or Dairy Workers.—

"(1) Eligible alien.—For purposes of this subsection, the term 'eligible alien' means an alien—

"(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a sheepherder, goat herder, or dairy worker;

"(B) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

"(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

"(2) Classification petition.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

"(A) the alien's employer on behalf of an eligible alien; or

"(B) the eligible alien.

"(3) No labor certification required.—Notwithstanding section 203(b)((3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

"(4) Effect of petition.—The filing of a petition described in paragraph (2) or an application for adjustment of status based on the approval of such a petition, shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

"(5) Extension of stay.—The Secretary of Homeland Security shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

"(6) Construction.—Nothing in this subsection shall be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.

"SEC. 218C. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

"(a) Enforcement Authority.—

"(1) Investigation of complaints.—

"(A) Aggrieved person or third-party complaints.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

"(B) Determination on complaint.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (G). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

"(C) Failures to meet conditions.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

"(D) Willful failures and willful misrepresentations.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

"(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

"(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

"(E) Displacement of United States workers.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

"(F) Limitations on civil money penalties.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

"(G) Failures to pay wages or required benefits.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

"(2) Statutory construction.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

"(b) Rights Enforceable by Private Right of Action.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

"(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

"(2) The reimbursement of transportation as required under section 218A(b)(2).

"(3) The payment of wages required under section 218A(b)(3) when due.

"(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

"(5) The guarantee of employment required under section 218A(b)(4).

"(6) The motor vehicle safety requirements under section 218A(b)(5).

"(7) The prohibition of discrimination under subsection (d)(2).

"(c) Private Right of Action.—

"(1) Mediation.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

"(A) Mediation services.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

"(B) 90-day limit.—The Federal Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

"(C) Authorization.—

"(i) In general.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

"(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

"(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

"(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

"(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

"(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

"(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

"(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

"(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

"(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

"(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

"(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

"(i) a recovery under a State workers' compensation law; or

"(ii) rights conferred under a State workers' compensation law.

"(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

"(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and an H–2A employer or any person reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(d) DISCRIMINATION PROHIBITED.—

"(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

"(2) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

"(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

"(f) ROLE OF ASSOCIATIONS.—

"(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

"(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

"SEC. 218D. DEFINITIONS.

"For purposes of this section and section 218, 218A, 218B, and 218C:

"(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a).

"(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

"(3) DISPLACE.—The term 'displace', in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

"(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

"(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

"(6) H–2A EMPLOYER.—The term 'H–2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

"(7) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

“(8) JOB OPPORTUNITY.—The term ‘job opportunity’ means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

“(9) LAYS OFF.—

“(A) IN GENERAL.—The term ‘lays off’, with respect to a worker—

“(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary layoffs due to weather, markets, or other temporary conditions; but

“(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

“(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

“(10) REGULATORY DROUGHT.—The term ‘regulatory drought’ means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

“(11) SEASONAL.—Labor is performed on a ‘seasonal’ basis if—

“(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

“(B) from its nature, it may not be continuous or carried on throughout the year.

“(12) SECRETARY.—The term ‘Secretary’ means the Secretary of Homeland Security.

“(13) TEMPORARY.—A worker is employed on a ‘temporary’ basis where the employment is intended not to exceed 10 months.

“(14) UNITED STATES WORKER.—The term ‘United States worker’ means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).”.

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

“Sec. 218. H-2A employer applications
“Sec. 218A. H-2A employment requirements
“Sec. 218B. Procedure for admission and extension of stay of H-2A workers
“Sec. 218C. Worker protections and labor standards enforcement
“Sec. 218D. Definitions”.

Subtitle C—MISCELLANEOUS PROVISIONS

SEC. 231. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens under this title and the amendments made by this title, and a collection process for such fees from employers participating in the program provided under this title. Such fees shall be the only fees chargeable to employers for services provided under this title.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as amended by section 221 of this Act, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ eligible aliens pursuant to this title, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the alien employment user fees shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as amended and added, respectively by section 221 of this Act, and the provisions of this title.

SEC. 232. REGULATIONS.

(a) REGULATIONS OF THE SECRETARY.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture on all regulations to implement the duties of the Secretary under this title and the amendments made by this title.

(b) REGULATIONS OF THE SECRETARY OF STATE.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this title and the amendments made by this title.

(c) REGULATIONS OF THE SECRETARY OF LABOR.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this title and the amendments made by this title.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218A, 218B, 218C, and 218D of the Immigration and Nationality Act, as added by section 221 of this Act, shall take effect on the effective date of section 221 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 233. REPORTS TO CONGRESS.

(a) ANNUAL REPORT.—Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to subsection 218B(e)(2) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218B(d) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 211(a);

(5) the number of such aliens whose status was adjusted under section 211(a);

(6) the number of aliens who applied for permanent residence pursuant to section 211(c); and

(7) the number of such aliens who were approved for permanent residence pursuant section 211(c).

(b) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report that describes the measures being taken and the progress made in implementing this title.

SEC. 234. EFFECTIVE DATE.

Except as otherwise provided, sections 221 and 231 shall take effect 1 year after the date of the enactment of this Act.

SA 5022. Mr. CRAIG (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 7, after line 10, insert the following:

TITLE II—AGRICULTURAL JOB OPPORTUNITIES, BENEFITS, AND SECURITY

SEC. 201. SHORT TITLE.

This title may be cited as the “Agricultural Job Opportunities, Benefits, and Security Act of 2006” or the “AgJOBS Act of 2006”.

SEC. 202. DEFINITIONS.

In this title:

(1) AGRICULTURAL EMPLOYMENT.—The term “agricultural employment” means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) BLUE CARD STATUS.—The term “blue card status” means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 211(a).

(3) DEPARTMENT.—The term “Department” means the Department of Homeland Security.

(4) EMPLOYER.—The term “employer” means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(5) JOB OPPORTUNITY.—The term “job opportunity” means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

(6) SECRETARY.—Except as otherwise provided, the term “Secretary” means the Secretary of Homeland Security.

(7) TEMPORARY.—A worker is employed on a "temporary" basis where the employment is intended not to exceed 10 months.

(8) UNITED STATES WORKER.—The term "United States worker" means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(9) WORK DAY.—The term "work day" means any day in which the individual is employed 5.75 or more hours in agricultural employment.

Subtitle A—Pilot Program for Earned Status Adjustment of Agricultural Workers

SEC. 211. AGRICULTURAL WORKERS.

(a) BLUE CARD PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer blue card status upon an alien who qualifies under this subsection if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2005;

(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act;

(C) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2); and

(D) has not been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(2) AUTHORIZED TRAVEL.—An alien in blue card status has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—An alien in blue card status shall be provided an "employment authorized" endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF BLUE CARD STATUS.—

(A) IN GENERAL.—The Secretary may terminate blue card status granted under this subsection only upon a determination under this title that the alien is deportable.

(B) GROUNDS FOR TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under subsection (c), the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(i) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States;

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

(IV) fails to perform the agricultural employment required under subsection (c)(1)(A)(i) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (c)(1)(A)(iii).

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) SUNSET.—The obligation under subparagraph (A) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(6) REQUIRED FEATURES OF BLUE CARD.—The Secretary shall provide each alien granted blue card status and the spouse and children of each such alien residing in the United States with a card that contains—

(A) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(B) biometric identifiers, including fingerprints and a digital photograph; and

(C) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(7) FINE.—An alien granted blue card status shall pay a fine to the Secretary in an amount equal to $100.

(8) MAXIMUM NUMBER.—The Secretary may issue not more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

(b) RIGHTS OF ALIENS GRANTED BLUE CARD STATUS.—

(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien in blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the alien is granted permanent resident status under subsection (c).

(3) TERMS OF EMPLOYMENT RESPECTING ALIENS ADMITTED UNDER THIS SECTION.—

(A) PROHIBITION.—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

(B) TREATMENT OF COMPLAINTS.—

(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) INITIATION OF ARBITRATION.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).

(v) TREATMENT OF ATTORNEY'S FEES.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(c) ADJUSTMENT TO PERMANENT RESIDENCE.—

(1) AGRICULTURAL WORKERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(i) QUALIFYING EMPLOYMENT.—

(I) IN GENERAL.—Subject to subclause (II), the alien has performed at least—

(aa) 5 years of agricultural employment in the United States for at least 100 work days per year, during the 5-year period beginning on the date of the enactment of this Act; or

(bb) 3 years of agricultural employment in the United States for at least 150 work days per year, during the 3-year period beginning on the date of the enactment of this Act.

(II) 4-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to meet the requirements of subclause (I) if the alien has performed 4 years of agricultural employment in the United States for at least 150 work days during 3 years of those 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on the date of the enactment of this Act.

(ii) PROOF.—An alien may demonstrate compliance with the requirement under clause (i) by submitting—

(I) the record of employment described in subsection (a)(5); or

(II) such documentation as may be submitted under subsection (d)(3).

(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement under clause (i)(I), the Secretary may credit the alien with not more than 12 additional months to meet the requirement under clause (i) if the alien was unable to work in agricultural employment due to—

(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

(iv) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(v) FINE.—The alien pays a fine to the Secretary in an amount equal to $400.

(B) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien adjustment to permanent resident status, and provide for termination of the blue card status granted such alien, if—

(i) the Secretary finds by a preponderance of the evidence that the adjustment to blue card status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(C) GROUNDS FOR REMOVAL.—Any alien granted blue card status who does not apply for adjustment of status under this subsection before the expiration of the application period described in subparagraph (A)(iv), or who fails to meet the other requirements of subparagraph (A) by the end of the applicable period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(D) PAYMENT OF TAXES.—

(i) IN GENERAL.—Not later than the date on which an alien's status is adjusted under this subsection, the alien shall establish the payment of any applicable Federal tax liability by establishing that—

(I) no such tax liability exists;

(II) all outstanding liabilities have been paid; or

(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(ii) APPLICABLE FEDERAL TAX LIABILITY.—For purposes of clause (i), the term "applicable Federal tax liability" means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required under paragraph (1)(A) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(iii) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subparagraph.

(2) SPOUSES AND MINOR CHILDREN.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted status under paragraph (1), including any individual who was a minor child on the date such alien was granted blue card status, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(B) TREATMENT OF SPOUSES AND MINOR CHILDREN BEFORE ADJUSTMENT OF STATUS.—

(i) REMOVAL.—The spouse and any minor child of an alien granted blue card status may not be removed while such alien maintains such status, except as provided in subparagraph (C).

(ii) TRAVEL.—The spouse and any minor child of an alien granted blue card status may travel outside the United States in the same manner as an alien lawfully admitted for permanent residence.

(iii) EMPLOYMENT.—The spouse of an alien granted blue card status may apply to the Secretary for a work permit to authorize such spouse to engage in any lawful employment in the United States while such alien maintains blue card status.

(C) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS AND REMOVAL.—The Secretary may deny an alien spouse or child adjustment of status under subparagraph (A) and may remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(i) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under subsection (e)(2);

(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(d) APPLICATIONS.—

(1) TO WHOM MAY BE MADE.—The Secretary shall provide that—

(A) applications for blue card status may be filed—

(i) with the Secretary, but only if the applicant is represented by an attorney or a non-profit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(ii) with a qualified designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Secretary; and

(B) applications for adjustment of status under subsection (c) shall be filed directly with the Secretary.

(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—

(A) IN GENERAL.—For purposes of receiving applications under subsection (a), the Secretary—

(i) shall designate qualified farm labor organizations and associations of employers; and

(ii) may designate such other persons as the Secretary determines are qualified and have substantial experience, demonstrate competence, and have traditional long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act, Public Law 89–732, Public Law 95-145, or the Immigration Reform and Control Act of 1986.

(B) REFERENCES.—Organizations, associations, and persons designated under subparagraph (A) are referred to in this title as "qualified designated entities".

(3) PROOF OF ELIGIBILITY.—

(A) IN GENERAL.—An alien may establish that the alien meets the requirement of subsection (a)(1)(A) or (c)(1)(A) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(B) DOCUMENTATION OF WORK HISTORY.—

(i) BURDEN OF PROOF.—An alien applying for status under subsection (a)(1) or (c)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days (as required under subsection (a)(1)(A) or (c)(1)(A)).

(ii) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(iii) SUFFICIENT EVIDENCE.—An alien can meet the burden of proof under clause (i) to establish that the alien has performed the work described in subsection (a)(1)(A) or (c)(1)(A) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(4) TREATMENT OF APPLICATIONS BY QUALIFIED DESIGNATED ENTITIES.—Each qualified

designated entity shall agree to forward to the Secretary applications filed with it in accordance with paragraph (1)(A)(ii) but shall not forward to the Secretary applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Secretary. Upon the request of the alien, a qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien.

(5) LIMITATION ON ACCESS TO INFORMATION.—Files and records prepared for purposes of this subsection by qualified designated entities operating under this subsection are confidential and the Secretary shall not have access to such files or records relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to paragraph (6).

(6) CONFIDENTIALITY OF INFORMATION.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, neither the Secretary, nor any other official or employee of the Department, or a bureau or agency of the Department, may—

(i) use the information furnished by the applicant pursuant to an application filed under this section, the information provided to the applicant by a person designated under paragraph (2)(A), or any information provided by an employer or former employer, for any purpose other than to make a determination on the application, or for enforcement of paragraph (7);

(ii) make any publication whereby the information furnished by any particular individual can be identified; or

(iii) permit anyone other than the sworn officers and employees of the Department, or a bureau or agency of the Department, or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(B) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished under this section, or any other information derived from such furnished information, to—

(i) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; or

(ii) an official coroner, for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(C) CONSTRUCTION.—

(i) IN GENERAL.—Nothing in this paragraph shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes of information contained in files or records of the Department pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(ii) CRIMINAL CONVICTIONS.—Information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement or law enforcement purposes.

(D) CRIME.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall be subject to a fine in an amount not to exceed $10,000.

(7) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(A) CRIMINAL PENALTY.—Any person who—

(i) files an application for status under subsection (a) or (c) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(ii) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(B) INADMISSIBILITY.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(8) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for adjustment of status under this section.

(9) APPLICATION FEES.—

(A) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

(i) shall be charged for the filing of applications for status under subsections (a) and (c); and

(ii) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(B) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

(C) DISPOSITION OF FEES.—

(i) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the "Agricultural Worker Immigration Status Adjustment Account". Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under subparagraph (A)(i).

(ii) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the "Agricultural Worker Immigration Status Adjustment Account" shall remain available to the Secretary until expended for processing applications for status under subsections (a) and (c).

(e) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.—

(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

(2) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for status under subsection (a)(1)(C) or an alien's eligibility for adjustment of status under subsection (c)(1)(B)(ii)(I), the following rules shall apply:

(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) WAIVER OF OTHER GROUNDS.—

(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

(ii) GROUNDS THAT MAY NOT BE WAIVED.—Paragraphs (2)(A), (2)(B), (2)(C), (3), and (4) of such section 212(a) may not be waived by the Secretary under clause (i).

(iii) CONSTRUCTION.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for status under this section by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(f) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

(1) BEFORE APPLICATION PERIOD.—Effective on the date of enactment of this Act, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1)(B) and who can establish a nonfrivolous case of eligibility for blue card status (but for the fact that the alien may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for blue card status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for blue card status during the application period described in subsection (a)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit for such purpose.

(g) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(1) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for status under subsection (a) or (c) except in accordance with this subsection.

(2) ADMINISTRATIVE REVIEW.—

(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(3) JUDICIAL REVIEW.—

(A) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

(h) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—Beginning not later than the first day of the application period described in subsection (a)(1)(B), the Secretary, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits that aliens may receive under this section and the requirements to be satisfied to obtain such benefits.

(i) REGULATIONS.—The Secretary shall issue regulations to implement this section not later than the first day of the seventh month that begins after the date of enactment of this Act.

(j) EFFECTIVE DATE.—This section shall take effect on the date that regulations are issued implementing this section on an interim or other basis.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this section, including any sums needed for costs associated with the initiation of such implementation, for fiscal years 2007 and 2008.

SEC. 212. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking “or” at the end;

(2) in subparagraph (C), by inserting “or” at the end;

(3) by inserting after subparagraph (C) the following:

“(D) who is granted blue card status under the Agricultural Job Opportunity, Benefits, and Security Act of 2006,”; and

(4) by striking “1990.” and inserting “1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted blue card status.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

Subtitle B—Reform of H–2A Worker Program

SEC. 221. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by striking section 218 and inserting the following:

“SEC. 218. H–2A EMPLOYER APPLICATIONS.

“(a) APPLICATIONS TO THE SECRETARY OF LABOR.—

“(1) IN GENERAL.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

“(A) the assurances described in subsection (b);

“(B) a description of the nature and location of the work to be performed;

“(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

“(D) the number of job opportunities in which the employer seeks to employ the workers.

“(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

“(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

“(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

“(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

“(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

“(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

“(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

“(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

“(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

“(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

“(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

“(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

“(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied under subsection (a) and to all other workers in the same occupation at the place of employment.

“(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

“(E) REQUIREMENTS FOR PLACEMENT OF NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

“(i) the nonimmigrant performs duties in whole or in part at 1 or more work sites owned, operated, or controlled by such other employer;

“(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

“(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

“(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

“(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

“(H) EMPLOYMENT OF UNITED STATES WORKERS.—

“(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

“(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

“(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

"(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

"(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

"(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

"(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the foreign worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the foreign worker who is in the job was hired has elapsed, subject to the following requirements:

"(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H–2A workers in order to force the hiring of United States workers under this clause.

"(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

"(III) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

"(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

"(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

"(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A and 218B.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

"(d) WITHDRAWAL OF APPLICATIONS.—

"(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

"(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

"(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

"(e) REVIEW AND APPROVAL OF APPLICATIONS.—

"(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or work site, a copy of each such application (and such accompanying documents as are necessary).

"(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

"(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under this subsection. Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

"(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application

"SEC. 218A. H–2A EMPLOYMENT REQUIREMENTS.

"(a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

"(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

"(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

"(A) IN GENERAL.—An employer applying under section 218(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

"(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

"(C) FAMILY HOUSING.—If it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

"(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

"(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

"(F) CHARGES FOR HOUSING.—

"(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

"(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

"(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

“(i) IN GENERAL.—If the requirement under clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

“(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers, and H–2A workers, who are seeking temporary housing while employed at farm work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

“(iii) AMOUNT OF ALLOWANCE.—

“(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2 bedroom dwelling unit and an assumption of 2 persons per bedroom.

“(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

“(2) REIMBURSEMENT OF TRANSPORTATION.—

“(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

“(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

“(C) LIMITATION.—

“(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

“(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

“(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

“(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

“(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

“(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORK SITE.—The employer shall provide transportation between the worker's living quarters and the employer's work site without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

“(3) REQUIRED WAGES.—

“(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

“(B) LIMITATION.—Effective on the date of the enactment of the Agricultural Job Opportunities, Benefits, and Security Act of 2006 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

“(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

“(i) FIRST ADJUSTMENT.—If Congress does not set a new wage standard applicable to this section before the first March 1 that is not less than 3 years after the date of enactment of this section, the adverse effect wage rate for each State beginning on such March 1 shall be the wage rate that would have resulted if the adverse effect wage rate in effect on January 1, 2003, had been annually adjusted, beginning on March 1, 2006, by the lesser of—

“(I) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

“(II) 4 percent.

“(ii) SUBSEQUENT ANNUAL ADJUSTMENTS.—Beginning on the first March 1 that is not less than 4 years after the date of enactment of this section, and each March 1 thereafter, the adverse effect wage rate then in effect for each State shall be adjusted by the lesser of—

“(I) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

“(II) 4 percent.

“(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

“(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

“(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

“(i) the worker's total earnings for the pay period;

“(ii) the worker's hourly rate of pay, piece rate of pay, or both;

“(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the three-quarters guarantee described in paragraph (4);

“(iv) the hours actually worked by the worker;

“(v) an itemization of the deductions made from the worker's wages; and

“(vi) if piece rates of pay are used, the units produced daily.

“(G) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2008, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

“(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural work force has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

“(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

“(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

“(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

“(v) recommendations for future wage protection under this section.

“(H) COMMISSION ON WAGE STANDARDS.—

“(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the ‘Commission’).

“(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

“(I) 4 representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

"(II) 4 representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

"(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

"(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

"(V) recommendations for future wage protection under this section.

"(iv) FINAL REPORT.—Not later than December 31, 2008, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

"(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

"(4) GUARANTEE OF EMPLOYMENT.—

"(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least three-fourths of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

"(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

"(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the 'three-fourths guarantee' described in subparagraph (A).

"(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

"(5) MOTOR VEHICLE SAFETY.—

"(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

"(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

"(ii) DEFINED TERM.—In this paragraph, the term 'uses or causes to be used'—

"(I) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

"(II) does not apply to—

"(aa) transportation provided, or transportation arrangements made, by an H–2A worker, unless the employer specifically requested or arranged such transportation; or

"(bb) car pooling arrangements made by H–2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

"(iii) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

"(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

"(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

"(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

"(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

"(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

"(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

"(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

"(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

"(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

"(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

"(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

"(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

"(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

"(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218, or section 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

"SEC. 218B. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS.

"(a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

"(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

"(c) CRITERIA FOR ADMISSIBILITY.—

"(1) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

"(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

"(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

"(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

"(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

"(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

"(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

"(d) PERIOD OF ADMISSION.—

"(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the work site and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

"(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

"(B) the total period of employment, including such 14-day period, may not exceed 10 months.

"(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

"(e) ABANDONMENT OF EMPLOYMENT.—

"(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

"(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H–2A worker prematurely abandons employment.

"(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

"(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

"(f) REPLACEMENT OF ALIEN.—

"(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

"(A) who abandons or prematurely terminates employment; or

"(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

"(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

"(g) IDENTIFICATION DOCUMENT.—

"(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify such person's proper identity.

"(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

"(A) The document shall be capable of reliably determining whether—

"(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

"(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

"(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

"(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

"(C) The document shall—

"(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

"(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

"(h) EXTENSION OF STAY OF H–2A ALIENS IN THE UNITED STATES.—

"(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

"(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

"(A) for a period of more than 10 months; or

"(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

"(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

"(A) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

"(B) DEFINITION.—For purposes of subparagraph (A), the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

"(C) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

"(D) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

"(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

"(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

"(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

"(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

"(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅕ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

"(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

"(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—Notwithstanding any provision of the Agricultural Job Opportunities, Benefits, and Security Act of 2006, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder, goat herder, or dairy worker—

"(1) may be admitted for an initial period of 12 months;

"(2) subject to subsection (j)(5), may have such initial period of admission extended for a period of up to 3 years; and

"(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

"(j) Adjustment to Lawful Permanent Resident Status for Aliens Employed as Sheepherders, Goat Herders, or Dairy Workers.—

"(1) Eligible alien.—For purposes of this subsection, the term 'eligible alien' means an alien—

"(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a sheepherder, goat herder, or dairy worker;

"(B) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

"(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

"(2) Classification petition.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

"(A) the alien's employer on behalf of an eligible alien; or

"(B) the eligible alien.

"(3) No labor certification required.—Notwithstanding section 203(b)((3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

"(4) Effect of petition.—The filing of a petition described in paragraph (2) or an application for adjustment of status based on the approval of such a petition, shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

"(5) Extension of stay.—The Secretary of Homeland Security shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

"(6) Construction.—Nothing in this subsection shall be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.

"SEC. 218C. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

"(a) Enforcement Authority.—

"(1) Investigation of complaints.—

"(A) Aggrieved person or third-party complaints.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

"(B) Determination on complaint.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (G). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

"(C) Failures to meet conditions.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

"(D) Willful failures and willful misrepresentations.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

"(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

"(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

"(E) Displacement of United States workers.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

"(F) Limitations on civil money penalties.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

"(G) Failures to pay wages or required benefits.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

"(2) Statutory construction.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

"(b) Rights Enforceable by Private Right of Action.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

"(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

"(2) The reimbursement of transportation as required under section 218A(b)(2).

"(3) The payment of wages required under section 218A(b)(3) when due.

"(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

"(5) The guarantee of employment required under section 218A(b)(4).

"(6) The motor vehicle safety requirements under section 218A(b)(5).

"(7) The prohibition of discrimination under subsection (d)(2).

"(c) Private Right of Action.—

"(1) Mediation.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

"(A) Mediation services.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

"(B) 90-day limit.—The Federal Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

"(C) AUTHORIZATION.—

"(i) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

"(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

"(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

"(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

"(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

"(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

"(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

"(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

"(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

"(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

"(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

"(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

"(i) a recovery under a State workers' compensation law; or

"(ii) rights conferred under a State workers' compensation law.

"(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

"(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and an H–2A employer or any person reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(d) DISCRIMINATION PROHIBITED.—

"(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

"(2) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

"(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

"(f) ROLE OF ASSOCIATIONS.—

"(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

"(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

"SEC. 218D. DEFINITIONS.

"For purposes of this section and section 218, 218A, 218B, and 218C:

"(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a).

"(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

"(3) DISPLACE.—The term 'displace', in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

"(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

"(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

"(6) H–2A EMPLOYER.—The term 'H–2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

"(7) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

"(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

"(9) LAYS OFF.—

"(A) IN GENERAL.—The term 'lays off', with respect to a worker—

"(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary layoffs due to weather, markets, or other temporary conditions; but

"(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

"(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

"(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

"(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

"(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

"(B) from its nature, it may not be continuous or carried on throughout the year.

"(12) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

"(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

"(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).".

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

"Sec. 218. H–2A employer applications

"Sec. 218A. H–2A employment requirements

"Sec. 218B. Procedure for admission and extension of stay of H–2A workers

"Sec. 218C. Worker protections and labor standards enforcement

"Sec. 218D. Definitions".

Subtitle C—Miscellaneous Provisions

SEC. 231. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens under this title and the amendments made by this title, and a collection process for such fees from employers participating in the program provided under this title. Such fees shall be the only fees chargeable to employers for services provided under this title.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as amended by section 221 of this Act, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ eligible aliens pursuant to this title, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the alien employment user fees shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as amended and added, respectively by section 221 of this Act, and the provisions of this title.

SEC. 232. REGULATIONS.

(a) REGULATIONS OF THE SECRETARY.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture on all regulations to implement the duties of the Secretary under this title and the amendments made by this title.

(b) REGULATIONS OF THE SECRETARY OF STATE.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this title and the amendments made by this title.

(c) REGULATIONS OF THE SECRETARY OF LABOR.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this title and the amendments made by this title.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218A, 218B, 218C, and 218D of the Immigration and Nationality Act, as added by section 221 of this Act, shall take effect on the effective date of section 221 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 233. REPORTS TO CONGRESS.

(a) ANNUAL REPORT.—Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to subsection 218B(e)(2) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218B(d) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 211(a);

(5) the number of such aliens whose status was adjusted under section 211(a);

(6) the number of aliens who applied for permanent residence pursuant to section 211(c); and

(7) the number of such aliens who were approved for permanent residence pursuant section 211(c).

(b) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report that describes the measures being taken and the progress made in implementing this title.

SEC. 234. EFFECTIVE DATE.

Except as otherwise provided, sections 221 and 231 shall take effect 1 year after the date of the enactment of this Act.

SA 5023. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 5, between lines 8 and 9, insert the following:

"(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary to provide fencing and install additional physical barriers, roads, lighting, cameras, and sensors in a location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location.".

SA 5024. Mr. MCCONNELL (for Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. HATCH, Mr. ROCKEFELLER, and Ms. SNOWE)) proposed an amendment to the bill S. 3525, to reauthorize the safe and stable families program, and for other purposes; as follows:

In lieu of the language inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child and Family Services Improvement Act of 2006".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) For Federal fiscal year 2004, child protective services (CPS) staff nationwide reported investigating or assessing an estimated 3,000,000 allegations of child maltreatment, and determined that 872,000 children had been abused or neglected by their parents or other caregivers.

(2) Combined, the Child Welfare Services (CWS) and Promoting Safe and Stable Families (PSSF) programs provide States about $700,000,000 per year, the largest source of targeted Federal funding in the child protection system for services to ensure that children are not abused or neglected and, whenever possible, help children remain safely with their families.

(3) A 2003 report by the Government Accountability Office (GAO) reported that little research is available on the effectiveness of activities supported by CWS funds—evaluations of services supported by PSSF funds have generally shown little or no effect.

(4) Further, the Department of Health and Human Services recently completed initial Child and Family Service Reviews (CFSRs) in each State. No State was in full compliance with all measures of the CFSRs. The CFSRs also revealed that States need to work to prevent repeat abuse and neglect of children, improve services provided to families to reduce the risk of future harm (including by better monitoring the participation of families in services), and strengthen upfront services provided to families to prevent unnecessary family break-up and protect children who remain at home.

(5) Federal policy should encourage States to invest their CWS and PSSF funds in services that promote and protect the welfare of children, support strong, healthy families, and reduce the reliance on out-of-home care, which will help ensure all children are raised in safe, loving families.

(6) CFSRs also found a strong correlation between frequent caseworker visits with children and positive outcomes for these children, such as timely achievement of permanency and other indicators of child well-being.

(7) However, a December 2005 report by the Department of Health and Human Services Office of Inspector General found that only 20 States were able to produce reports to show whether caseworkers actually visited children in foster care on at least a monthly basis, despite the fact that nearly all States had written standards suggesting monthly visits were State policy.

(8) A 2003 GAO report found that the average tenure for a child welfare caseworker is less than 2 years and this level of turnover negatively affects safety and permanency for children.

(9) Targeting CWS and PSSF funds to ensure children in foster care are visited on at least a monthly basis will promote better outcomes for vulnerable children, including by preventing further abuse and neglect.

(10) According to the Office of Applied Studies of the Substance Abuse and Mental Health Services Administration, the annual number of new uses of Methamphetamine, also known as "meth," has increased 72 percent over the past decade. According to a study conducted by the National Association of Counties which surveyed 500 county law enforcement agencies in 45 states, 88 percent of the agencies surveyed reported increases in meth related arrests starting 5 years ago.

(11) According to the 2004 National Survey on Drug Use and Health, nearly 12,000,000 Americans have tried methamphetamine. Meth making operations have been uncovered in all 50 states, but the most widespread abuse has been concentrated in the western, southwestern, and Midwestern United States.

(12) Methamphetamine abuse is on the increase, particularly among women of childbearing age. This is having an impact on child welfare systems in many States. According to a survey administered by the National Association of Counties ("The Impact of Meth on Children"), conducted in 300 counties in 13 states, meth is a major cause of child abuse and neglect. Forty percent of all the child welfare officials in the survey reported an increase in out-of-home placements because of meth in 2005.

(13) It is appropriate also to target PSSF funds to address this issue because of the unique strain the meth epidemic puts on child welfare agencies. Outcomes for children affected by meth are enhanced when services provided by law enforcement, child welfare and substance abuse agencies are integrated.

SEC. 3. REAUTHORIZATION OF THE PROMOTING SAFE AND STABLE FAMILIES PROGRAM.

(a) FUNDING OF MANDATORY GRANTS AT $345 MILLION PER FISCAL YEAR.—Effective October 1, 2006, section 436(a) of the Social Security Act (42 U.S.C. 629f(a)) is amended by striking "fiscal year 2006," and all that follows and inserting "each of fiscal years 2007 through 2011".

(b) FUNDING OF DISCRETIONARY GRANTS.—Section 437(a) of such Act (42 U.S.C. 629g(a)) is amended by striking "2002 through 2006" and inserting "2007 through 2011".

(c) AVAILABILITY OF PROMOTING SAFE AND STABLE FAMILIES RESOURCES FOR FISCAL YEAR 2006.—

(1) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services $40,000,000 for fiscal year 2006 to carry out section 436 of the Social Security Act, in addition to any amount otherwise made available for fiscal year 2006 to carry out such section.

(2) AVAILABILITY OF FUNDS.—Notwithstanding sections 434(b)(2) and 436(b)(3) of such Act, the amount appropriated under paragraph (1) of this subsection—

(A) shall remain available for expenditure through fiscal year 2009 solely for the purpose described in section 436(b)(4)(B)(i) of such Act;

(B) shall not be used to supplant any Federal funds paid under part E of title IV of such Act that could be used for that purpose; and

(C) shall not be made available to any Indian tribe or tribal consortium.

(d) ELIMINATION OF FINDINGS.—Section 430 of such Act (42 U.S.C. 629) is amended by striking all through "(b) PURPOSE.—The purpose" and inserting the following:

"SEC. 430. PURPOSE.

"The purpose".

(e) ANNUAL BUDGET REQUESTS, SUMMARIES, AND EXPENDITURE REPORTS.—

(1) IN GENERAL.—Section 432(a)(8) of such Act (42 U.S.C. 629b(a)(8)) is amended—

(A) by inserting "(A)" after "(8)"; and

(B) by adding at the end the following:

"(B) provides that, not later than June 30 of each year, the State will submit to the Secretary—

"(i) copies of forms CFS 101–Part I and CFS 101–Part II (or any successor forms) that report on planned child and family services expenditures by the agency for the immediately succeeding fiscal year; and

"(ii) copies of forms CFS 101–Part I and CFS 101–Part II (or any successor forms) that provide, with respect to the programs authorized under this subpart and subpart 1 and, at State option, other programs included on such forms, for the most recent preceding fiscal year for which reporting of actual expenditures is complete—

"(I) the numbers of families and of children served by the State agency;

"(II) the population served by the State agency;

"(III) the geographic areas served by the State agency; and

"(IV) the actual expenditures of funds provided to the State agency; and".

(2) ANNUAL SUBMISSION OF STATE REPORTS TO CONGRESS.—Section 432 of such Act (42 U.S.C. 629b) is amended by adding at the end the following:

"(c) ANNUAL SUBMISSION OF STATE REPORTS TO CONGRESS.—The Secretary shall compile the reports required under subsection (a)(8)(B) and, not later than September 30 of each year, submit such compilation to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.".

(3) EFFECTIVE DATE; INITIAL DEADLINES FOR SUBMISSIONS.—The amendments made by this subsection take effect on the date of enactment of this Act. Each State with an approved plan under subpart 1 or 2 of part B of title IV of the Social Security Act shall make its initial submission of the forms required under section 432(a)(8)(B) of the Social Security Act to the Secretary of Health and Human Services by June 30, 2007, and the Secretary of Health and Human Services shall submit the first compilation required under section 432(c) of the Social Security Act by September 30, 2007.

(f) LIMITATION ON ADMINISTRATIVE COST REIMBURSEMENT.—

(1) IN GENERAL.—Section 434 of such Act (42 U.S.C. 629d) is amended—

(A) in subsection (a), by inserting ", subject to subsection (d)," after "shall"; and

(B) by adding at the end the following:

"(d) LIMITATION ON REIMBURSEMENT FOR ADMINISTRATIVE COSTS.—The Secretary shall not make a payment to a State under this section with respect to expenditures for administrative costs during a fiscal year, to the extent that the total amount of the expenditures exceeds 10 percent of the total expenditures of the State during the fiscal year under the State plan approved under section 432.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to expenditures made on or after October 1, 2007.

SEC. 4. TARGETING OF PROMOTING SAFE AND STABLE FAMILIES PROGRAM RESOURCES.

(a) SUPPORT FOR MONTHLY CASEWORKER VISITS.—

(1) RESERVATION AND USE OF FUNDS.—Section 436(b) of the Social Security Act (42 U.S.C. 629f(b)) is amended by adding at the end the following:

"(4) SUPPORT FOR MONTHLY CASEWORKER VISITS.—

"(A) RESERVATION.—The Secretary shall reserve for allotment in accordance with section 433(e)—

"(i) $5,000,000 for fiscal year 2008;

"(ii) $10,000,000 for fiscal year 2009; and

"(iii) $20,000,000 for each of fiscal years 2010 and 2011.

"(B) USE OF FUNDS.—

"(i) IN GENERAL.—A State to which an amount is paid from amounts reserved under subparagraph (A) shall use the amount to support monthly caseworker visits with children who are in foster care under the responsibility of the State, with a primary emphasis on activities designed to improve caseworker retention, recruitment, training, and ability to access the benefits of technology.

"(ii) NONSUPPLANTATION.—A State to which an amount is paid from amounts reserved pursuant to subparagraph (A) shall not use the amount to supplant any Federal funds paid to the State under part E that could be used as described in clause (i).".

(2) ALLOTMENT OF FUNDS.—Section 433 of such Act (42 U.S.C. 629c) is amended—

(A) in subsection (d), by inserting "subsection (a), (b), or (c) of" before "this section" the 1st and 2nd places it appears; and

(B) by adding at the end the following:

"(e) ALLOTMENT OF FUNDS RESERVED TO SUPPORT MONTHLY CASEWORKER VISITS.—

"(1) TERRITORIES.—From the amount reserved pursuant to section 436(b)(4)(A) for any fiscal year, the Secretary shall allot to each jurisdiction specified in subsection (b) of this section, that has provided to the Secretary such documentation as may be necessary to verify that the jurisdiction has complied with section 436(b)(4)(B)(ii) during the fiscal year, an amount determined in the same manner as the allotment to each of such jurisdictions is determined under section 423 (without regard to the initial allotment of $70,000 to each State).

"(2) OTHER STATES.—From the amount reserved pursuant to section 436(b)(4)(A) for any fiscal year that remains after applying paragraph (1) of this subsection for the fiscal year, the Secretary shall allot to each State (other than an Indian tribe) not specified in subsection (b) of this section, that has provided to the Secretary such documentation as may be necessary to verify that the State has complied with section 436(b)(4)(B)(ii) during the fiscal year, an amount equal to such remaining amount multiplied by the food stamp percentage of the State (as defined in subsection (c)(2) of this section) for the fiscal year, except that in applying subsection (c)(2)(A) of this section, 'subsection (e)(2)' shall be substituted for 'such paragraph (1)'.".

(3) PAYMENTS TO STATES.—Section 434(a) of such Act (42 U.S.C. 629d(a)), as amended by section 3(f)(1) of this Act, is amended by striking "the lesser of—" and all that follows and inserting the following: "the sum of—

"(1) the lesser of—

"(A) 75 percent of the total expenditures by the State for activities under the plan during the fiscal year or the immediately succeeding fiscal year; or

"(B) the allotment of the State under subsection (a), (b), or (c) of section 433, whichever is applicable, for the fiscal year; and

"(2) the lesser of—

"(A) 75 percent of the total expenditures by the State in accordance with section 436(b)(4)(B) during the fiscal year or the immediately succeeding fiscal year; or

"(B) the allotment of the State under section 433(e) for the fiscal year.".

(b) SUPPORT FOR TARGETED GRANTS TO INCREASE THE WELL BEING OF, AND TO IMPROVE THE PERMANENCY OUTCOMES FOR, CHILDREN AFFECTED BY METHAMPHETAMINE OR OTHER SUBSTANCE ABUSE.—

(1) RESERVATION OF FUNDS.—Section 436(b) of such Act (42 U.S.C. 629f(b)), as amended by subsection (a)(1) of this section, is amended by adding at the end the following:

"(5) REGIONAL PARTNERSHIP GRANTS.—The Secretary shall reserve for awarding grants under section 437(f)—

"(A) $40,000,000 for fiscal year 2007;

"(B) $35,000,000 for fiscal year 2008;

"(C) $30,000,000 for fiscal year 2009; and

"(D) $20,000,000 for each of fiscal years 2010 and 2011.".

(2) TARGETED GRANTS.—

(A) IN GENERAL.—Section 437 of such Act (42 U.S.C. 629g) is amended by adding at the end the following:

"(f) TARGETED GRANTS TO INCREASE THE WELL BEING OF, AND TO IMPROVE THE PERMANENCY OUTCOMES FOR, CHILDREN AFFECTED BY METHAMPHETAMINE OR OTHER SUBSTANCE ABUSE.—

"(1) PURPOSE.—The purpose of this subsection is to authorize the Secretary to make competitive grants to regional partnerships to provide, through interagency collaboration and integration of programs and services, services and activities that are designed to increase the well-being of, improve permanency outcomes for, and enhance the safety of children who are in an out-of-home placement or are at risk of being placed in an out-of-home placement as a result of a parent's or caretaker's methamphetamine or other substance abuse.

"(2) REGIONAL PARTNERSHIP DEFINED.—

"(A) IN GENERAL.—In this subsection, the term 'regional partnership' means a collaborative agreement (which may be established on an interstate or intrastate basis) entered into by at least 2 of the following:

"(i) The State child welfare agency that is responsible for the administration of the State plan under this part and part E.

"(ii) The State agency responsible for administering the substance abuse prevention and treatment block grant provided under subpart II of part B of title XIX of the Public Health Service Act.

"(iii) An Indian tribe or tribal consortium.

"(iv) Nonprofit child welfare service providers.

"(v) For-profit child welfare service providers.

"(vi) Community health service providers.

"(vii) Community mental health providers.

"(viii) Local law enforcement agencies.

"(ix) Judges and court personnel.

"(x) Juvenile justice officials.

"(xi) School personnel.

"(xii) Tribal child welfare agencies (or a consortia of such agencies).

"(xiii) Any other providers, agencies, personnel, officials, or entities that are related to the provision of child and family services under this subpart.

"(B) REQUIREMENTS.—

"(i) STATE CHILD WELFARE AGENCY PARTNER.—Subject to clause (ii)(I), a regional partnership entered into for purposes of this subsection shall include the State child welfare agency that is responsible for the administration of the State plan under this part and part E as 1 of the partners.

"(ii) REGIONAL PARTNERSHIPS ENTERED INTO BY INDIAN TRIBES OR TRIBAL CONSORTIA.—If an Indian tribe or tribal consortium enters into a regional partnership for purposes of this subsection, the Indian tribe or tribal consortium—

"(I) may (but is not required to) include such State child welfare agency as a partner in the collaborative agreement; and

"(II) may not enter into a collaborative agreement only with tribal child welfare agencies (or a consortium of such agencies).

"(iii) NO STATE AGENCY ONLY PARTNERSHIPS.—If a State agency described in clause (i) or (ii) of subparagraph (A) enters into a regional partnership for purposes of this subsection, the State agency may not enter into a collaborative agreement only with the other State agency described in such clause (i) or (ii).

"(3) AUTHORITY TO AWARD GRANTS.—

"(A) IN GENERAL.—In addition to amounts authorized to be appropriated to carry out this section, the Secretary shall award grants under this subsection, from the amounts reserved for each of fiscal years 2007 through 2011 under section 436(b)(5), to regional partnerships that satisfy the requirements of this subsection, in amounts that are not less than $500,000 and not more than $1,000,000 per grant per fiscal year.

"(B) REQUIRED MINIMUM PERIOD OF APPROVAL.—A grant shall be awarded under this subsection for a period of not less than 2, and not more than 5, fiscal years.

"(4) APPLICATION REQUIREMENTS.—To be eligible for a grant under this subsection, a regional partnership shall submit to the Secretary a written application containing the following:

"(A) Recent evidence demonstrating that methamphetamine or other substance abuse has had a substantial impact on the number of out-of-home placements for children, or the number of children who are at risk of being placed in an out-of-home placement, in the partnership region.

"(B) A description of the goals and outcomes to be achieved during the funding period for the grant that will—

"(i) enhance the well-being of children receiving services or taking part in activities conducted with funds provided under the grant;

"(ii) lead to safety and permanence for such children; and

"(iii) decrease the number of out-of-home placements for children, or the number of children who are at risk of being placed in an out-of-home placement, in the partnership region.

"(C) A description of the joint activities to be funded in whole or in part with the funds provided under the grant, including the sequencing of the activities proposed to be conducted under the funding period for the grant.

"(D) A description of the strategies for integrating programs and services determined to be appropriate for the child and where appropriate, the child's family.

"(E) A description of the strategies for—

"(i) collaborating with the State child welfare agency described in paragraph (2)(A)(i) (unless that agency is the lead applicant for the regional partnership); and

"(ii) consulting, as appropriate, with—

"(I) the State agency described in paragraph (2)(A)(ii); and

"(II) the State law enforcement and judicial agencies.

To the extent the Secretary determines that the requirement of this subparagraph would be inappropriate to apply to a regional partnership that includes an Indian tribe, tribal consortium, or a tribal child welfare agency or a consortium of such agencies, the Secretary may exempt the regional partnership from the requirement.

"(F) Such other information as the Secretary may require.

"(5) USE OF FUNDS.—Funds made available under a grant made under this subsection shall only be used for services or activities that are consistent with the purpose of this subsection and may include the following:

"(A) Family-based comprehensive long-term substance abuse treatment services.

"(B) Early intervention and preventative services.

"(C) Children and family counseling.

"(D) Mental health services.

"(E) Parenting skills training.

"(F) Replication of successful models for providing family-based comprehensive long-term substance abuse treatment services.

"(6) MATCHING REQUIREMENT.—

"(A) FEDERAL SHARE.—A grant awarded under this subsection shall be available to pay a percentage share of the costs of services provided or activities conducted under such grant, not to exceed—

"(i) 85 percent for the first and second fiscal years for which the grant is awarded to a recipient;

"(ii) 80 percent for the third and fourth such fiscal years; and

"(iii) 75 percent for the fifth such fiscal year.

"(B) Non-Federal Share.—The non-Federal share of the cost of services provided or activities conducted under a grant awarded under this subsection may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

"(7) Considerations in Awarding Grants.—In awarding grants under this subsection, the Secretary shall—

"(A) take into consideration the extent to which applicant regional partnerships—

"(i) demonstrate that methamphetamine or other substance abuse by parents or caretakers has had a substantial impact on the number of out-of-home placements for children, or the number of children who are at risk of being placed in an out-of-home placement, in the partnership region;

"(ii) have limited resources for addressing the needs of children affected by such abuse;

"(iii) have a lack of capacity for, or access to, comprehensive family treatment services; and

"(iv) demonstrate a plan for sustaining the services provided by or activities funded under the grant after the conclusion of the grant period; and

"(B) after taking such factors into consideration, give greater weight to awarding grants to regional partnerships that propose to address methamphetamine abuse and addiction in the partnership region (alone or in combination with other drug abuse and addiction) and which demonstrate that methamphetamine abuse and addiction (alone or in combination with other drug abuse and addiction) is adversely affecting child welfare in the partnership region.

"(8) Performance Indicators.—

"(A) In General.—Not later than 9 months after the date of enactment of this subsection, the Secretary shall establish indicators that will be used to assess periodically the performance of the grant recipients under this subsection in using funds made available under such grants to achieve the purpose of this subsection.

"(B) Consultation Required.—In establishing the performance indicators required by subparagraph (A), the Secretary shall consult with the following:

"(i) The Assistant Secretary for the Administration for Children and Families.

"(ii) The Administrator of the Substance Abuse and Mental Health Services Administration.

"(iii) Representatives of States in which a State agency described in clause (i) or (ii) of paragraph (2)(A) is a member of a regional partnership that is a grant recipient under this subsection.

"(iv) Representatives of Indian tribes, tribal consortia, or tribal child welfare agencies that are members of a regional partnership that is a grant recipient under this subsection.

"(9) Reports.—

"(A) Grantee Reports.—

"(i) Annual Report.—Not later than September 30 of the first fiscal year in which a recipient of a grant under this subsection is paid funds under the grant, and annually thereafter until September 30 of the last fiscal year in which the recipient is paid funds under the grant, the recipient shall submit to the Secretary a report on the services provided or activities carried out during that fiscal year with such funds. The report shall contain such information as the Secretary determines is necessary to provide an accurate description of the services provided or activities conducted with such funds.

"(ii) Incorporation of Information Related to Performance Indicators.—Each recipient of a grant under this subsection shall incorporate into the first annual report required by clause (i) that is submitted after the establishment of performance indicators under paragraph (8), information required in relation to such indicators.

"(B) Reports to Congress.—On the basis of the reports submitted under subparagraph (A), the Secretary annually shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on—

"(i) the services provided and activities conducted with funds provided under grants awarded under this subsection;

"(ii) the performance indicators established under paragraph (8); and

"(iii) the progress that has been made in addressing the needs of families with methamphetamine or other substance abuse problems who come to the attention of the child welfare system and in achieving the goals of child safety, permanence, and family stability.".

(B) Conforming Amendments.—Section 437 of such Act (42 U.S.C. 629g) is amended—

(i) in the section heading, by inserting "**AND TARGETED**" after "**DISCRETIONARY**"; and

(ii) in subsection (e), by striking "this section" and inserting "subsection (a)".

(c) Evaluation, Research, and Technical Assistance With Respect to Targeted Program Resources.—Section 435(c) of such Act (42 U.S.C. 629e(c)) is amended to read as follows :

"(c) Evaluation, Research, and Technical Assistance With Respect to Targeted Program Resources.—Of the amount reserved under section 436(b)(1) for a fiscal year, the Secretary shall use not less than—

"(1) $1,000,000 for evaluations, research, and providing technical assistance with respect to supporting monthly caseworker visits with children who are in foster care under the responsibility of the State, in accordance with section 436(b)(4)(B)(i); and

"(2) $1,000,000 for evaluations, research, and providing technical assistance with respect to grants under section 437(f).".

SEC. 5. ALLOTMENTS AND GRANTS TO INDIAN TRIBES.

(a) Increase in Set-Asides for Indian Tribes.—

(1) Mandatory Grants.—Section 436(b)(3) of the Social Security Act (42 U.S.C. 629f(b)(3)) is amended by striking "1" and inserting "3".

(2) Discretionary Grants.—Section 437(b)(3) of such Act (42 U.S.C. 629g(b)(3)) is amended by striking "2" and inserting "3".

(3) Effect of Reservation of Funds for Targeted Program Resources on Amounts Reserved for Indian Tribes.—Section 436(b)(3) of such Act (42 U.S.C. 629b(b)(3)) is amended by striking "The" and inserting "After applying paragraphs (4) and (5) (but before applying paragraphs (1) or (2)), the".

(b) Authority for Tribal Consortia to Receive Allotments.—

(1) Allotment of Mandatory Funds.—

(A) In General.—Section 433(a) of such Act (42 U.S.C. 629c(a)) is amended—

(i) in the subsection heading, by inserting "OR TRIBAL CONSORTIA" after "TRIBES"; and

(ii) by adding at the end the following new sentence: "If a consortium of Indian tribes submits a plan approved under this subpart, the Secretary shall allot to the consortium an amount equal to the sum of the allotments determined for each Indian tribe that is part of the consortium.".

(B) Conforming Amendment.—Section 436(b)(3) of such Act (42 U.S.C. 629f(b)(3)) is amended—

(i) in the paragraph heading, by inserting "OR TRIBAL CONSORTIA" after "TRIBES"; and

(ii) by inserting "or tribal consortia" after "Indian tribes".

(2) Allotment of Any Discretionary Funds.—Section 437 of such Act (42 U.S.C. 629g) is amended—

(A) in subsection (b)(3)—

(i) in the paragraph heading, by inserting "OR TRIBAL CONSORTIA" after "TRIBES"; and

(ii) by inserting "or tribal consortia" after "Indian tribes"; and

(B) in subsection (c)(1)—

(i) in the paragraph heading, by inserting "OR TRIBAL CONSORTIA" after "TRIBES"; and

(ii) by adding at the end the following new sentence: "If a consortium of Indian tribes applies and is approved for a grant under this section, the Secretary shall allot to the consortium an amount equal to the sum of the allotments determined for each Indian tribe that is part of the consortium.".

(3) Additional Conforming Amendments.—

(A) Plans of Indian Tribes.—Section 432(b)(2) of such Act (42 U.S.C. 629b(b)(2)) is amended—

(i) in the paragraph heading, by inserting "OR TRIBAL CONSORTIA" after "TRIBES";

(ii) in subparagraph (A), by inserting "or tribal consortium" after "Indian tribe" each place it appears; and

(iii) in subparagraph (B)—

(I) by inserting "or tribal consortium" after "Indian tribe"; and

(II) by inserting "and tribal consortia" after "Indian tribes".

(B) Direct Payments to Tribal Organizations.—Section 434(c) of such Act (42 U.S.C. 629d(c)) is amended—

(i) in the subsection heading, by inserting "OR TRIBAL CONSORTIA" after "TRIBES"; and

(ii) by inserting "or tribal consortium" after "Indian tribe" the first place it appears; and

(iii) by inserting "or in the case of a payment to a tribal consortium, such tribal organizations of, or entity established by, the Indian tribes that are part of the consortium as the consortium shall designate" before the period.

(C) Evaluations; Research; Technical Assistance.—Section 435(d) of such Act (42 U.S.C. 629e(d)) is amended in the matter preceding paragraph (1), by inserting "or tribal consortia" after "Indian tribes".

(c) Collection of Data on Tribal Promoting Safe and Stable Families Plans.—Section 432(b)(2)(A) of such Act (42 U.S.C. 629b(b)(2)(A)), as amended by subsection (b)(3)(A)(ii) of this section, is amended by striking "any requirement of this section that the Secretary determines" and inserting "the requirements of subsection (a)(4) of this section to the extent that the Secretary determines those requirements".

SEC. 6. IMPROVEMENTS TO THE CHILD WELFARE SERVICES PROGRAM.

(a) Funding.—Subpart 1 of part B of title IV of the Social Security Act (42 U.S.C. 620-628b) is amended by striking sections 420 and

425 and inserting after section 424 the following:

"LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS

"SEC. 425. To carry out this subpart, there are authorized to be appropriated to the Secretary not more than $325,000,000 for each of fiscal years 2007 through 2011.".

(b) PURPOSE OF PROGRAM.—Such subpart is further amended—

(1) by striking section 424;

(2) by redesignating sections 421 and 423 as sections 423 and 424, respectively, and by transferring section 423 (as so redesignated) so that it appears after section 422; and

(3) by inserting after the subpart heading the following:

"PURPOSE

"SEC. 421. The purpose of this subpart is to promote State flexibility in the development and expansion of a coordinated child and family services program that utilizes community-based agencies and ensures all children are raised in safe, loving families, by—

"(1) protecting and promoting the welfare of all children;

"(2) preventing the neglect, abuse, or exploitation of children;

"(3) supporting at-risk families through services which allow children, where appropriate, to remain safely with their families or return to their families in a timely manner;

"(4) promoting the safety, permanence, and well-being of children in foster care and adoptive families; and

"(5) providing training, professional development and support to ensure a well-qualified child welfare workforce.".

(c) MODIFICATION OF STATE PLAN REQUIREMENTS.—Section 422 of such Act (42 U.S.C. 622) is amended—

(1) in subsection (b)—

(A) by striking paragraphs (3) through (5) and inserting the following:

"(3) include a description of the services and activities which the State will fund under the State program carried out pursuant to this subpart, and how the services and activities will achieve the purpose of this subpart;";

(B) by striking paragraph (6) and inserting after paragraph (3) (as added by subparagraph (A) of this paragraph) the following:

"(4) contain a description of—

"(A) the steps the State will take to provide child welfare services statewide and to expand and strengthen the range of existing services and develop and implement services to improve child outcomes; and

"(B) the child welfare services staff development and training plans of the State;";

(C) by redesignating paragraphs (7) through (9) as paragraphs (5) through (7), respectively;

(D) in paragraph (10)—

(i) by striking subparagraph (A);

(ii) in subparagraph (B)(iii)(II), by inserting ", which may include a residential educational program" after "in some other planned, permanent living arrangement";

(iii) by redesignating subparagraph (B) as subparagraph (A); and

(iv) by striking subparagraph (C) and inserting after subparagraph (A) the following:

"(B) has in effect policies and administrative and judicial procedures for children abandoned at or shortly after birth (including policies and procedures providing for legal representation of the children) which enable permanent decisions to be made expeditiously with respect to the placement of the children;";

(E) in paragraph (14), by striking "and" at the end;

(F) in paragraph (15), by striking the period and inserting a semicolon;

(G) by redesignating paragraphs (10) through (15) as paragraphs (8) through (13), respectively; and

(H) by adding at the end the following:

"(14) not later than October 1, 2007, include assurances that not more than 10 percent of the expenditures of the State with respect to activities funded from amounts provided under this subpart will be for administrative costs;

"(15) describe how the State actively consults with and involves physicians or other appropriate medical professionals in—

"(A) assessing the health and well-being of children in foster care under the responsibility of the State; and

"(B) determining appropriate medical treatment for the children; and

"(16) provide that, not later than 1 year after the date of the enactment of this paragraph, the State shall have in place procedures providing for how the State programs assisted under this subpart, subpart 2 of this part, or part E would respond to a disaster, in accordance with criteria established by the Secretary which should include how a State would—

"(A) identify, locate, and continue availability of services for children under State care or supervision who are displaced or adversely affected by a disaster;

"(B) respond, as appropriate, to new child welfare cases in areas adversely affected by a disaster, and provide services in those cases;

"(C) remain in communication with caseworkers and other essential child welfare personnel who are displaced because of a disaster;

"(D) preserve essential program records; and

"(E) coordinate services and share information with other States."; and

(2) by adding at the end the following:

"(c) DEFINITIONS.—In this subpart:

"(1) ADMINISTRATIVE COSTS.—The term 'administrative costs' means costs for the following, but only to the extent incurred in administering the State plan developed pursuant to this subpart: procurement, payroll management, personnel functions (other than the portion of the salaries of supervisors attributable to time spent directly supervising the provision of services by caseworkers), management, maintenance and operation of space and property, data processing and computer services, accounting, budgeting, auditing, and travel expenses (except those related to the provision of services by caseworkers or the oversight of programs funded under this subpart).

"(2) OTHER TERMS.—For definitions of other terms used in this part, see section 475.".

(d) PROVISIONS RELATING TO STATE ALLOTMENTS.—Section 423 of such Act, as so redesignated by subsection (b)(2) of this section, is amended—

(1) in subsection (a)—

(A) by inserting "IN GENERAL.—" after "(a)"; and

(B) by striking "420" and inserting "425"; and

(2) in subsection (b), by inserting "DETERMINATION OF STATE ALLOTMENT PERCENTAGES.—" after "(b)";

(3) in subsection (c), by inserting "PROMULGATION OF STATE ALLOTMENT PERCENTAGES.—" after "(c)";

(4) in subsection (d)—

(A) by inserting "UNITED STATES DEFINED.—" after "(d)"; and

(B) by striking "fifty" and inserting "50"; and

(5) by adding at the end the following:

"(e) REALLOTMENT OF FUNDS.—

"(1) IN GENERAL.—The amount of any allotment to a State for a fiscal year under the preceding provisions of this section which the State certifies to the Secretary will not be required for carrying out the State plan developed as provided in section 422 shall be available for reallotment from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines—

"(A) need sums in excess of the amounts allotted to such other States under the preceding provisions of this section, in carrying out their State plans so developed; and

"(B) will be able to so use such excess sums during the fiscal year.

"(2) CONSIDERATIONS.—The Secretary shall make the reallotments on the basis of the State plans so developed, after taking into consideration—

"(A) the population under 21 years of age;

"(B) the per capita income of each of such other States as compared with the population under 21 years of age; and

"(C) the per capita income of all such other States with respect to which such a determination by the Secretary has been made.

"(3) AMOUNTS REALLOTTED TO A STATE DEEMED PART OF STATE ALLOTMENT.—Any amount so reallotted to a State is deemed part of the allotment of the State under this section.".

(e) PAYMENTS TO STATES; LIMITATIONS ON USE OF FUNDS.—

(1) LIMITATIONS RELATED TO STATE EXPENDITURES FOR CHILD CARE, FOSTER CARE MAINTENANCE PAYMENTS, AND ADOPTION ASSISTANCE PAYMENTS.—Section 424 of such Act, as so redesignated by subsection (b)(2) of this section, is amended by striking subsections (c) and (d) and inserting the following:

"(c) LIMITATION ON USE OF FEDERAL FUNDS FOR CHILD CARE, FOSTER CARE MAINTENANCE PAYMENTS, OR ADOPTION ASSISTANCE PAYMENTS.—The total amount of Federal payments under this subpart for a fiscal year beginning after September 30, 2007, that may be used by a State for expenditures for child care, foster care maintenance payments, or adoption assistance payments shall not exceed the total amount of such payments for fiscal year 2005 that were so used by the State.

"(d) LIMITATION ON USE BY STATES OF NON-FEDERAL FUNDS FOR FOSTER CARE MAINTENANCE PAYMENTS TO MATCH FEDERAL FUNDS.—For any fiscal year beginning after September 30, 2007, State expenditures of non-Federal funds for foster care maintenance payments shall not be considered to be expenditures under the State plan developed under this subpart for the fiscal year to the extent that the total of such expenditures for the fiscal year exceeds the total of such expenditures under the State plan developed under this subpart for fiscal year 2005.".

(2) LIMITATION ON ADMINISTRATIVE COST REIMBURSEMENT.—

(A) IN GENERAL.—Section 424 of such Act (42 U.S.C. 623), as so redesignated by subsection (b)(2) of this section, is amended by adding at the end the following:

"(e) LIMITATION ON REIMBURSEMENT FOR ADMINISTRATIVE COSTS.—A payment may not be made to a State under this section with respect to expenditures during a fiscal year for administrative costs, to the extent that the total amount of the expenditures exceeds 10 percent of the total expenditures of the State during the fiscal year for activities funded from amounts provided under this subpart.".

(B) Effective date.—The amendment made by subparagraph (A) shall apply to expenditures made on or after October 1, 2007.

(f) Conforming Amendments.—

(1) Section 428(b) of such Act (42 U.S.C. 628(b)) is amended by striking "421" and inserting "423".

(2) Section 429 of such Act (42 U.S.C. 628a) is amended—

(A)(i) by striking the following:

"CHILD WELFARE TRAINEESHIPS

"Sec. 429. The Secretary"; and

(ii) inserting the following:

"(c) Child Welfare Traineeships.—The Secretary"; and

(B) by transferring the provision to the end of section 426 (as amended by section 11(b) of this Act).

(3) Section 429A of such Act (42 U.S.C. 628b) is redesignated as section 429.

(4) Section 433(b) of such Act (42 U.S.C. 629c(b)) is amended by striking "421" and inserting "423".

(5) Section 437(c)(2) of such Act (42 U.S.C. 629g(c)(2)) is amended by striking "421" and inserting "423".

(6) Section 472(d) of such Act (42 U.S.C. 672(d)) is amended by striking "422(b)(10)" and inserting "422(b)(8)".

(7) Section 473A(f) of such Act (42 U.S.C. 673b(f)) is amended by striking "423" and inserting "424".

(8) Section 1130(b)(1) of such Act (42 U.S.C. 1320a-9(b)(1)) is amended to read as follows:.

"(1) any provision of section 422(b)(8), or section 479; or".

(9) Section 104(b)(3) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14914(b)(3)) is amended by striking "422(b)(14) of the Social Security Act, as amended by section 205 of this Act" and inserting "422(b)(12) of the Social Security Act".

SEC. 7. MONTHLY CASEWORKER STANDARD.

(a) State Plan Requirement.—Section 422(b) of the Social Security Act (42 U.S.C. 622(b)), as amended by section 6(c) of this Act, is amended—

(1) by striking "and" at the end of paragraph (15);

(2) by striking the period at the end of paragraph (16) and inserting "; and"; and

(3) by adding at the end the following:

"(17) not later than October 1, 2007, describe the State standards for the content and frequency of caseworker visits for children who are in foster care under the responsibility of the State, which, at a minimum, ensure that the children are visited on a monthly basis and that the caseworker visits are well-planned and focused on issues pertinent to case planning and service delivery to ensure the safety, permanency, and well-being of the children.".

(b) Enforcement.—Section 424 of the Social Security Act, as so redesignated by section 6(b)(2) of this Act, is amended by adding at the end the following:

"(e)(1) The Secretary may not make a payment to a State under this subpart for a period in fiscal year 2008, unless the State has provided to the Secretary data which shows, for fiscal year 2007—

"(A) the percentage of children in foster care under the responsibility of the State who were visited on a monthly basis by the caseworker handling the case of the child; and

"(B) the percentage of the visits that occurred in the residence of the child.

"(2)(A) Based on the data provided by a State pursuant to paragraph (1), the Secretary, in consultation with the State, shall establish, not later than June 30, 2008, an outline of the steps to be taken to ensure, by October 1, 2011, that at least 90 percent of the children in foster care under the responsibility of the State are visited by their caseworkers on a monthly basis, and that the majority of the visits occur in the residence of the child. The outline shall include target percentages to be reached each fiscal year, and should include a description of how the steps will be implemented. The steps may include activities designed to improve caseworker retention, recruitment, training, and ability to access the benefits of technology.

"(B) Beginning October 1, 2008, if the Secretary determines that a State has not made the requisite progress in meeting the goal described in subparagraph (A) of this paragraph, then the percentage that shall apply for purposes of subsection (a) of this section for the period involved shall be the percentage set forth in such subsection (a) reduced by—

"(i) 1, if the number of full percentage points by which the State fell short of the target percentage established for the State for the period pursuant to such subparagraph is less than 10;

"(ii) 3, if the number of full percentage points by which the State fell short, as described in clause (i), is not less than 10 and less than 20; or

"(iii) 5, if the number of full percentage points by which the State fell short, as described in clause (i), is not less than 20.".

(c) Reports.—

(1) Progress report.—Not later than March 31, 2010, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that outlines the progress made by the States in meeting the standards referred to in section 422(b)(17) of the Social Security Act, and offers recommendations developed in consultation with State officials responsible for administering child welfare programs and members of the State legislature to assist States in their efforts to ensure that foster children are visited on a monthly basis.

(2) Inclusion of information on caseworker visits in annual child well-being outcome reports.—Section 479A of such Act (42 U.S.C. 679b) is amended—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; and"; and

(C) by adding at the end the following:

"(6) include in the report submitted pursuant to paragraph (5) for fiscal year 2007 or any succeeding fiscal year, State-by-State data on—

"(A) the percentage of children in foster care under the responsibility of the State who were visited on a monthly basis by the caseworker handling the case of the child; and

"(B) the percentage of the visits that occurred in the residence of the child.".

SEC. 8. REAUTHORIZATION OF PROGRAM FOR MENTORING CHILDREN OF PRISONERS.

(a) In General.—Section 439 of the Social Security Act (42 U.S.C. 629i) is amended—

(1) in subsection (c), by striking "2002 through 2006" and inserting "2007 through 2011"; and

(2) in subsection (h)—

(A) by striking paragraph (1) and inserting the following:

"(1) Limitations on authorization of appropriations.—To carry out this section, there are authorized to be appropriated to the Secretary such sums as may be necessary for fiscal years 2007 through 2011."; and

(B) in paragraph (2), by striking "2.5" and inserting "4".

(b) Service Delivery Demonstration Project.—

(1) In general.—Section 439 of such Act (42 U.S.C. 629i), as amended by subsection (a) of this section, is amended—

(A) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(B) by inserting after subsection (f) the following:

"(g) Service Delivery Demonstration Project.—

"(1) Purpose; authority to enter into cooperative agreement.—The Secretary shall enter into a cooperative agreement with an eligible entity that meets the requirements of paragraph (2) for the purpose of requiring the entity to conduct a demonstration project consistent with this subsection under which the entity shall—

"(A) identify children of prisoners in need of mentoring services who have not been matched with a mentor by an applicant awarded a grant under this section, with a priority for identifying children who—

"(i) reside in an area not served by a recipient of a grant under this section;

"(ii) reside in an area that has a substantial number of children of prisoners;

"(iii) reside in a rural area; or

"(iv) are Indians;

"(B) provide the families of the children so identified with—

"(i) a voucher for mentoring services that meets the requirements of paragraph (5); and

"(ii) a list of the providers of mentoring services in the area in which the family resides that satisfy the requirements of paragraph (6); and

"(C) monitor and oversee the delivery of mentoring services by providers that accept the vouchers.

"(2) Eligible entity.—

"(A) In general.—Subject to subparagraph (B), an eligible entity under this subsection is an organization that the Secretary determines, on a competitive basis—

"(i) has substantial experience—

"(I) in working with organizations that provide mentoring services for children of prisoners; and

"(II) in developing quality standards for the identification and assessment of mentoring programs for children of prisoners; and

"(ii) submits an application that satisfies the requirements of paragraph (3).

"(B) Limitation.—An organization that provides mentoring services may not be an eligible entity for purposes of being awarded a cooperative agreement under this subsection.

"(3) Application requirements.—To be eligible to be awarded a cooperative agreement under this subsection, an entity shall submit to the Secretary an application that includes the following:

"(A) Qualifications.—Evidence that the entity—

"(i) meets the experience requirements of paragraph (2)(A)(i); and

"(ii) is able to carry out—

"(I) the purposes of this subsection identified in paragraph (1); and

"(II) the requirements of the cooperative agreement specified in paragraph (4).

"(B) Service delivery plan.—

"(i) Distribution requirements.—Subject to clause (iii), a description of the plan of the entity to ensure the distribution of not less than—

"(I) 3,000 vouchers for mentoring services in the first year in which the cooperative agreement is in effect with that entity;

"(II) 8,000 vouchers for mentoring services in the second year in which the agreement is in effect with that entity ; and

"(III) 13,000 vouchers for mentoring services in any subsequent year in which the agreement is in effect with that entity.

"(ii) SATISFACTION OF PRIORITIES.—A description of how the plan will ensure the delivery of mentoring services to children identified in accordance with the requirements of paragraph (1)(A).

"(iii) SECRETARIAL AUTHORITY TO MODIFY DISTRIBUTION REQUIREMENT.—The Secretary may modify the number of vouchers specified in subclauses (I) through (III) of clause (i) to take into account the availability of appropriations and the need to ensure that the vouchers distributed by the entity are for amounts that are adequate to ensure the provision of mentoring services for a 12-month period.

"(C) COLLABORATION AND COOPERATION.—A description of how the entity will ensure collaboration and cooperation with other interested parties, including courts and prisons, with respect to the delivery of mentoring services under the demonstration project.

"(D) OTHER.—Any other information that the Secretary may find necessary to demonstrate the capacity of the entity to satisfy the requirements of this subsection.

"(4) COOPERATIVE AGREEMENT REQUIREMENTS.—A cooperative agreement awarded under this subsection shall require the eligible entity to do the following:

"(A) IDENTIFY QUALITY STANDARDS FOR PROVIDERS.—To work with the Secretary to identify the quality standards that a provider of mentoring services must meet in order to participate in the demonstration project and which, at a minimum, shall include criminal records checks for individuals who are prospective mentors and shall prohibit approving any individual to be a mentor if the criminal records check of the individual reveals a conviction which would prevent the individual from being approved as a foster or adoptive parent under section 471(a)(20)(A).

"(B) IDENTIFY ELIGIBLE PROVIDERS.—To identify and compile a list of those providers of mentoring services in any of the 50 States or the District of Columbia that meet the quality standards identified pursuant to subparagraph (A).

"(C) IDENTIFY ELIGIBLE CHILDREN.—To identify children of prisoners who require mentoring services, consistent with the priorities specified in paragraph (1)(A).

"(D) MONITOR AND OVERSEE DELIVERY OF MENTORING SERVICES.—To satisfy specific requirements of the Secretary for monitoring and overseeing the delivery of mentoring services under the demonstration project, which shall include a requirement to ensure that providers of mentoring services under the project report data on the children served and the types of mentoring services provided.

"(E) RECORDS, REPORTS, AND AUDITS.—To maintain any records, make any reports, and cooperate with any reviews and audits that the Secretary determines are necessary to oversee the activities of the entity in carrying out the demonstration project under this subsection.

"(F) EVALUATIONS.—To cooperate fully with any evaluations of the demonstration project, including collecting and monitoring data and providing the Secretary or the Secretary's designee with access to records and staff related to the conduct of the project.

"(G) LIMITATION ON ADMINISTRATIVE EXPENDITURES.—To ensure that administrative expenditures incurred by the entity in conducting the demonstration project with respect to a fiscal year do not exceed the amount equal to 10 percent of the amount awarded to carry out the project for that year.

"(5) VOUCHER REQUIREMENTS.—A voucher for mentoring services provided to the family of a child identified in accordance with paragraph (1)(A) shall meet the following requirements:

"(A) TOTAL PAYMENT AMOUNT; 12-MONTH SERVICE PERIOD.—The voucher shall specify the total amount to be paid a provider of mentoring services for providing the child on whose behalf the voucher is issued with mentoring services for a 12-month period.

"(B) PERIODIC PAYMENTS AS SERVICES PROVIDED.—

"(i) IN GENERAL.—The voucher shall specify that it may be redeemed with the eligible entity by the provider accepting the voucher in return for agreeing to provide mentoring services for the child on whose behalf the voucher is issued.

"(ii) DEMONSTRATION OF THE PROVISION OF SERVICES.—A provider that redeems a voucher issued by the eligible entity shall receive periodic payments from the eligible entity during the 12-month period that the voucher is in effect upon demonstration of the provision of significant services and activities related to the provision of mentoring services to the child on whose behalf the voucher is issued.

"(6) PROVIDER REQUIREMENTS.—In order to participate in the demonstration project, a provider of mentoring services shall—

"(A) meet the quality standards identified by the eligible entity in accordance with paragraph (1);

"(B) agree to accept a voucher meeting the requirements of paragraph (5) as payment for the provision of mentoring services to a child on whose behalf the voucher is issued;

"(C) demonstrate that the provider has the capacity, and has or will have nonfederal resources, to continue supporting the provision of mentoring services to the child on whose behalf the voucher is issued, as appropriate, after the conclusion of the 12-month period during which the voucher is in effect; and

"(D) if the provider is a recipient of a grant under this section, demonstrate that the provider has exhausted its capacity for providing mentoring services under the grant.

"(7) 3-YEAR PERIOD; OPTION FOR RENEWAL.—

"(A) IN GENERAL.—A cooperative agreement awarded under this subsection shall be effective for a 3-year period.

"(B) RENEWAL.—The cooperative agreement may be renewed for an additional period, not to exceed 2 years and subject to any conditions that the Secretary may specify that are not inconsistent with the requirements of this subsection or subsection (i)(2)(B), if the Secretary determines that the entity has satisfied the requirements of the agreement and evaluations of the service delivery demonstration project demonstrate that the voucher service delivery method is effective in providing mentoring services to children of prisoners.

"(8) INDEPENDENT EVALUATION AND REPORT.—

"(A) IN GENERAL.—The Secretary shall enter into a contract with an independent, private organization to evaluate and prepare a report on the first 2 fiscal years in which the demonstration project is conducted under this subsection.

"(B) DEADLINE FOR REPORT.—Not later than 90 days after the end of the second fiscal year in which the demonstration project is conducted under this subsection, the Secretary shall submit the report required under subparagraph (A) to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate. The report shall include—

"(i) the number of children as of the end of such second fiscal year who received vouchers for mentoring services; and

"(ii) any conclusions regarding the use of vouchers for the delivery of mentoring services for children of prisoners.

"(9) NO EFFECT ON ELIGIBILITY FOR OTHER FEDERAL ASSISTANCE.—A voucher provided to a family under the demonstration project conducted under this subsection shall be disregarded for purposes of determining the eligibility for, or the amount of, any other Federal or federally-supported assistance for the family.".

(2) CONFORMING AMENDMENTS.—Section 439 of such Act (42 U.S.C. 629i), as amended by subsection (a) of this section and paragraph (1) of this subsection, is amended—

(A) in subsection (a)—

(i) in the subsection heading, by striking "PURPOSE" and inserting "PURPOSES"; and

(ii) in paragraph (2)—

(I) in the paragraph heading, by striking "PURPOSE" and inserting "PURPOSES";

(II) by striking "The purpose of this section is to authorize the Secretary to make competitive" and inserting "The purposes of this section are to authorize the Secretary—

"(A) to make competitive";

(iii) by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(B) to enter into on a competitive basis a cooperative agreement to conduct a service delivery demonstration project in accordance with the requirements of subsection (g).";

(B) in subsection (c)—

(i) by striking "(h)" and inserting "(i)"; and

(ii) by striking "(h)(2)" and inserting "(i)(2)";

(C) by amending subsection (h) (as so redesignated by paragraph (1)(A) of this subsection) to read as follows:

"(h) INDEPENDENT EVALUATION; REPORTS.—

"(1) INDEPENDENT EVALUATION.—The Secretary shall conduct by grant, contract, or cooperative agreement an independent evaluation of the programs authorized under this section, including the service delivery demonstration project authorized under subsection (g).

"(2) REPORTS.—Not later than 12 months after the date of enactment of this subsection, the Secretary shall submit a report to the Congress that includes the following:

"(A) The characteristics of the mentoring programs funded under this section.

"(B) The plan for implementation of the service delivery demonstration project authorized under subsection (g).

"(C) A description of the outcome-based evaluation of the programs authorized under this section that the Secretary is conducting as of that date of enactment and how the evaluation has been expanded to include an evaluation of the demonstration project authorized under subsection (g).

"(D) The date on which the Secretary shall submit a final report on the evaluation to the Congress."; and

(D) in subsection (i) (as so redesignated)—

(i) in the subsection heading, by striking "RESERVATION" and inserting "RESERVATIONS"; and

(ii) in paragraph (2)—

(I) by amending the paragraph heading to read as follows: "RESERVATIONS";

(II) by striking "The" and inserting the following:

"(A) RESEARCH, TECHNICAL ASSISTANCE, AND EVALUATION.—The"; and

(III) by adding at the end the following:

"(B) SERVICE DELIVERY DEMONSTRATION PROJECT.—

"(i) IN GENERAL.—Subject to clause (ii), for purposes of awarding a cooperative agreement to conduct the service delivery demonstration project authorized under subsection (g), the Secretary shall reserve not more than—

"(I) $5,000,000 of the amount appropriated under paragraph (1) for the first fiscal year in which funds are to be awarded for the agreement;

"(II) $10,000,000 of the amount appropriated under paragraph (1) for the second fiscal year in which funds are to be awarded for the agreement; and

"(III) $15,000,000 of the amount appropriated under paragraph (1) for the third fiscal year in which funds are to be awarded for the agreement.

"(ii) ASSURANCE OF FUNDING FOR GENERAL PROGRAM GRANTS.—With respect to any fiscal year, no funds may be awarded for a cooperative agreement under subsection (g), unless at least $25,000,000 of the amount appropriated under paragraph (1) for that fiscal year is used by the Secretary for making grants under this section for that fiscal year.".

SEC. 9. REAUTHORIZATION OF THE COURT IMPROVEMENT PROGRAM.

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended in each of subsections (c)(1)(A) and (d) by striking "2006" and inserting "2011".

SEC. 10. REQUIREMENT FOR FOSTER CARE PROCEEDING TO INCLUDE, IN AN AGE-APPROPRIATE MANNER, CONSULTATION WITH THE CHILD THAT IS THE SUBJECT OF THE PROCEEDING.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by inserting "(i)" after "with respect to each such child,";

(2) by striking "and procedural safeguards shall also" and inserting "(ii) procedural safeguards shall"; and

(3) by inserting "and (iii) procedural safeguards shall be applied to assure that in any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to independent living, the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child;" after "parents;".

SEC. 11. TECHINICAL AMENDMENTS.

(a) UPDATING OF ARCHAIC LANGUAGE.—

(1) Section 423 of the Social Security Act, as so redesignated by section 6(b)(2) of this Act—

(A) is amended by striking "per centum" and inserting "percent"; and

(B) by striking "He" and inserting "The Secretary".

(2) Section 424(a) of such Act, as so redesignated by section 6(b)(2) of this Act, is amended by striking "per centum" and inserting "percent".

(b) ELIMINATION OF OBSOLETE PROVISION.—Section 426 of such Act (42 U.S.C. 626) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

(c) TECHNICAL CORRECTION.—Section 431(a)(6) of such Act (42 U.S.C. 629a(a)(6)) is amended by striking "1986" and inserting "1996".

SEC. 12. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on October 1, 2006, and shall apply to payments under parts B and E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to subpart 1 of part B, or a State plan approved under subpart 2 of part B or part E, of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this Act, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the first regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

(c) AVAILABILITY OF PROMOTING SAFE AND STABLE FAMILIES RESOURCES FOR FISCAL YEAR 2006.—Section 3(c) shall take effect on the date of the enactment of this Act.

SA 5025. Mr. McCONNELL (for Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. HATCH, Mr. ROCKEFELLER, and Ms. SNOWE)) proposed an amendment to the bill S. 3525, to reauthorize the safe and stable families program, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the Act, insert the following: "An Act to amend part B of title IV of the Social Security Act to reauthorize the promoting safe and stable families program, and for other purposes.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 20, 2006, at 10 a.m., to conduct a hearing on "Calculated Risk: Assessing Non-Traditional Mortgage Products."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a committee hearing on the nomination of Mary Peters to be Secretary of Transportation on Wednesday, September 20, 2006 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, September 20, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Our Business Tax System: Objectives, Deficiencies, and Options for Reform".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 20, 2006, at 10 a.m. to hold a hearing on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FRIST. Mr. President: I ask unanimous consent that on Wednesday, September 20, 2006 at 2:30 p.m. the Committee on Environment and Public Works be authorized to hold a hearing to examine approaches embodied in the Asia Pacific Partnership.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, September 20, 2006 at 10 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, September 20, 2006, at 2:30 p.m. for a hearing titled, "Critical Mission: Assessing Spiral 1.1 of the National Security Personnel System."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 20, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct an Oversight Hearing on the Tribal Self Governance: Obstacles and Impediments to Expansion of Self Governance.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Reporters' Privilege Legislation: Preserving Effective Federal Law Enforcement" on Wednesday, September 20, 2006 at 9:30 a.m. in Dirksen Senate Office Building Room 226.

Witness List

Panel I: The Honorable Paul J. McNulty, Deputy Attorney General, Department of Justice, Washington, DC.

Panel II: Theodore B. Olson, Partner, Gibson, Dunn & Crutcher LLP, Washington, DC; Bruce A. Baird, Partner, Covington & Burling LLP, Washington, DC; Victor E. Schwartz, Partner, Shook, Hardy & Bacon LLP, Washington, DC; Steven D. Clymer, Professor, Cornell Law School, Ithaca, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Examining the Proposal to Restructure the Ninth Circuit" on Wednesday, September 20, 2006 at 2 p.m. in Dirksen Senate Office Building Room 226.

Witness List

Panel I: Members Panel (TBD).

Panel II: Rachel L. Brand, Assistant Attorney General, Office of Legal Policy, Department of Justice, Washington, DC.

Panel III: The Honorable Mary Schroeder, Chief Circuit Judge, U.S. Court of Appeals for the Ninth Circuit, Phoenix, AZ; The Honorable Richard Tallman, Circuit Judge, U.S. Court of Appeals for the Ninth Circuit, Seattle, WA; The Honorable Sidney R. Thomas, Circuit Judge, U.S. Court of Appeals for the Ninth Circuit, Billings, MT; The Honorable Diarmuid O'Scannlain, Circuit Judge, U.S. Court of Appeals for the Ninth Circuit, Portland, OR; and The Honorable John M. Roll, Chief District Judge, U.S. District Court for the District of Arizona, Tucson, AZ.

Panel IV: The Honorable Pete Wilson, Former United States Senator-CA and Former Governor of California, Bingham McCutchen, Of Counsel, Bingham Consulting Group, Principal, Los Angeles, CA; Dr. John C. Eastman, Chapman University School of Law, Anaheim, CA; and William H. Neukom, Esq., Preston Gates & Ellis, LLP, Seattle, WA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, September 20, 2006, to hear the legislative presentation of The American Legion.

The hearing will take place in room 106 of the Dirksen Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 20, 2006 at 3:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRADE, TOURISM, AND ECONOMIC DEVELOPMENT

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Trade, Tourism, and Economic Development be authorized to meet on Wednesday, September 20, 2006 at 10 a.m. on Internet Governance: The Future of ICANN.

The PRESIDING OFFICER: Without objection, it is so ordered.

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

On Thursday, September 14, 2006, the Senate passed H.R. 4954, as follows:

H.R. 4954

Resolved, That the bill from the House of Representatives (H.R. 4954) entitled "An Act to improve maritime and cargo security through enhanced layered defenses, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Port Security Improvement Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—SECURITY OF UNITED STATES SEAPORTS

Subtitle A—General Provisions

Sec. 101. Area Maritime Transportation Security Plan to include salvage response plan.
Sec. 102. Requirements relating to maritime facility security plans.
Sec. 103. Unannounced inspections of maritime facilities.
Sec. 104. Transportation security card.
Sec. 105. Prohibition of issuance of transportation security cards to convicted felons.
Sec. 106. Long-range vessel tracking.
Sec. 107. Establishment of interagency operational centers for port security.
Sec. 108. Notice of Arrival for foreign vessels on the outer Continental Shelf.

Subtitle B—Port Security Grants; Training and Exercise Programs

Sec. 111. Port Security Grants.
Sec. 112. Port Security Training Program.
Sec. 113. Port Security Exercise Program.

Subtitle C—Port Operations

Sec. 121. Domestic radiation detection and imaging.
Sec. 122. Port Security user fee study.
Sec. 123. Inspection of car ferries entering from Canada.
Sec. 124. Random searches of containers.
Sec. 125. Work stoppages and employee-employer disputes.
Sec. 126. Threat assessment screening of port truck drivers.

TITLE II—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN

Subtitle A—General Provisions

Sec. 201. Strategic plan to enhance the security of the international supply chain.
Sec. 202. Post incident resumption of trade.
Sec. 203. Automated Targeting System.
Sec. 204. Container security standards and procedures.
Sec. 205. Container Security Initiative.

Subtitle B—Customs-Trade Partnership Against Terrorism

Sec. 211. Establishment.
Sec. 212. Eligible entities.
Sec. 213. Minimum requirements.
Sec. 214. Tier 1 participants in C-TPAT.
Sec. 215. Tier 2 participants in C-TPAT.
Sec. 216. Tier 3 participants in C-TPAT.
Sec. 217. Consequences for lack of compliance.
Sec. 218. Revalidation.
Sec. 219. Noncontainerized cargo.
Sec. 220. C-TPAT Program management.
Sec. 221. Resource management staffing plan.
Sec. 222. Additional personnel.
Sec. 223. Authorization of appropriations.
Sec. 224. Report to Congress.

Subtitle C—Miscellaneous Provisions

Sec. 231. Pilot integrated scanning system.
Sec. 232. International cooperation and coordination.
Sec. 233. Screening and scanning of cargo containers.
Sec. 234. International Ship and Port Facility Security Code.
Sec. 235. Cargo screening.

TITLE III—ADMINISTRATION

Sec. 301. Office of Cargo Security Policy.
Sec. 302. Reauthorization of Homeland Security Science and Technology Advisory Committee.
Sec. 303. Research, development, test, and evaluation efforts in furtherance of maritime and cargo security.
Sec. 304. Cobra fees.
Sec. 305. Establishment of competitive research program.

TITLE IV—AGENCY RESOURCES AND OVERSIGHT

Sec. 401. Office of International Trade.
Sec. 402. Resources.
Sec. 403. Negotiations.
Sec. 404. International Trade Data System.
Sec. 405. In-bond cargo.
Sec. 406. Sense of the Senate.
Sec. 407. Foreign ownership of ports.

TITLE V—RAIL SECURITY ACT OF 2006

Sec. 501. Short title.
Sec. 502. Rail transportation security risk assessment.
Sec. 503. Rail security.
Sec. 504. Study of foreign rail transport security programs.
Sec. 505. Passenger, baggage, and cargo screening.
Sec. 506. Certain personnel limitations not to apply.
Sec. 507. Fire and life-safety improvements.
Sec. 508. Memorandum of agreement.
Sec. 509. Amtrak plan to assist families of passengers involved in rail passenger accidents.
Sec. 510. Systemwide Amtrak security upgrades.
Sec. 511. Freight and passenger rail security upgrades.
Sec. 512. Oversight and grant procedures.
Sec. 513. Rail security research and development.
Sec. 514. Welded rail and tank car safety improvements.
Sec. 515. Northern border rail passenger report.
Sec. 516. Report regarding impact on security of train travel in communities without grade separation.

Sec. 517. Whistleblower protection program.
Sec. 518. Rail worker security training program.
Sec. 519. High hazard material security threat mitigation plans.
Sec. 520. Public awareness.
Sec. 521. Railroad high hazard material tracking.

TITLE VI—NATIONAL ALERT SYSTEM

Sec. 601. Short title.
Sec. 602. National Alert System.
Sec. 603. Implementation and use.
Sec. 604. Coordination with existing public alert systems and authority.
Sec. 605. National Alert Office.
Sec. 606. National Alert System Working Group.
Sec. 607. Research and development.
Sec. 608. Grant program for remote community alert systems.
Sec. 609. Public familiarization, outreach, and response instructions.
Sec. 610. Essential services disaster assistance.
Sec. 611. Definitions.
Sec. 612. Savings clause.
Sec. 613. Funding.

TITLE VII—MASS TRANSIT SECURITY

Sec. 701. Short title.
Sec. 702. Findings.
Sec. 703. Security assessments.
Sec. 704. Security assistance grants.
Sec. 705. Intelligence sharing.
Sec. 706. Research, development, and demonstration grants and contracts.
Sec. 707. Reporting requirements.
Sec. 708. Authorization of appropriations.
Sec. 709. Sunset provision.

TITLE VIII—DOMESTIC NUCLEAR DETECTION OFFICE

Sec. 801. Establishment of Domestic Nuclear Detection Office.
Sec. 802. Technology research and development investment strategy for nuclear and radiological detection.

TITLE IX—IMPROVED MOTOR CARRIER, BUS, AND HAZARDOUS MATERIAL SECURITY

Sec. 901. Short title.
Sec. 902. Hazardous materials highway routing.
Sec. 903. Motor carrier high hazard material tracking.
Sec. 904. Hazardous materials security inspections and enforcement.
Sec. 905. Truck security assessment.
Sec. 906. National public sector response system.
Sec. 907. Over-the-road bus security assistance.
Sec. 908. Pipeline security and incident recovery plan.
Sec. 909. Pipeline security inspections and enforcement.
Sec. 910. Technical corrections.

TITLE X—IP-ENABLED VOICE COMMUNICATIONS AND PUBLIC SAFETY

Sec. 1001. Short title.
Sec. 1002. Emergency service.
Sec. 1003. Enforcement.
Sec. 1004. Migration to IP-enabled emergency network.
Sec. 1005. Definitions.

TITLE XI—OTHER MATTERS

Sec. 1101. Certain TSA personnel limitations not to apply.
Sec. 1102. Rural Policing Institute.
Sec. 1103. Evacuation in emergencies.
Sec. 1104. Protection of health and safety during disasters.
Sec. 1105. Pilot Program to extend certain commercial operations.
Sec. 1106. Security plan for Essential Air Service airports.
Sec. 1107. Disclosures regarding homeland security grants.
Sec. 1108. Inclusion of the Transportation Technology Center in the National Domestic Preparedness Consortium.
Sec. 1109. Trucking security.
Sec. 1110. Extension of requirement for air carriers to honor tickets for suspended air passenger service.
Sec. 1111. Man-Portable Air Defense Systems.
Sec. 1112. Air and Marine Operations of the Northern Border Air Wing.
Sec. 1113. Study to identify redundant background records checks.
Sec. 1114. Phase-out of vessels supporting oil and gas development.
Sec. 1115. Coast Guard property in Portland, Maine.
Sec. 1116. Methamphetamine and methamphetamine precursor chemicals.
Sec. 1117. Aircraft charter customer and lessee prescreening program.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise defined, the term "appropriate congressional committees" means—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Committee on Finance of the Senate;

(D) the Committee on Homeland Security and Governmental Affairs of the Senate;

(E) the Committee on Appropriations of the House of Representatives;

(F) the Committee on Homeland Security of the House of Representatives;

(G) the Committee on Transportation and Infrastructure of the House of Representatives; and

(H) the Committee on Ways and Means of the House of Representatives.

(2) COMMERCIAL SEAPORT PERSONNEL.—The term "commercial seaport personnel" means any person engaged in an activity relating to the loading or unloading of cargo, the movement or tracking of cargo, the maintenance and repair of intermodal equipment, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when a vessel is made fast or let go, in the United States or the coastal waters of the United States.

(3) COMMISSIONER.—The term "Commissioner" means the Commissioner responsible for the United States Customs and Border Protection in the Department of Homeland Security.

(4) CONTAINER.—The term "container" has the meaning given the term in the International Convention for Safe Containers, with annexes, done at Geneva, December 2, 1972 (29 UST 3707).

(5) CONTAINER SECURITY DEVICE.—The term "container security device" means a device, or system, designed, at a minimum, to identify positively a container, to detect and record the unauthorized intrusion of a container, and to secure a container against tampering throughout the supply chain. Such a device, or system, shall have a low false alarm rate as determined by the Secretary.

(6) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(7) EXAMINATION.—The term "examination" means an inspection of cargo to detect the presence of misdeclared, restricted, or prohibited items that utilizes nonintrusive imaging and detection technology.

(8) INSPECTION.—The term "inspection" means the comprehensive process used by the United States Customs and Border Protection to assess goods entering the United States to appraise them for duty purposes, to detect the presence of restricted or prohibited items, and to ensure compliance with all applicable laws. The process may include screening, conducting an examination, or conducting a search.

(9) INTERNATIONAL SUPPLY CHAIN.—The term "international supply chain" means the end-to-end process for shipping goods to or from the United States from a point of origin (including manufacturer, supplier, or vendor) through a point of distribution.

(10) RADIATION DETECTION EQUIPMENT.—The term "radiation detection equipment" means any technology that is capable of detecting or identifying nuclear and radiological material or nuclear and radiological explosive devices.

(11) SCAN.—The term "scan" means utilizing nonintrusive imaging equipment, radiation detection equipment, or both, to capture data, including images of a container.

(12) SCREENING.—The term "screening" means a visual or automated review of information about goods, including manifest or entry documentation accompanying a shipment being imported into the United States, to determine the presence of misdeclared, restricted, or prohibited items and assess the level of threat posed by such cargo.

(13) SEARCH.—The term "search" means an intrusive examination in which a container is opened and its contents are devanned and visually inspected for the presence of misdeclared, restricted, or prohibited items.

(14) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(15) TRANSPORTATION DISRUPTION.—The term "transportation disruption" means any significant delay, interruption, or stoppage in the flow of trade caused by a natural disaster, heightened threat level, an act of terrorism, or any transportation security incident defined in section 70101(6) of title 46, United States Code.

(16) TRANSPORTATION SECURITY INCIDENT.—The term "transportation security incident" has the meaning given the term in section 70101(6) of title 46, United States Code.

TITLE I—SECURITY OF UNITED STATES SEAPORTS

Subtitle A—General Provisions

SEC. 101. AREA MARITIME TRANSPORTATION SECURITY PLAN TO INCLUDE SALVAGE RESPONSE PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) in subparagraph (E), by striking "and" after the semicolon;

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

"(F) include a salvage response plan—

"(i) to identify salvage equipment capable of restoring operational trade capacity; and

"(ii) to ensure that the waterways are cleared and the flow of commerce through United States ports is reestablished as efficiently and quickly as possible after a maritime transportation security incident; and".

SEC. 102. REQUIREMENTS RELATING TO MARITIME FACILITY SECURITY PLANS.

Section 70103(c) of title 46, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (C)(ii), by striking "facility" and inserting "facility, including access by individuals engaged in the surface transportation of intermodal containers in or out of a port facility";

(B) in subparagraph (E), by striking "describe the" and inserting "provide a strategy and timeline for conducting";

(C) in subparagraph (F), by striking "and" at the end;

(D) in subparagraph (G), by striking the period at the end and inserting "; and"; and

(E) by adding at the end the following:

"(H) in the case of a security plan for a facility, be resubmitted for approval of each change in the ownership or operator of the facility that may substantially affect the security of the facility."; and

(2) by adding at the end the following:

"(8)(A) The Secretary shall require that the qualified individual having full authority to implement security actions for a facility described in paragraph (2) shall be a citizen of the United States.

"(B) The Secretary may waive the requirement of subparagraph (A) with respect to an individual if the Secretary determines that it is appropriate to do so based on a complete background check of the individual and a review of all terrorist watch lists to ensure that the individual is not identified on any such terrorist watch list.".

SEC. 103. UNANNOUNCED INSPECTIONS OF MARITIME FACILITIES.

Section 70103(c)(4)(D) of title 46, United States Code, is amended to read as follows:

"(D) subject to the availability of appropriations, verify the effectiveness of each such facility security plan periodically, but not less than twice annually, at least 1 of which shall be an inspection of the facility that is conducted without notice to the facility.".

SEC. 104. TRANSPORTATION SECURITY CARD.

(a) IN GENERAL.—Section 70105 of title 46, United States, Code is amended by adding at the end the following:

"(g) APPLICATIONS FOR MERCHANT MARINER'S DOCUMENTS.—The Assistant Secretary of Homeland Security for the Transportation Security Administration and the Commandant of the Coast Guard shall concurrently process an application from an individual for merchant mariner's documents under chapter 73 of title 46, United States Code, and an application from that individual for a transportation security card under this section.

"(h) FEES.—The Secretary shall ensure that the fees charged each individual obtaining a transportation security card under this section who has passed a background check under section 5103a of title 49, United States Code, and who has a current and valid hazardous materials endorsement in accordance with section 1572 of title 49, Code of Federal Regulations, and each individual with a current and valid Merchant Mariner Document—

"(1) are for costs associated with the issuance, production, and management of the transportation security card, as determined by the Secretary; and

"(2) do not include costs associated with performing a background check for that individual, unless the scope of said background checks diverge.

"(i) IMPLEMENTATION SCHEDULE.—In implementing the transportation security card program under this section, the Secretary shall—

"(1) conduct a strategic risk analysis and establish a priority for each United States port based on risk; and

"(2) implement the program, based upon risk and other factors as determined by the Secretary, at all facilities regulated under this chapter at—

"(A) the 10 United States ports that are deemed top priority by the Secretary not later than July 1, 2007;

"(B) the 40 United States ports that are next in order of priority to the ports described in subparagraph (A) not later than January 1, 2008; and

"(C) all other United States ports not later than January 1, 2009.

"(j) TRANSPORTATION SECURITY CARD PROCESSING DEADLINE.—Not later than January 1, 2009, the Secretary shall process and issue or deny each application for a transportation security card under this section for individuals with current and valid merchant mariner's documents on the date of enactment of the Port Security Improvement Act of 2006.

"(k) VESSEL AND FACILITY CARD READER ASSESSMENTS.—

"(1) PILOT PROGRAMS.—

"(A) VESSEL PILOT PROGRAM.—The Secretary shall conduct a pilot program in 3 distinct geographic locations to assess the feasibility of implementing card readers at secure areas of a vessel in accordance with the Notice of Proposed Rulemaking released on May 22, 2006, (TSA-2006-24191; USCG-2006-24196).

"(B) FACILITIES PILOT PROGRAM.—In addition to the pilot program described in subparagraph (A), the Secretary shall conduct a pilot program in 3 distinct geographic locations to assess the feasibility of implementing card readers at secure areas of facilities in a variety of environmental settings.

"(C) COORDINATION WITH TRANSPORTATION SECURITY CARDS.—The pilot programs described in subparagraphs (A) and (B) shall be conducted concurrently with the issuance of the transportation security cards as described in subsection (b), of this section, to ensure card and card reader interoperability.

"(2) DURATION.—The pilot program described in paragraph (1) shall commence not later than 180 days after the date of the enactment of the Port Security Improvement Act of 2006 and shall terminate 1 year after commencement.

"(3) REPORT.—Not later than 90 days after the termination of the pilot program described under subparagraph (1), the Secretary shall submit a comprehensive report to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)) that includes—

"(A) the actions that may be necessary to ensure that all vessels and facilities to which this section applies are able to comply with the regulations promulgated under subsection (a);

"(B) recommendations concerning fees and a statement of policy considerations for alternative security plans; and

"(C) an analysis of the viability of equipment under the extreme weather conditions of the marine environment.

"(l) PROGRESS REPORTS.—Not later than 6 months after the date of the enactment of the Port Security Improvement Act 2006 and every 6 months thereafter until the requirements under this section are fully implemented, the Secretary shall submit a report on progress being made in implementing such requirements to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).".

(b) CLARIFICATION OF ELIGIBILITY FOR TRANSPORTATION SECURITY CARDS.—Section 70105(b)(2) of title 46, United States Code, is amended—

(1) by striking "and" after the semicolon in subparagraph (E);

(2) by striking "Secretary." in subparagraph (F) and inserting "Secretary; and"; and

(3) by adding at the end the following:

"(G) other individuals as determined appropriate by the Secretary including individuals employed at a port not otherwise covered by this subsection.".

(c) DEADLINE FOR SECTION 70105 REGULATIONS.—The Secretary shall promulgate final regulations implementing section 70105 of title 46, United States Code, no later than January 1, 2007. The regulations shall include a background check process to enable newly hired workers to begin working unless the Secretary makes an initial determination that the worker poses a security risk. Such process shall include a check against the consolidated and integrated terrorist watch list maintained by the Federal Government.

SEC. 105. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking "decides that the individual poses a security risk under subsection (c)" and inserting "determines under subsection (c) that the individual poses a security risk"; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

"(1) DISQUALIFICATIONS.—

"(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

"(i) Espionage or conspiracy to commit espionage.

"(ii) Sedition or conspiracy to commit sedition.

"(iii) Treason or conspiracy to commit treason.

"(iv) A crime listed in chapter 113B of title 18, a comparable State law, or conspiracy to commit such crime.

"(v) A crime involving a transportation security incident. In this clause, a transportation security incident—

"(I) is a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area (as defined in section 70101 of title 46); and

"(II) does not include a work stoppage or other nonviolent employee-related action, resulting from an employer-employee dispute.

"(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law;.

"(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or incendiary device (as defined in section 232(5) of title 18, explosive materials (as defined in section 841(c) of title 18), or a destructive device (as defined in 921(a)(4) of title 18).

"(viii) Murder.

"(ix) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (viii).

"(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the offenses listed in clauses (iv) and (viii).

"(xi) Any other felony that the Secretary determines to be a permanently disqualifying criminal offense.

"(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such or card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such a card, of any of the following felonies:

"(i) Assault with intent to murder.

"(ii) Kidnapping or hostage taking.

"(iii) Rape or aggravated sexual abuse.

"(iv) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes, but is not limited to—

"(I) firearms (as defined in section 921(a)(3) of title 18); and

"(II) items contained on the United States Munitions Import List under 447.21 of title 27 Code of Federal Regulations.

"(v) Extortion.

"(vi) Dishonesty, fraud, or misrepresentation, including identity fraud.

"(vii) Bribery.

"(viii) Smuggling.

"(ix) Immigration violations.

"(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961, et seq.) or a comparable State law, other than a violation listed in subparagraph (A)(x).

"(xi) Robbery.

"(xii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

"(xiii) Arson.

"(xiv) Conspiracy or attempt to commit any of the crimes in this subparagraph.

"(xv) Any other felony that the Secretary determines to be a disqualifying criminal offense under this subparagraph.

"(C) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) and (B), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

"(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

"(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

"(II) for causing a severe transportation security incident;

"(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

"(iii) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

"(iv) otherwise poses a terrorism security risk to the United States.".

SEC. 106. LONG-RANGE VESSEL TRACKING.

(a) REGULATIONS.—Section 70115 of title 46, United States Code, is amended in the first sentence by striking "The Secretary" and inserting "Not later than April 1, 2007, the Secretary".

(b) VOLUNTARY PROGRAM.—The Secretary may issue regulations to establish a voluntary long-range automated vessel tracking system for vessels described in section 70115 of title 46, United States Code, during the period before regulations are issued under such section.

SEC. 107. ESTABLISHMENT OF INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by inserting after section 70107 the following:

"§ 70107A. Interagency operational centers for port security

"(a) IN GENERAL.—The Secretary shall establish interagency operational centers for port security at all high-priority ports not later than 3 years after the date of the enactment of the Port Security Improvement Act of 2006.

"(b) CHARACTERISTICS.—The interagency operational centers established under this section shall—

"(1) utilize, as appropriate, the compositional and operational characteristics of centers, including—

"(A) the pilot project interagency operational centers for port security in Miami, Florida; Norfolk/Hampton Roads, Virginia; Charleston, South Carolina; San Diego, California; and

"(B) the virtual operation center of the Port of New York and New Jersey;

"(2) be organized to fit the security needs, requirements, and resources of the individual port area at which each is operating;

"(3) provide, as the Secretary determines appropriate, for participation by representatives of the United States Customs and Border Protection, the Transportation Security Administration, the Department of Justice, the Department of Defense, and other Federal agencies, State and local law enforcement or port security personnel, members of the Area Maritime Security Committee, and other public and private sector stakeholders adversely affected by a transportation security incident or transportation disruption; and

"(4) be incorporated in the implementation and administration of—

"(A) maritime transportation security plans developed under section 70103;

"(B) maritime intelligence activities under section 70113 and information sharing activities consistent with section 1016 of the National Security Intelligence Reform Act of 2004 (6 U.S.C. 485) and the Homeland Security Information Sharing Act (6 U.S.C. 481 et seq.);

"(C) short and long range vessel tracking under sections 70114 and 70115;

"(D) protocols under section 201(b)(10) of the Port Security Improvement Act of 2006;

"(E) the transportation security incident response plans required by section 70104; and

"(F) other activities, as determined by the Secretary.

"(c) SECURITY CLEARANCES.—The Secretary shall sponsor and expedite individuals participating in interagency operational centers in gaining or maintaining their security clearances. Through the Captain of the Port, the Secretary may identify key individuals who should participate. The port or other entities may appeal to the Captain of the Port for sponsorship.".

(b) 2005 ACT REPORT REQUIREMENT.—Nothing in this section or the amendments made by this section relieves the Commandant of the Coast Guard from complying with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1082). The Commandant shall utilize the information developed in making the report required by that section in carrying out the requirements of this section.

(c) BUDGET AND COST-SHARING ANALYSIS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a proposed budget analysis for implementing section 70107A of title 46, United States Code, as added by subsection (a), including cost-sharing arrangements with other Federal departments and agencies involved in the interagency operation of the centers to be established under such section.

(d) CLERICAL AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by inserting after the item relating to section 70107 the following:

"70107A. Interagency operational centers for port security.".

SEC. 108. NOTICE OF ARRIVAL FOR FOREIGN VESSELS ON THE OUTER CONTINENTAL SHELF.

(a) NOTICE OF ARRIVAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary is directed to update and finalize its rulemaking on Notice of Arrival for foreign vessels on the outer Continental Shelf.

(b) CONTENT OF REGULATIONS.—The regulations promulgated pursuant to paragraph (1) shall be consistent with information required under the Notice of Arrival under section 160.206 of title 33, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

Subtitle B—Port Security Grants; Training and Exercise Programs

SEC. 111. PORT SECURITY GRANTS.

(a) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by striking "for making a fair and equitable allocation of funds" and inserting "for the allocation of funds based on risk".

(b) RISK MANAGEMENT PLAN.—

(1) IN GENERAL.—Under the direction of the Commandant of the Coast Guard, each Area Maritime Security Committee shall develop a Port Wide Risk Management Plan that includes—

(A) security goals and objectives, supported by a risk assessment and an evaluation of alternatives;

(B) a management selection process; and

(C) active monitoring to measure effectiveness.

(2) RISK ASSESSMENT TOOL.—The Secretary of the Department in which the Coast Guard is operating, shall make available, and Area Maritime Security Committees shall use, a risk assessment tool that uses standardized risk criteria, such as the Maritime Security Risk Assessment Tool used by the Coast Guard, to develop the Port Wide Risk Management Plan.

(c) MULTIPLE-YEAR PROJECTS, ETC.—Section 70107 of title 46, United States Code, is amended by redesignating subsections (e), (f), (g), (h), and (i) as subsections (i), (j), (k), (l), and (m), respectively, and by inserting after subsection (d) the following:

"(e) MULTIPLE-YEAR PROJECTS.—

"(1) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding to such authorities, operators, and agencies.

"(2) LIMITATION.—Not more than 20 percent of the grant funds awarded under this subsection in any fiscal year may be awarded for projects that span multiple years.

"(f) CONSISTENCY WITH PLANS.—The Secretary shall ensure that each grant awarded under subsection (e)—

"(1) is used to supplement and support, in a consistent and coordinated manner, the applicable Area Maritime Transportation Security Plan;

"(2) is coordinated with any applicable State or Urban Area Homeland Security Plan; and

"(3) is consistent with the Port Wide Risk Management Plan developed under section 111(b) of the Port Security Improvement Act of 2006.

"(g) APPLICATIONS.—Any entity subject to an Area Maritime Transportation Security Plan may submit an application for a grant under this subsection, at such time, in such form, and containing such information and assurances as the Secretary, working through the Directorate for Preparedness, may require.

"(h) REPORTS.—Not later than 180 days after the date of the enactment of the Port Security Improvement Act of 2006, the Secretary, acting through the Commandant of the Coast Guard, shall submit a report to Congress, in a secure format, describing the methodology used to allocate port security grant funds on the basis of risk.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Subsection (l) of section 70107 of title 46, United States Code, as redesignated by subsection (b) is amended to read as follows:

"(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.".

(e) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by inserting ", energy" between "national economic" and "and strategic defense concerns.".

(f) CONTAINER SCANNING TECHNOLOGY GRANT PROGRAM.—

(1) NUCLEAR AND RADIOLOGICAL DETECTION DEVICES.—Section 70107(m)(1)(C) of title 46,

United States Code, as redesignated by subsection (b), is amended by inserting ", underwater or water surface devices, devices that can be mounted on cranes and straddle cars used to move cargo within ports, and scanning and imaging technology" before the semicolon at the end.

(2) USE OF FUNDS.—Amounts appropriated pursuant to this section shall be used for grants to be awarded in a competitive process to public or private entities for the purpose of researching and developing nuclear and radiological detection equipment described in section 70107(m)(1)(C) of title 46, United States Code, as amended by this section.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated a total of $70,000,000 for fiscal years 2008 through 2009 for the purpose of researching and developing nuclear and radiological detection equipment described in section 70107(m)(1)(C) of title 46, United States Code, as amended by this section.

SEC. 112. PORT SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Preparedness and in coordination with the Commandant of the Coast Guard, shall establish a Port Security Training Program (referred to in this section as the "Program") for the purpose of enhancing the capabilities of each of the commercial seaports of the United States to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

(b) REQUIREMENTS.—The Program shall provide validated training that—

(1) reaches multiple disciplines, including Federal, State, and local government officials, commercial seaport personnel and management, and governmental and nongovernmental emergency response providers;

(2) provides training at the awareness, performance, and management and planning levels;

(3) utilizes multiple training mediums and methods;

(4) addresses port security topics, including—

(A) seaport security plans and procedures, including how security plans and procedures are adjusted when threat levels increase;

(B) seaport security force operations and management;

(C) physical security and access control at seaports;

(D) methods of security for preventing and countering cargo theft;

(E) container security;

(F) recognition and detection of weapons, dangerous substances, and devices;

(G) operation and maintenance of security equipment and systems;

(H) security threats and patterns;

(I) security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers; and

(J) evacuation procedures;

(5) is consistent with, and supports implementation of, the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan, and other such national initiatives;

(6) is evaluated against clear and consistent performance measures;

(7) addresses security requirements under facility security plans; and

(8) educates, trains, and involves populations of at-risk neighborhoods around ports, including training on an annual basis for neighborhoods to learn what to be watchful for in order to be a "citizen corps", if necessary.

(c) TRAINING PARTNERS.—In developing and delivering training under the Program, the Secretary, in coordination with the Maritime Administration of the Department of Transportation, and consistent with section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note), shall—

(1) work with government training facilities, academic institutions, private organizations, employee organizations, and other entities that provide specialized, state-of-the-art training for governmental and non-governmental emergency responder providers or commercial seaport personnel and management; and

(2) utilize, as appropriate, government training facilities, courses provided by community colleges, public safety academies, State and private universities, and other facilities.

SEC. 113. PORT SECURITY EXERCISE PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Preparedness and in coordination with the Commandant of the Coast Guard, may establish a Port Security Exercise Program (referred to in this section as the "Program") for the purpose of testing and evaluating the capabilities of Federal, State, local, and foreign governments, commercial seaport personnel and management, governmental and nongovernmental emergency response providers, the private sector, or any other organization or entity, as the Secretary determines to be appropriate, to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism, natural disasters, and other emergencies at commercial seaports.

(b) REQUIREMENTS.—The Secretary shall ensure that the Program—

(1) conducts, on a periodic basis, port security exercises at commercial seaports that are—

(A) scaled and tailored to the needs of each port;

(B) live, in the case of the most at-risk ports;

(C) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

(D) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan, and other such national initiatives;

(E) evaluated against clear and consistent performance measures;

(F) assessed to learn best practices, which shall be shared with appropriate Federal, State, and local officials, seaport personnel and management, governmental and nongovernmental emergency response providers, and the private sector; and

(G) followed by remedial action in response to lessons learned; and

(2) assists State and local governments and commercial seaports in designing, implementing, and evaluating exercises that—

(A) conform to the requirements of paragraph (1); and

(B) are consistent with any applicable Area Maritime Transportation Security Plan and State or Urban Area Homeland Security Plan.

(c) IMPROVEMENT PLAN.—The Secretary shall establish a port security improvement plan process to—

(1) identify and analyze each port security exercise for lessons learned and best practices;

(2) disseminate lessons learned and best practices to participants in the Program;

(3) monitor the implementation of lessons learned and best practices by participants in the Program; and

(4) conduct remedial action tracking and long-term trend analysis.

Subtitle C—Port Operations

SEC. 121. DOMESTIC RADIATION DETECTION AND IMAGING.

(a) EXAMINING CONTAINERS.—Not later than December 31, 2007, all containers entering the United States through the busiest 22 seaports of entry shall be examined for radiation.

(b) STRATEGY.—The Secretary shall develop a strategy for the deployment of radiation detection capabilities that includes—

(1) a risk-based prioritization of ports of entry at which radiation detection equipment will be deployed;

(2) a proposed timeline of when radiation detection equipment will be deployed at each port of entry identified under paragraph (1);

(3) the type of equipment to be used at each port of entry identified under paragraph (1), including the joint deployment and utilization of radiation detection equipment and nonintrusive imaging equipment;

(4) standard operating procedures for examining containers with such equipment, including sensor alarming, networking, and communications and response protocols;

(5) operator training plans;

(6) an evaluation of the environmental health and safety impacts of nonintrusive imaging technology;

(7) the policy of the Department for using nonintrusive imagining equipment in tandem with radiation detection equipment; and

(8) a classified annex that—

(A) details plans for covert testing; and

(B) outlines the risk-based prioritization of ports of entry identified under paragraph (1).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit the strategy developed under subsection (b) to the appropriate congressional committees.

(d) UPDATE.—Not later than 180 days after the date of the enactment of this Act, the Secretary may update the strategy submitted under subsection (c) to provide a more complete evaluation under subsection (b)(6).

(e) OTHER WEAPONS OF MASS DESTRUCTION THREATS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a strategy for the development of equipment to detect chemical, biological, and other weapons of mass destruction at all ports of entry into the United States to the appropriate congressional committees.

(f) STANDARDS.—The Secretary, in conjunction with the National Institute of Standards and Technology, shall publish technical capability standards and recommended standard operating procedures for the use of nonintrusive imaging and radiation detection equipment in the United States. Such standards and procedures—

(1) should take into account relevant standards and procedures utilized by other Federal departments or agencies as well as those developed by international bodies; and

(2) shall not be designed so as to endorse specific companies or create sovereignty conflicts with participating countries.

(g) IMPLEMENTATION.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall fully implement the strategy developed under subsection (b).

(h) EXPANSION TO OTHER UNITED STATES PORTS OF ENTRY.—

(1) IN GENERAL.—As soon as practicable after—

(A) implementation of the program for the examination of containers for radiation at ports of entry described in subsection (a), and

(B) submission of the strategy developed under subsection (b) (and updating, if any, of that strategy under subsection (c)),

but no later than December 31, 2008, the Secretary shall expand the strategy developed under subsection (b), in a manner consistent with the requirements of subsection (b), to provide for the deployment of radiation detection capabilities at all other United States ports of entry not covered by the strategy developed under subsection (b).

(2) RISK ASSESSMENT.—In expanding the strategy under paragraph (1), the Secretary shall identify and assess the risks to those other ports of entry in order to determine what equipment and practices will best mitigate the risks.

(i) INTERMODAL RAIL RADIATION DETECTION TEST CENTER.—

(1) ESTABLISHMENT.—In accordance with subsection (b), and in order to comply with this section, the Secretary shall establish Intermodal Rail Radiation Detection Test Centers (referred to in this subsection as the "Test Centers").

(2) PROJECTS.—The Secretary shall conduct multiple, concurrent projects at the Test Center to rapidly identify and test concepts specific to the challenges posed by on-dock rail.

(3) LOCATION.—The Test Centers shall be located within public port facilities which have a significant portion of the containerized cargo directly laden from (or unladen to) on-dock, intermodal rail, including at least one public port facility at which more than 50 percent of the containerized cargo is directly laden from (or unladen to) on-dock, intermodal rail.

SEC. 122. PORT SECURITY USER FEE STUDY.

The Secretary shall conduct a study of the need for, and feasibility of, establishing a system of oceanborne and port-related transportation user fees that may be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for legitimate improvements to, and maintenance of, port security. Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that contains—

(1) the results of the study;

(2) an assessment of the annual amount of customs fees and duties collected through oceanborne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improve and maintain security;

(3)(A) an assessment of the fees, charges, and standards imposed on United States ports, port terminal operators, shippers, and persons who use United States ports, compared with the fees and charges imposed on ports and port terminal operators in Canada and Mexico and persons who use those foreign ports; and

(B) an assessment of the impact on the competitiveness of United States ports, port terminal operators, and shippers; and

(4) the Secretary's recommendations based upon the study, and an assessment of the consistency of such recommendations with the international obligations and commitments of the United States.

SEC. 123. INSPECTION OF CAR FERRIES ENTERING FROM ABROAD.

Not later than 120 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner, and in coordination with the Secretary of State and in cooperation with ferry operators and appropriate foreign government officials, shall seek to develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States seaport.

SEC. 124. RANDOM SEARCHES OF CONTAINERS.

Not later than 1 year after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling, to conduct random searches of containers in addition to any targeted or preshipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Secretary. Nothing in this section shall be construed to mean that implementation of the random sampling plan precludes additional searches of containers not inspected pursuant to the plan.

SEC. 125. WORK STOPPAGES AND EMPLOYEE-EMPLOYER DISPUTES.

Section 70101(6) of title 46, United States Code, is amended by adding at the end the following: "In this paragraph, the term 'economic disruption' does not include a work stoppage or other nonviolent employee-related action not related to terrorism and resulting from an employee-employer dispute.".

SEC. 126. THREAT ASSESSMENT SCREENING OF PORT TRUCK DRIVERS.

Subject to the availability of appropriations, within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall implement a threat assessment screening, including name-based checks against terrorist watch lists and immigration status check, for all port truck drivers that is the same as the threat assessment screening required for facility employees and longshoremen by the Commandant of the Coast Guard under Coast Guard Notice USCG–2006–24189 (Federal Register, Vol. 71, No. 82, Friday, April 28, 2006).

TITLE II—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN

Subtitle A—General Provisions

SEC. 201. STRATEGIC PLAN TO ENHANCE THE SECURITY OF THE INTERNATIONAL SUPPLY CHAIN.

(a) STRATEGIC PLAN.—The Secretary, in consultation with appropriate Federal, State, local, and tribal government agencies and private-sector stakeholders responsible for security matters that affect or relate to the movement of containers through the international supply chain, shall develop, implement, and update, as appropriate, a strategic plan to enhance the security of the international supply chain.

(b) REQUIREMENTS.—The strategic plan required under subsection (a) shall—

(1) describe the roles, responsibilities, and authorities of Federal, State, local, and tribal government agencies and private-sector stakeholders that relate to the security of the movement of containers through the international supply chain;

(2) identify and address gaps and unnecessary overlaps in the roles, responsibilities, or authorities described in paragraph (1);

(3) identify and make recommendations regarding legislative, regulatory, and organizational changes necessary to improve coordination among the entities or to enhance the security of the international supply chain;

(4) provide measurable goals, including objectives, mechanisms, and a schedule, for furthering the security of commercial operations from point of origin to point of destination;

(5) build on available resources and consider costs and benefits;

(6) provide incentives for additional voluntary measures to enhance cargo security, as determined by the Commissioner;

(7) consider the impact of supply chain security requirements on small and medium size companies;

(8) include a process for sharing intelligence and information with private-sector stakeholders to assist in their security efforts;

(9) identify a framework for prudent and measured response in the event of a transportation security incident involving the international supply chain;

(10) provide protocols for the expeditious resumption of the flow of trade in accordance with section 202, including—

(A) the identification of the appropriate initial incident commander, if the Commandant of the Coast Guard is not the appropriate initial incident commander, and lead departments, agencies, or offices to execute such protocols;

(B) a plan to redeploy resources and personnel, as necessary, to reestablish the flow of trade in the event of a transportation disruption; and

(C) a plan to provide training for the periodic instruction of personnel of the United States Customs and Border Protection in trade resumption functions and responsibilities following a transportation disruption;

(11) consider the linkages between supply chain security and security programs within other systems of movement, including travel security and terrorism finance programs; and

(12) expand upon and relate to existing strategies and plans, including the National Response Plan, National Maritime Transportation Security Plan, and the 8 supporting plans of the Strategy, as required by Homeland Security Presidential Directive 13.

(c) CONSULTATION.—In developing protocols under subsection (b)(10), the Secretary shall consult with Federal, State, local, and private sector stakeholders, including the National Maritime Security Advisory Committee and the Commercial Operations Advisory Committee.

(d) COMMUNICATION.—To the extent practicable, the strategic plan developed under subsection (a) shall provide for coordination with, and lines of communication among, appropriate Federal, State, local, and private-sector stakeholders on law enforcement actions, intermodal rerouting plans, and other strategic infrastructure issues resulting from a transportation security incident or transportation disruption.

(e) UTILIZATION OF ADVISORY COMMITTEES.—As part of the consultations described in subsection (a), the Secretary shall, to the extent practicable, utilize the Homeland Security Advisory Committee, the National Maritime Security Advisory Committee, and the Commercial Operations Advisory Committee to review, as necessary, the draft strategic plan and any subsequent updates to the strategic plan.

(f) INTERNATIONAL STANDARDS AND PRACTICES.—In furtherance of the strategic plan required under subsection (a), the Secretary is encouraged to consider proposed or established standards and practices of foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, and the International Organization for Standardization, as appropriate, to establish standards and best practices for the security of containers moving through the international supply chain.

(g) REPORT.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that contains the strategic plan required by subsection (a).

(2) FINAL REPORT.—Not later than 3 years after the date on which the strategic plan is submitted under paragraph (1), the Secretary shall submit a report to the appropriate congressional committees that contains an update of the strategic plan.

SEC. 202. POST INCIDENT RESUMPTION OF TRADE.

(a) IN GENERAL.—Except as otherwise determined by the Secretary, in the event of a maritime transportation disruption or a maritime transportation security incident, the initial incident commander and the lead department, agency, or office for carrying out the strategic plan required under section 201 shall be determined by the protocols required under section 201(b)(10).

(b) VESSELS.—The Commandant of the Coast Guard shall, to the extent practicable and consistent with the protocols and plans required under paragraphs (10) and (12) of section 201(b), ensure the safe and secure transit of vessels to ports in the United States after a maritime *transportation security incident, with priority given to vessels carrying cargo determined by the President to be critical for response and recovery from such a disruption or incident, and to vessels that—*

(1) have either a vessel security plan approved under section 70103(c) of title 46, United States Code, or a valid international ship security certificate, as provided under part 104 of title 33, Code of Federal Regulations;

(2) are manned by individuals who are described in section 70105(b)(2)(B) of title 46, United States Code, and who—

(A) have undergone a background records check under section 70105(d) of title 46, United States Code; or

(B) hold a transportation security card issued under section 70105 of title 46, United States Code; and

(3) are operated by validated participants in the Customs-Trade Partnership Against Terrorism program.

(c) Cargo.—Consistent with the protocols and plans required under paragraphs (10) and (12) of section 201(b), the Commissioner shall give preference to cargo—

(1) entering a port of entry directly from a foreign seaport designated under the Container Security Initiative;

(2) determined by the President to be critical for response and recovery;

(3) that has been handled by a validated C–TPAT participant; or

(4) that has undergone (A) a nuclear or radiological detection scan, (B) an x-ray, density or other imaging scan, and (C) an optical recognition scan, at the last port of departure prior to arrival in the United States, which data has been evaluated and analyzed by United States Customs and Border Protection personnel.

(d) Coordination.—The Secretary shall ensure that there is appropriate coordination among the Commandant of the Coast Guard, the Commissioner, and other Federal officials following a maritime disruption or maritime transportation security incident in order to provide for the resumption of trade.

(e) Communication.—Consistent with section 201 of this Act, the Commandant of the Coast Guard, Commissioner, and other appropriate Federal officials, shall promptly communicate any revised procedures or instructions intended for the private sector following a maritime disruption or maritime transportation security incident.

SEC. 203. AUTOMATED TARGETING SYSTEM.

(a) In General.—The Secretary, acting through the Commissioner, shall—

(1) identify and seek the submission of data related to the movement of a shipment of cargo through the international supply chain; and

(2) analyze the data described in paragraph (1) to identify high-risk cargo for inspection.

(b) Consideration.—The Secretary, acting through the Commissioner, shall—

(1) consider the cost, benefit, and feasibility of—

(A) requiring additional nonmanifest documentation;

(B) reducing the time period allowed by law for revisions to a container cargo manifest;

(C) reducing the time period allowed by law for submission of certain elements of entry data, for vessel or cargo; and

(D) such other actions the Secretary considers beneficial for improving the information relied upon for the Automated Targeting System and any successor targeting system in furthering the security and integrity of the international supply chain; and

(2) consult with stakeholders, including the Commercial Operations Advisory Committee, and identify to them the need for such information, and the appropriate timing of its submission.

(c) Determination.—Upon the completion of the process under subsection (b), the Secretary, acting through the Commissioner, may require importers to submit certain elements of nonmanifest or other data about a shipment bound for the United States not later than 24 hours before loading a container on a vessel at a foreign port bound for the United States.

(d) System Improvements.—The Secretary, acting through the Commissioner, shall—

(1) conduct, through an independent panel, a review of the effectiveness and capabilities of the Automated Targeting System;

(2) consider future iterations of the Automated Targeting System;

(3) ensure that the Automated Targeting System has the capability to electronically compare manifest and other available data for cargo entered into or bound for the United States to detect any significant anomalies between such data and facilitate the resolution of such anomalies; and

(4) ensure that the Automated Targeting System has the capability to electronically identify, compile, and compare select data elements for cargo entered into or bound for the United States following a maritime transportation security incident, in order to efficiently identify cargo for increased inspection or expeditious release.

(e) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to the United States Customs and Border Protection in the Department of Homeland Security to carry out the Automated Targeting System for identifying high-risk oceanborne container cargo for inspection—

(A) $33,200,000 for fiscal year 2008;

(B) $35,700,000 for fiscal year 2009; and

(C) $37,485,000 for fiscal year 2010.

(2) Supplement for other funds.—The amounts authorized by this subsection shall be in addition to any other amount authorized to be appropriated to carry out the Automated Targeting System.

SEC. 204. CONTAINER SECURITY STANDARDS AND PROCEDURES.

(a) Establishment.—

(1) In general.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding to establish minimum standards and procedures for securing containers in transit to an importer in the United States.

(2) Interim rule.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue an interim final rule pursuant to the proceeding described in paragraph (1).

(3) Missed deadline.—If the Secretary is unable to meet the deadline established pursuant to paragraph (2), the Secretary shall transmit a letter to the appropriate congressional committees explaining why the Secretary is unable to meet that deadline and describing what must be done before such minimum standards and procedures can be established.

(b) Review and Enhancement.—The Secretary shall regularly review and enhance the standards and procedures established pursuant to subsection (a).

(c) International Cargo Security Standards.—The Secretary, in consultation with the Secretary of State, the Secretary of Energy, and other government officials, as appropriate, and with the Commercial Operations Advisory Committee, the Homeland Security Advisory Committee, and the National Maritime Security Advisory Committee, is encouraged to promote and establish international standards for the security of containers moving through the international supply chain with foreign governments and international organizations, including the International Maritime Organization and the World Customs Organization.

SEC. 205. CONTAINER SECURITY INITIATIVE.

(a) Establishment.—The Secretary, acting through the Commissioner, shall establish and implement a program (referred to in this section as the "Container Security Initiative") to identify and examine or search maritime containers that pose a security risk before loading such containers in a foreign port for shipment to the United States, either directly or through a foreign port.

(b) Assessment.—The Secretary, acting through the Commissioner, may designate foreign seaports to participate in the Container Security Initiative after the Secretary has assessed the costs, benefits, and other factors associated with such designation, including—

(1) the level of risk for the potential compromise of containers by terrorists, or other threats as determined by the Secretary;

(2) the volume and value of cargo being imported to the United States directly from, or being transshipped through, the foreign seaport;

(3) the results of the Coast Guard assessments conducted pursuant to section 70108 of title 46, United States Code;

(4) the commitment of the government of the country in which the foreign seaport is located to cooperate with the Department to carry out the Container Security Initiative; and

(5) the potential for validation of security practices at the foreign seaport by the Department.

(c) Notification.—The Secretary shall notify the appropriate congressional committees of the designation of a foreign port under the Container Security Initiative or the revocation of such a designation before notifying the public of such designation or revocation.

(d) Negotiations.—The Secretary, in cooperation with the Secretary of State and in consultation with the United States Trade Representative, may enter into negotiations with the government of each foreign nation in which a seaport is designated under the Container Security Initiative to ensure full compliance with the requirements under the Container Security Initiative.

(e) Overseas Inspections.—The Secretary shall establish minimum technical capability criteria and standard operating procedures for the use of nonintrusive imaging and radiation detection equipment in conjunction with the Container Security Initiative and shall monitor operations at foreign seaports designated under the Container Security Initiative to ensure the use of such criteria and procedures. Such criteria and procedures—

(1) shall be consistent with relevant standards and procedures utilized by other Federal departments or agencies, or developed by international bodies if the United States consents to such standards and procedures;

(2) shall not apply to activities conducted under the Megaports Initiative of the Department of Energy;

(3) shall not be designed to endorse the product or technology of any specific company or to conflict with the sovereignty of a country in which a foreign seaport designated under the Container Security Initiative is located; and

(4) shall be applied to the equipment operated at each foreign seaport designated under the Container Security Initiative, except as provided under paragraph (2).

(f) Savings Provision.—The authority of the Secretary under this section shall not affect any authority or duplicate any efforts or responsibilities of the Federal Government with respect to the deployment of radiation detection equipment outside of the United States.

(g) Coordination.—The Secretary shall coordinate with the Secretary of Energy to—

(1) provide radiation detection equipment required to support the Container Security Initiative through the Department of Energy's Second Line of Defense and Megaports programs; or

(2) work with the private sector to obtain radiation detection equipment that meets both the Department's and the Department of Energy's technical specifications for such equipment.

(h) STAFFING.—The Secretary shall develop a human capital management plan to determine adequate staffing levels in the United States and in foreign seaports including, as appropriate, the remote location of personnel in countries in which foreign seaports are designated under the Container Security Initiative.

(i) ANNUAL DISCUSSIONS.—The Secretary, in coordination with the appropriate Federal officials, shall hold annual discussions with foreign governments of countries in which foreign seaports designated under the Container Security Initiative are located regarding best practices, technical assistance, training needs, and technological developments that will assist in ensuring the efficient and secure movement of international cargo.

(j) LESSER RISK PORT.—The Secretary, acting through the Commissioner, may treat cargo loaded in a foreign seaport designated under the Container Security Initiative as presenting a lesser risk than similar cargo loaded in a foreign seaport that is not designated under the Container Security Initiative, for the purpose of clearing such cargo into the United States.

(k) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2007, the Secretary, acting through the Commissioner, shall, in consultation with other appropriate government officials and the Commercial Operations Advisory Committee, submit a report to the appropriate congressional committee on the effectiveness of, and the need for any improvements to, the Container Security Initiative. The report shall include—

(A) a description of the technical assistance delivered to, as well as needed at, each designated seaport;

(B) a description of the human capital management plan at each designated seaport;

(C) a summary of the requests made by the United States to foreign governments to conduct physical or nonintrusive inspections of cargo at designated seaports, and whether each such request was granted or denied by the foreign government;

(D) an assessment of the effectiveness of screening, scanning, and inspection protocols and technologies utilized at designated seaports and the effect on the flow of commerce at such seaports, as well as any recommendations for improving the effectiveness of screening, scanning, and inspection protocols and technologies utilized at designated seaports;

(E) a description and assessment of the outcome of any security incident involving a foreign seaport designated under the Container Security Initiative; and

(F) a summary and assessment of the aggregate number and extent of trade compliance lapses at each seaport designated under the Container Security Initiative.

(2) UPDATED REPORT.—Not later than September 30, 2010, the Secretary, acting through the Commissioner, shall, in consultation with other appropriate government officials and the Commercial Operations Advisory Committee, submit an updated report to the appropriate congressional committees on the effectiveness of, and the need for any improvements to, the Container Security Initiative. The updated report shall address each of the elements required to be included in the report provided for under paragraph (1).

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Customs and Border Protection in the Department of Homeland Security to carry out the provisions of this section—

(1) $144,000,000 for fiscal year 2008;

(2) $146,000,000 for fiscal year 2009; and

(3) $153,300,000 for fiscal year 2010.

Subtitle B—Customs-Trade Partnership Against Terrorism

SEC. 211. ESTABLISHMENT.

(a) ESTABLISHMENT.—The Secretary, acting through the Commissioner, is authorized to establish a voluntary government-private sector program (to be known as the "Customs-Trade Partnership Against Terrorism" or "C–TPAT") to strengthen and improve the overall security of the international supply chain and United States border security, and to facilitate the movement of secure cargo through the international supply chain, by providing benefits to participants meeting or exceeding the program requirements. Participants in C–TPAT shall include tier 1 participants, tier 2 participants, and tier 3 participants.

(b) MINIMUM SECURITY REQUIREMENTS.—The Secretary, acting through the Commissioner, shall review the minimum security requirements of C–TPAT at least once every year and update such requirements as necessary.

SEC. 212. ELIGIBLE ENTITIES.

Importers, customs brokers, forwarders, air, sea, land carriers, contract logistics providers, and other entities in the international supply chain and intermodal transportation system are eligible to apply to voluntarily enter into partnerships with the Department under C–TPAT.

SEC. 213. MINIMUM REQUIREMENTS.

An applicant seeking to participate in C–TPAT shall—

(1) demonstrate a history of moving cargo in the international supply chain;

(2) conduct an assessment of its supply chain based upon security criteria established by the Secretary, acting through the Commissioner, including—

(A) business partner requirements;

(B) container security;

(C) physical security and access controls;

(D) personnel security;

(E) procedural security;

(F) security training and threat awareness; and

(G) information technology security;

(3) implement and maintain security measures and supply chain security practices meeting security criteria established by the Commissioner; and

(4) meet all other requirements established by the Commissioner in consultation with the Commercial Operations Advisory Committee.

SEC. 214. TIER 1 PARTICIPANTS IN C–TPAT.

(a) BENEFITS.—The Secretary, acting through the Commissioner, shall offer limited benefits to a tier 1 participant who has been certified in accordance with the guidelines referred to in subsection (b). Such benefits may include a reduction in the score assigned pursuant to the Automated Targeting System of not greater than 20 percent of the high risk threshold established by the Secretary.

(b) GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall update the guidelines for certifying a C–TPAT participant's security measures and supply chain security practices under this section. Such guidelines shall include a background investigation and extensive documentation review.

(c) TIME FRAME.—To the extent practicable, the Secretary, acting through the Commissioner, shall complete the tier 1 certification process within 90 days of receipt of an application for participation in C–TPAT.

SEC. 215. TIER 2 PARTICIPANTS IN C–TPAT.

(a) VALIDATION.—The Secretary, acting through the Commissioner, shall validate the security measures and supply chain security practices of a tier 1 participant in accordance with the guidelines referred to in subsection (c). Such validation shall include on-site assessments at appropriate foreign locations utilized by the tier 1 participant in its supply chain and shall, to the extent practicable, be completed not later than 1 year after certification as a tier 1 participant.

(b) BENEFITS.—The Secretary, acting through the Commissioner, shall extend benefits to each C–TPAT participant that has been validated as a tier 2 participant under this section, which may include—

(1) reduced scores in the Automated Targeting System;

(2) reduced examinations of cargo; and

(3) priority searches of cargo.

(c) GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall develop a schedule and update the guidelines for validating a participant's security measures and supply chain security practices under this section.

SEC. 216. TIER 3 PARTICIPANTS IN C–TPAT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner, shall establish a third tier of C–TPAT participation that offers additional benefits to participants who demonstrate a sustained commitment to maintaining security measures and supply chain security practices that exceed the guidelines established for validation as a tier 2 participant in C–TPAT under section 215 of this Act.

(b) CRITERIA.—The Secretary, acting through the Commissioner, shall designate criteria for validating a C–TPAT participant as a tier 3 participant under this section. Such criteria may include—

(1) compliance with any additional guidelines established by the Secretary that exceed the guidelines established pursuant to section 215 of this Act for validating a C–TPAT participant as a tier 2 participant, particularly with respect to controls over access to cargo throughout the supply chain;

(2) voluntary submission of additional information regarding cargo prior to loading, as determined by the Secretary;

(3) utilization of container security devices and technologies that meet standards and criteria established by the Secretary; and

(4) compliance with any other cargo requirements established by the Secretary.

(c) BENEFITS.—The Secretary, acting through the Commissioner, in consultation with the Commercial Operations Advisory Committee and the National Maritime Security Advisory Committee, shall extend benefits to each C–TPAT participant that has been validated as a tier 3 participant under this section, which may include—

(1) the expedited release of a tier 3 participant's cargo in destination ports within the United States during all threat levels designated by the Secretary;

(2) in addition to the benefits available to tier 2 participants—

(A) further reduction in examinations of cargo;

(B) priority for examinations of cargo; and

(C) further reduction in the risk score assigned pursuant to the Automated Targeting System;

(3) notification of specific alerts and post-incident procedures to the extent such notification does not compromise the security interests of the United States; and

(4) inclusion in joint incident management exercises, as appropriate.

(d) DEADLINE.—Not later than 2 years after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall designate appropriate criteria pursuant to subsection (b) and provide benefits to validated tier 3 participants pursuant to subsection (c).

SEC. 217. CONSEQUENCES FOR LACK OF COMPLIANCE.

(a) IN GENERAL.—If at any time a C–TPAT participant's security measures and supply chain security practices fail to meet any of the requirements under this subtitle, the Commissioner may deny the participant benefits otherwise available under this subtitle, in whole or in part.

(b) FALSE OR MISLEADING INFORMATION.—If a C–TPAT participant knowingly provides false or misleading information to the Commissioner during the validation process provided for under this subtitle, the Commissioner shall suspend or expel the participant from C–TPAT for an appropriate period of time. The Commissioner may publish in the Federal Register a list of participants who have been suspended or expelled from C–TPAT pursuant to this subsection, and may make such list available to C–TPAT participants.

(c) RIGHT OF APPEAL.—

(1) IN GENERAL.—A C–TPAT participant may appeal a decision of the Commissioner pursuant to subsection (a). Such appeal shall be filed with the Secretary not later than 90 days after the date of the decision, and the Secretary shall issue a determination not later than 180 days after the appeal is filed.

(2) APPEALS OF OTHER DECISIONS.—A C–TPAT participant may appeal a decision of the Commissioner pursuant to subsection (b). Such appeal shall be filed with the Secretary not later than 30 days after the date of the decision, and the Secretary shall issue a determination not later than 180 days after the appeal is filed.

SEC. 218. REVALIDATION.

The Secretary, acting through the Commissioner, shall develop and implement—

(1) a revalidation process for tier 2 and tier 3 participants;

(2) a framework based upon objective criteria for identifying participants for periodic revalidation not less frequently than once during each 5-year period following the initial validation; and

(3) an annual plan for revalidation that includes—

(A) performance measures;

(B) an assessment of the personnel needed to perform the revalidations; and

(C) the number of participants that will be revalidated during the following year.

SEC. 219. NONCONTAINERIZED CARGO.

The Secretary, acting through the Commissioner, shall consider the potential for participation in C–TPAT by importers of noncontainerized cargoes that otherwise meet the requirements under this subtitle.

SEC. 220. C–TPAT PROGRAM MANAGEMENT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner, shall establish sufficient internal quality controls and record management to support the management systems of C–TPAT. In managing the program, the Secretary shall ensure that the program includes:

(1) STRATEGIC PLAN.—A 5-year plan to identify outcome-based goals and performance measures of the program.

(2) ANNUAL PLAN.—An annual plan for each fiscal year designed to match available resources to the projected workload.

(3) STANDARDIZED WORK PROGRAM.—A standardized work program to be used by agency personnel to carry out the certifications, validations, and revalidations of participants. The Secretary shall keep records and monitor staff hours associated with the completion of each such review.

(b) DOCUMENTATION OF REVIEWS.—The Secretary, acting through the Commissioner, shall maintain a record management system to document determinations on the reviews of each C–TPAT participant, including certifications, validations, and revalidations.

(c) CONFIDENTIAL INFORMATION SAFEGUARDS.—In consultation with the Commercial Operations Advisory Committee, the Secretary, acting through the Commissioner, shall develop and implement procedures to ensure the protection of confidential data collected, stored, or shared with government agencies or as part of the application, certification, validation, and revalidation processes.

SEC. 221. RESOURCE MANAGEMENT STAFFING PLAN.

The Secretary, acting through the Commissioner, shall—

(1) develop a staffing plan to recruit and train staff (including a formalized training program) to meet the objectives identified in the strategic plan of the C–TPAT program; and

(2) provide cross-training in post-incident trade resumption for personnel who administer the C–TPAT program.

SEC. 222. ADDITIONAL PERSONNEL.

In each of the fiscal years 2007 through 2009, the Commissioner shall increase by not less than 50 the number of full-time personnel engaged in the validation and revalidation of C–TPAT participants (over the number of such personnel on the last day of the previous fiscal year), and shall provide appropriate training and support to such additional personnel.

SEC. 223. AUTHORIZATION OF APPROPRIATIONS.

(a) C–TPAT.—There are authorized to be appropriated to the United States Customs and Border Protection in the Department of Homeland Security to carry out the provisions of sections 211 through 221 to remain available until expended—

(1) $65,000,000 for fiscal year 2008;

(2) $72,000,000 for fiscal year 2009; and

(3) $75,600,000 for fiscal year 2010.

(b) ADDITIONAL PERSONNEL.—In addition to any monies hereafter appropriated to the United States Customs and Border Protection in the Department of Homeland Security, there are authorized to be appropriated for the purpose of meeting the staffing requirement provided for in section 222, to remain available until expended—

(1) $8,500,000 for fiscal year 2007;

(2) $17,600,000 for fiscal year 2008;

(3) $27,300,000 for fiscal year 2009;

(4) $28,300,000 for fiscal year 2010; and

(5) $29,200,000 for fiscal year 2011.

SEC. 224. REPORT TO CONGRESS.

In connection with the President's annual budget submission for the Department of Homeland Security, the Secretary shall report to the appropriate congressional committees on the progress made by the Commissioner to certify, validate, and revalidate C–TPAT participants. Such report shall be due on the same date that the President's budget is submitted to the Congress.

Subtitle C—Miscellaneous Provisions

SEC. 231. PILOT INTEGRATED SCANNING SYSTEM.

(a) DESIGNATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall designate 3 foreign seaports through which containers pass or are transshipped to the United States for the establishment of pilot integrated scanning systems that couple nonintrusive imaging equipment and radiation detection equipment. In making the designations under this paragraph, the Secretary shall consider 3 distinct ports with unique features and differing levels of trade volume.

(b) COLLABORATION AND COOPERATION.—

(1) IN GENERAL.—The Secretary shall collaborate with the Secretary of Energy and cooperate with the private sector and the foreign government of each country in which a foreign seaport is designated pursuant to subsection (a) to implement the pilot systems.

(2) COORDINATION.—The Secretary shall coordinate with the Secretary of Energy to—

(A) provide radiation detection equipment required to support the pilot-integrated scanning system established pursuant to subsection (a) through the Department of Energy's Second Line of Defense and Megaports programs; or

(B) work with the private sector to obtain radiation detection equipment that meets both the Department's and the Department of Energy's technical specifications for such equipment.

(c) IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall achieve a full-scale implementation of the pilot integrated screening system, which shall—

(1) scan all containers destined for the United States that transit through the port;

(2) electronically transmit the images and information to the container security initiative personnel in the host country and customs personnel in the United States for evaluation and analysis;

(3) resolve every radiation alarm according to established Department procedures;

(4) utilize the information collected to enhance the Automated Targeting System or other relevant programs; and

(5) store the information for later retrieval and analysis.

(d) REPORT.—Not later than 120 days after achieving full-scale implementation under subsection (c), the Secretary, in consultation with the Secretary of Energy and the Secretary of State, shall submit a report to the appropriate congressional committees, that includes—

(1) an evaluation of the lessons derived from the pilot system implemented under this subsection;

(2) an analysis of the efficacy of the Automated Targeting System or other relevant programs in utilizing the images captured to examine high-risk containers;

(3) an evaluation of software that is capable of automatically identifying potential anomalies in scanned containers;

(4) an analysis of the need and feasibility of expanding the integrated scanning system to other container security initiative ports, including—

(A) an analysis of the infrastructure requirements;

(B) a projection of the effect on current average processing speed of containerized cargo;

(C) an evaluation of the scalability of the system to meet both current and future forecasted trade flows;

(D) the ability of the system to automatically maintain and catalog appropriate data for reference and analysis in the event of a transportation disruption;

(E) an analysis of requirements to install and maintain an integrated scanning system;

(F) the ability of administering personnel to efficiently manage and utilize the data produced by a non-intrusive scanning system;

(G) the ability to safeguard commercial data generated by, or submitted to, a non-intrusive scanning system; and

(H) an assessment of the reliability of currently available technology to implement an integrated scanning system.

(e) IMPLEMENTATION.—As soon as practicable and possible after the date of enactment of this Act, an integrated scanning system shall be implemented to scan all containers entering the United States prior to arrival in the United States.

SEC. 232. INTERNATIONAL COOPERATION AND COORDINATION.

(a) INSPECTION TECHNOLOGY AND TRAINING.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of State, the Secretary of Energy, and appropriate representatives of other Federal agencies, may provide technical assistance, equipment, and training to facilitate

the implementation of supply chain security measures at ports designated under the Container Security Initiative and at other foreign ports, as appropriate.

(2) Acquisition and Training.—Unless otherwise prohibited by law, the Secretary may—

(A) lease, loan, provide, or otherwise assist in the deployment of nonintrusive inspection and handheld radiation detection equipment at foreign land and sea ports under such terms and conditions as the Secretary prescribes, including nonreimbursable loans or the transfer of ownership of equipment; and

(B) provide training and technical assistance for domestic or foreign personnel responsible for operating or maintaining such equipment.

(b) Actions and Assistance for Foreign Ports.—Section 70110 of title 46, United States Code, is amended—

(1) by striking the section header and inserting the following:

"§70110. Actions and assistance for foreign ports"

; and

(2) by adding at the end the following:

"(e) Assistance for Foreign Ports.—

"(1) In general.—The Secretary, in consultation with the Secretary of Transportation, the Secretary of State, and the Secretary of Energy, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Secretary shall establish a program to utilize the programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.

"(2) Caribbean basin.—The Secretary, in coordination with the Secretary of State and in consultation with the Organization of American States and the Commandant of the Coast Guard, shall place particular emphasis on utilizing programs to facilitate the implementation of port security antiterrorism measures at the ports located in the Caribbean Basin, as such ports pose unique security and safety threats to the United States due to—

"(A) the strategic location of such ports between South America and the United States;

"(B) the relative openness of such ports; and

"(C) the significant number of shipments of narcotics to the United States that are moved through such ports.".

(c) Report on Security at Ports in the Caribbean Basin.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the appropriate congressional committees on the security of ports in the Caribbean Basin.

(2) Contents.—The report submitted under paragraph (1)—

(A) shall include—

(i) an assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security;

(ii) an estimate of the number of ports in the Caribbean Basin that will not be secured by January 1, 2007;

(iii) an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States; and

(iv) an assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin; and

(B) may be submitted in both classified and redacted formats.

(d) Clerical Amendment.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70110 and inserting the following:

"70110. Actions and assistance for foreign ports.".

SEC. 233. SCREENING AND SCANNING OF CARGO CONTAINERS.

(a) 100 Percent Screening of Cargo Containers and 100 Percent Scanning of High-Risk Containers.—

(1) Screening of cargo containers.—The Secretary shall ensure that 100 percent of the cargo containers entering the United States through a seaport undergo a screening to identify high-risk containers.

(2) Scanning of high-risk containers.—The Secretary shall ensure that 100 percent of the containers that have been identified as high-risk are scanned before such containers leave a United States seaport facility.

(b) Full-Scale Implementation.—The Secretary, in coordination with the Secretary of Energy and foreign partners, shall fully deploy integrated scanning systems to scan all containers entering the United States before such containers arrive in the United States as soon as the Secretary determines that the integrated scanning system—

(1) meets the requirements set forth in section 231(c);

(2) has a sufficiently low false alarm rate for use in the supply chain;

(3) is capable of being deployed and operated at ports overseas;

(4) is capable of integrating, as necessary, with existing systems;

(5) does not significantly impact trade capacity and flow of cargo at foreign or United States ports; and

(6) provides an automated notification of questionable or high-risk cargo as a trigger for further inspection by appropriately trained personnel.

(c) Report.—Not later than 6 months after the submission of a report under section 231(d), and every 6 months thereafter, the Secretary shall submit a report to the appropriate congressional committees describing the status of full-scale deployment under subsection (b) and the cost of deploying the system at each foreign port.

SEC. 234. INTERNATIONAL SHIP AND PORT FACILITY SECURITY CODE.

(a) Finding.—Congress finds that the Coast Guard, with existing resources, is able to inspect foreign countries no more frequently than on a 4 to 5 year cycle.

(b) In General.—

(1) Resources to complete initial inspections and validation.—The Commandant of the Coast Guard shall increase the resources dedicated to the International Port Inspection Program and complete inspection of all foreign countries that trade with the United States, including the validation of compliance of such countries with the International Ship and Port Facility Security Code, not later than December 31, 2008. If the Commandant of the Coast Guard is unable to meet this objective, the Commandant of the Coast Guard shall report to Congress on the resources needed to meet the objective.

(2) Reinspection and validation.—The Commandant of the Coast Guard shall maintain the personnel and resources necessary to maintain a schedule of re-inspection of foreign countries every 2 years under the International Port Inspection Program.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Coast Guard such sums as are necessary to carry out the provisions of this section, subject to the availability of appropriations.

SEC. 235. CARGO SCREENING.

(a) Radiation Risk Reduction.—

(1) Safety protocols.—Immediately upon passage of this Act, the Secretary, in consultation with the Secretary of Labor and the Director of the National Institute of Occupational Safety and Health at the Centers for Disease Control, shall develop and implement protocols to protect the safety of port workers and the general public.

(2) Publication.—The protocols developed under paragraph (1) shall be—

(A) published and made available for public comment; and

(B) designed to reduce the short- and long-term exposure of worker and the public to the lowest levels feasible.

(3) Report.—Not later than 1 year after the implementation of protocols under paragraph (1), the Council of the National Academy of Sciences and Director of the National Institute of Occupational Safety and Health shall each submit a report to Congress that includes—

(A) information regarding the exposure of workers and the public and the possible risk to their health and safety, if any, posed by these screening procedures; and

(B) any recommendations for modification of the cargo screening protocols to reduce exposure to ionizing or non-ionizing radiation to the lowest levels feasible.

(b) Government Responsibility.—Any employer of an employee who has an illness or injury for which exposure to ionizing or non-ionizing radiation from port cargo screening procedures required under Federal law is a contributing cause may seek, and shall receive, full reimbursement from the Federal Government for additional costs associated with such illness or injury, including costs incurred by the employer under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.), State workers' compensation laws, or other equivalent programs.

TITLE III—ADMINISTRATION

SEC. 301. OFFICE OF CARGO SECURITY POLICY.

(a) Establishment.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

"SEC. 431. OFFICE OF CARGO SECURITY POLICY.

"(a) Establishment.—There is established within the Department an Office of Cargo Security Policy (referred to in this section as the 'Office').

"(b) Purpose.—The Office shall—

"(1) coordinate all Department policies relating to cargo security; and

"(2) consult with stakeholders and coordinate with other Federal agencies in the establishment of standards and regulations and to promote best practices.

"(c) Director.—

"(1) Appointment.—The Office shall be headed by a Director, who shall—

"(A) be appointed by the Secretary; and

"(B) report to the Assistant Secretary for Policy.

"(2) Responsibilities.—The Director shall—

"(A) advise the Assistant Secretary for Policy in the development of Department-wide policies regarding cargo security;

"(B) coordinate all policies relating to cargo security among the agencies and offices within the Department relating to cargo security; and

"(C) coordinate the cargo security policies of the Department with the policies of other executive agencies.".

(b) Designation of Liaison Office of Department of State.—The Secretary of State shall designate a liaison office within the Department of State to assist the Secretary, as appropriate, in negotiating cargo security related international agreements.

(c) Clerical Amendment.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 430 the following:

"Sec. 431. Office of cargo security policy.".

SEC. 302. REAUTHORIZATION OF HOMELAND SECURITY SCIENCE AND TECHNOLOGY ADVISORY COMMITTEE.

(a) In General.—Section 311(j) of the Homeland Security Act of 2002 (6 U.S.C. 191(j)) is amended by striking "3 years after the effective date of this Act" and inserting "on December 31, 2008".

(b) Effective Date.—The amendment made by subsection (a) shall be effective as if enacted on the date of the enactment of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

(c) Advisory Committee.—The Assistant Secretary for Science and Technology shall utilize the Homeland Security Science and Technology Advisory Committee, as appropriate, to provide outside expertise in advancing cargo security technology.

SEC. 303. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION EFFORTS IN FURTHERANCE OF MARITIME AND CARGO SECURITY.

(a) In General.—The Secretary shall—

(1) direct research, development, test, and evaluation efforts in furtherance of maritime and cargo security;

(2) coordinate with public and private sector entities to develop and test technologies and process innovations in furtherance of these objectives; and

(3) evaluate such technologies.

(b) Coordination.—The Secretary, in coordination with the Under Secretary for Science and Technology, the Assistant Secretary for Policy, the Chief Financial Officer, and the heads of other appropriate offices or entities of the Department, shall ensure that—

(1) research, development, test, and evaluation efforts funded by the Department in furtherance of maritime and cargo security are coordinated within the Department and with other appropriate Federal agencies to avoid duplication of efforts; and

(2) the results of such efforts are shared throughout the Department and with other Federal, State, and local agencies, as appropriate.

SEC. 304. COBRA FEES.

(a) Extension of Fees.—Subparagraphs (A) and (B)(i) of section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A) and (B)(i)) are amended by striking "2014" each place it appears and inserting "2015".

SEC. 305. ESTABLISHMENT OF COMPETITIVE RESEARCH PROGRAM.

(a) In General.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following:

"SEC. 314. COMPETITIVE RESEARCH PROGRAM.

"(a) In General.—

"(1) Establishment.—The Secretary, acting through the Under Secretary for Science and Technology, shall establish a competitive research program within the Directorate.

"(2) Director.—The program shall be headed by a Director, who shall be appointed by the Secretary. The Director shall report to the Under Secretary.

"(3) Duties of director.—In the administration of the program, the Director shall—

"(A) establish a cofunding mechanism for States with academic facilities that have not fully developed security-related science and technology to support burgeoning research efforts by the faculty or link them to established investigators;

"(B) provide for conferences, workshops, outreach, and technical assistance to researchers and institutions of higher education in States on topics related to developing science and technology expertise in areas of high interest and relevance to the Department;

"(C) monitor the efforts of States to develop programs that support the Department's mission;

"(D) implement a merit review program, consistent with program objectives, to ensure the quality of research conducted with Program funding; and

"(E) provide annual reports on the progress and achievements of the Program to the Secretary.

"(b) Assistance Under the Program.—

"(1) Scope.—The Director shall provide assistance under the program for research and development projects that are related to, or qualify as, homeland security research (as defined in section 307(a)(2)) under the program.

"(2) Form of assistance.—Assistance under the program can take the form of grants, contracts, or cooperative arrangements.

"(3) Applications.—Applicants shall submit proposals or applications in such form, at such times, and containing such information as the Director may require.

"(c) Implementation.—

"(1) Start-up phases.—For the first 3 fiscal years beginning after the date of enactment of the Border Infrastructure and Technology Integration Act of 2004, assistance under the program shall be limited to institutions of higher education located in States in which an institution of higher education with a grant from, or a contract or cooperative agreement with, the National Science Foundation under section 113 of the National Science Foundation Act of 1988 (42 U.S.C. 1862) is located.

"(2) Subsequent fiscal years.—

"(A) In general.—Beginning with the 4th fiscal year after the date of enactment of this Act, the Director shall rank order the States (excluding any noncontiguous State (as defined in section 2(14)) other than Alaska, Hawaii, the Commonwealth of Puerto Rico, and the Virgin Islands) in descending order in terms of the average amount of funds received by institutions of higher education (as that term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) in each State that received financial assistance in the form of grants, contracts, or cooperative arrangements under this title during each of the preceding 3 fiscal years.

"(B) Allocation.—Beginning with the 4th fiscal year after the date of enactment of this Act, assistance under the program for any fiscal year is limited to institutions of higher education located in States in the lowest third of those ranked under subparagraph (A) for that fiscal year.

"(C) Determination of location.—For purposes of this paragraph, an institution of higher education shall be considered to be located in the State in which its home campus is located, except that assistance provided under the program to a division, institute, or other facility located in another State for use in that State shall be considered to have been provided to an institution of higher education located in that other State.

"(D) Multiyear assistance.—For purposes of this paragraph, assistance under the program that is provided on a multi-year basis shall be counted as provided in each such year in the amount so provided for that year.

"(d) Funding.—The Secretary shall ensure, subject to the availability of appropriations, that up to 5 percent of the amount appropriated for each fiscal year to the Acceleration Fund for Research and Development of Homeland Security Technologies established by section 307(c)(1) is allocated to the program established by subsection (a).

"(e) Report.—The Secretary shall submit an annual report to the appropriate congressional committees detailing the funds expended for the Acceleration Fund for Research and Development of Homeland Security Technologies established by section 307(c)(1).".

(b) Conforming Amendment.—The table of contents of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 313 the following:

"Sec. 314. Competitive research program.".

TITLE IV—AGENCY RESOURCES AND OVERSIGHT

SEC. 401. OFFICE OF INTERNATIONAL TRADE.

Section 2 of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072), is amended by adding at the end the following:

"(d) Office of International Trade.—

"(1) Establishment.—There is established within the United States Customs and Border Protection an Office of International Trade that shall be headed by an Assistant Commissioner.

"(2) Transfer of assets, functions, and personnel; elimination of offices.—

"(A) Office of strategic trade.—Not later than 90 days after the date of the enactment of the Port Security Improvement Act of 2006, the Commissioner shall transfer the assets, functions, and personnel of the Office of Strategic Trade to the Office of International Trade established pursuant to paragraph (1) and the Office of Strategic Trade shall be abolished.

"(B) Office of regulations and rulings.—Not later than 90 days after the date of the enactment of the Port Security Improvement Act of 2006, the Commissioner shall transfer the assets, functions, and personnel of the Office of Regulations and Rulings to the Office of International Trade established pursuant to paragraph (1) and the Office of Regulations and Rulings shall be abolished.

"(C) Other transfers.—The Commissioner is authorized to transfer any other assets, functions, or personnel within the United States Customs and Border Protection to the Office of International Trade established pursuant to paragraph (1). Not later than 30 days after each such transfer, the Commissioner shall notify the Committee on Appropriations, the Committee on Finance, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Ways and Means of the House of Representatives of the specific assets, functions, or personnel, that were transferred, and the reason for such transfer.

"(e) International Trade Policy Committee.—

"(1) Establishment.—The Commissioner shall establish an International Trade Policy Committee, to be chaired by the Commissioner, and to include the Deputy Commissioner, the Assistant Commissioner in the Office of Field Operations, the Assistant Commissioner in the Office of International Affairs, the Assistant Commissioner in the Office of International Trade, and the Director of the Office of Trade Relations.

"(2) Responsibilities.—The International Trade Policy Committee shall—

"(A) be responsible for advising the Commissioner with respect to the commercial customs and trade facilitation functions of the United States Customs and Border Protection; and

"(B) assist the Commissioner in coordinating with the Assistant Secretary for Policy regarding commercial customs and trade facilitation functions.

"(3) Annual report.—Not later than 30 days after the end of each fiscal year, the International Trade Policy Committee shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. The report shall—

"(A) detail the activities of the International Trade Policy Committee during the preceding fiscal year; and

"(B) identify the priorities of the International Trade Policy Committee for the fiscal year in which the report is filed.

"(f) International Trade Finance Committee.—

"(1) Establishment.—The Commissioner shall establish an International Trade Finance Committee, to be chaired by the Commissioner, and to include the Deputy Commissioner, the Assistant Commissioner in the Office of Finance, the Assistant Commissioner in the Office of International Trade, and the Director of the Office of Trade Relations.

"(2) Responsibilities.—The Trade Finance Committee shall be responsible for overseeing the operation of all programs and systems that are involved in the assessment and collection of duties, bonds, and other charges or penalties associated with the entry of cargo into the United States, or the export of cargo from the United States, including the administration of duty drawback and the collection of antidumping and countervailing duties.

"(3) Annual report.—Not later than 30 days after the end of each fiscal year, the Trade Finance Committee shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. The report shall—

"(A) detail the activities and findings of the Trade Finance Committee during the preceding fiscal year; and

"(B) identify the priorities of the Trade Finance Committee for the fiscal year in which the report is filed.

"(g) Definition.—In this section, the term 'Commissioner' means the Commissioner responsible for the United States Customs and Border Protection in the Department of Homeland Security.".

SEC. 402. RESOURCES.

Section 301 of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075) is amended by adding at the end the following:

"(h) Resource Allocation Model.—

"(1) Resource allocation model.—Not later than June 30, 2007, and every 2 years thereafter, the Commissioner shall prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a Resource Allocation Model to determine the optimal staffing levels required to carry out the commercial operations of United States Customs and Border Protection, including commercial inspection and release of cargo and the revenue functions described in section 412(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)(2)). The model shall comply with the requirements of section 412(b)(1) of such Act and shall take into account previous staffing models and historic and projected trade volumes and trends. The Resource Allocation Model shall apply both risk-based and random sampling approaches for determining adequate staffing needs for priority trade functions, including—

"(A) performing revenue functions;

"(B) enforcing antidumping and countervailing laws;

"(C) protecting intellectual property rights;

"(D) enforcing provisions of law relating to trade in textiles and apparel;

"(E) conducting agricultural inspections;

"(F) enforcing fines, penalties and forfeitures; and

"(G) facilitating trade.

"(2) Personnel.—

"(A) In general.—Not later than September 30, 2007, the Commissioner shall ensure that the requirements of section 412(b) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) are fully satisfied and shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the implementation of this subparagraph.

"(B) Customs and border protection officers.—The initial Resource Allocation Model required pursuant to paragraph (1) shall provide for the hiring of a minimum of 1000 additional Customs and Border Protection Officers. The Commissioner shall hire such additional officers, subject to the appropriation of funds to pay for the salaries and expenses of such officers, of which the Commissioner shall assign—

"(i) 1 additional officer at each port of entry in the United States; and

"(ii) the balance of the additional officers authorized by this subsection among ports of entry in the United States.

"(C) Assignment.—In assigning such officers pursuant to subparagraph (B), the Commissioner shall consider the volume of trade and the incidence of nonvoluntarily disclosed customs and trade law violations in addition to security priorities among such ports of entry.

"(D) Redistribution.—Not later than September 30, 2008, the Director of Field Operations in each Field Office may, at the request of the Director of a Service Port reporting to such Field Office, direct the redistribution of the additional personnel provided for pursuant to subparagraph (B) among the ports of entry reporting to such Field Office. The Commissioner shall promptly report any redistribution of personnel pursuant to subparagraph (B) to the Committee on Homeland Security and Governmental Affairs and Committee on Finance of the Senate, and the Committee on Homeland Security and Committee on Ways and Means of the House of Representatives.

"(3) Authorization of appropriations.—In addition to any monies hereafter appropriated to United States Customs and Border Protection in the Department of Homeland Security, there are authorized to be appropriated for the purpose of meeting the requirements of paragraph (2)(B), to remain available until expended—

"(A) $130,000,000 for fiscal year 2008.

"(B) $239,200,000 for fiscal year 2009.

"(C) $248,800,000 for fiscal year 2010.

"(D) $258,700,000 for fiscal year 2011.

"(E) $269,000,000 for fiscal year 2012.

"(4) Report.—Not later than 30 days after the end of each fiscal year, the Commissioner shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the resources directed to commercial and trade facilitation functions within the Office of Field Operations for the preceding fiscal year. Such information shall be reported for each category of personnel within the Office of Field Operations.

"(5) Regulations to implement trade agreements.—Not later than 30 days after the date of the enactment of the Port Security Improvement Act of 2006, the Commissioner shall designate and maintain not less than 5 attorneys within the Office of International Trade established pursuant to section 2 of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072) with primary responsibility for the prompt development and promulgation of regulations necessary to implement any trade agreement entered into by the United States.

"(6) Definition.—As used in this subsection, the term 'Commissioner' means the Commissioner responsible for United States Customs and Border Protection in the Department of Homeland Security.".

SEC. 403. NEGOTIATIONS.

Section 629 of the Tariff Act of 1930 (19 U.S.C. 1629) is amended by adding at the end the following:

"(h) Customs Procedures and Commitments.—

"(1) In general.—The Secretary of Homeland Security, the United States Trade Representative, and other appropriate Federal officials, shall work through appropriate international organizations including the World Customs Organization (WCO), the World Trade Organization (WTO), the International Maritime Organization, and the Asia-Pacific Economic Cooperation, to align, to the extent practicable, customs procedures, standards, requirements, and commitments in order to facilitate the efficient flow of international trade.

"(2) United states trade representative.—

"(A) In general.—The United States Trade Representative shall seek commitments in negotiations in the WTO regarding the articles of GATT 1994 that are described in subparagraph (B) that make progress in achieving—

"(i) harmonization of import and export data collected by WTO members for customs purposes, to the extent practicable;

"(ii) enhanced procedural fairness and transparency with respect to the regulation of imports and exports by WTO members;

"(iii) transparent standards for the efficient release of cargo by WTO members, to the extent practicable; and

"(iv) the protection of confidential commercial data.

"(B) Articles described.—The articles of the GATT 1994 described in this subparagraph are the following:

"(i) Article V (relating to transit).

"(ii) Article VIII (relating to fees and formalities associated with importation and exportation).

"(iii) Article X (relating to publication and administration of trade regulations).

"(C) GATT 1994.—The term 'GATT 1994' means the General Agreement on Tariff and Trade annexed to the WTO Agreement.

"(3) Customs.—The Secretary of Homeland Security, acting through the Commissioner and in consultation with the United States Trade Representative, shall work with the WCO to facilitate the efficient flow of international trade, taking into account existing international agreements and the negotiating objectives of the WTO. The Commissioner shall work to—

"(A) harmonize, to the extent practicable, import data collected by WCO members for customs purposes;

"(B) automate and harmonize, to the extent practicable, the collection and storage of commercial data by WCO members;

"(C) develop, to the extent practicable, transparent standards for the release of cargo by WCO members;

"(D) develop and harmonize, to the extent practicable, standards, technologies, and protocols for physical or nonintrusive examinations that will facilitate the efficient flow of international trade; and

"(E) ensure the protection of confidential commercial data.

"(4) Definition.—In this subsection, the term 'Commissioner' means the Commissioner responsible for the United States Customs and Border Protection in the Department of Homeland Security.".

SEC. 404. INTERNATIONAL TRADE DATA SYSTEM.

Section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) is amended by adding at the end the following:

"(d) International Trade Data System.—

"(1) Establishment.—

"(A) In general.—The Secretary of the Treasury (in this section, referred to as the 'Secretary') shall oversee the establishment of an electronic trade data interchange system to be known as the 'International Trade Data System' (ITDS). The ITDS shall be implemented not later than the date that the Automated Commercial Environment (commonly referred to as 'ACE') is implemented.

"(B) PURPOSE.—The purpose of the ITDS is to eliminate redundant information requirements, to efficiently regulate the flow of commerce, and to effectively enforce laws and regulations relating to international trade, by establishing a single portal system, operated by the United States Customs and Border Protection, for the collection and distribution of standard electronic import and export data required by all participating Federal agencies.

"(C) PARTICIPATION.—

"(i) IN GENERAL.—All Federal agencies that require documentation for clearing or licensing the importation and exportation of cargo shall participate in the ITDS.

"(ii) WAIVER.—The Director of the Office of Management and Budget may waive, in whole or in part, the requirement for participation for any Federal agency based on the national security interests of the United States.

"(D) CONSULTATION.—The Secretary shall consult with and assist agencies in the transition from paper to electronic format for the submission, issuance, and storage of documents relating to data required to enter cargo into the United States.

"(2) DATA ELEMENTS.—

"(A) IN GENERAL.—The Interagency Steering Committee (established under paragraph (3)) shall, in consultation with the agencies participating in the ITDS, define the standard set of data elements to be collected, stored, and shared in the ITDS. The Interagency Steering Committee shall periodically review the data elements in order to update the standard set of data elements, as necessary.

"(B) COMMITMENTS AND OBLIGATIONS.—The Interagency Steering Committee shall ensure that the ITDS data requirements are compatible with the commitments and obligations of the United States as a member of the World Customs Organization (WCO) and the World Trade Organization (WTO) for the entry and movement of cargo.

"(C) COORDINATION.—The Secretary shall be responsible for coordinating operation of the ITDS among the participating agencies and the office within the United States Customs and Border Protection that is responsible for maintaining the ITDS.

"(3) INTERAGENCY STEERING COMMITTEE.—There is established an Interagency Steering Committee (in this section, referred to as the 'Committee'). The members of the Committee shall include the Secretary (who shall serve as the chairperson of the Committee), the Director of the Office of Management and Budget, and the head of each agency participating in the ITDS. The Committee shall assist the Secretary in overseeing the implementation of, and participation in, the ITDS.

"(4) REPORT.—The Committee shall submit a report before the end of each fiscal year to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. Each report shall include information on—

"(A) the status of the ITDS implementation;

"(B) the extent of participation in the ITDS by Federal agencies;

"(C) the remaining barriers to any agency's participation;

"(D) the consistency of the ITDS with applicable standards established by the World Customs Organization and the World Trade Organization;

"(E) recommendations for technological and other improvements to the ITDS; and

"(F) the status of the development, implementation, and management of the Automated Commercial Environment within the United States Customs and Border Protection.".

SEC. 405. IN-BOND CARGO.

Title IV of the Tariff Act of 1930 is amended by inserting after section 553 the following:

"SEC. 553A. REPORT ON IN-BOND CARGO.

"(a) REPORT.—Not later than June 30, 2007, the Commissioner shall submit a report to the Committees on Commerce, Science, and Transportation, Finance, and Homeland Security and Governmental Affairs of the Senate and the Committees on Homeland Security, Transportation and Infrastructure, and Ways and Means of the House of Representatives that includes—

"(1) a plan for closing in-bond entries at the port of arrival;

"(2) an assessment of the personnel required to ensure 100 percent reconciliation of in-bond entries between the port of arrival and the port of destination or exportation;

"(3) an assessment of the status of investigations of overdue in-bond shipments and an evaluation of the resources required to ensure adequate investigation of overdue in-bond shipments;

"(4) a plan for tracking in-bond cargo within the Automated Commercial Environment (ACE);

"(5) an assessment of whether any particular technologies should be required in the transport of in-bond cargo;

"(6) an assessment of whether ports of arrival should require any additional information regarding shipments of in-bond cargo;

"(7) an evaluation of the criteria for targeting and examining in-bond cargo; and

"(8) an assessment of the feasibility of reducing the transit time for in-bond shipments, including an assessment of the impact of such a change on domestic and international trade.

"(b) DEFINITION.—The term 'Commissioner' means the Commissioner responsible for the United States Customs and Border Protection in the Department of Homeland Security.".

SEC. 406. SENSE OF THE SENATE.

It is the sense of the Senate that nothing in sections 2, 106, 111 through 113, and 201 through 232 of this Act shall be construed to affect the jurisdiction of any Standing Committee of the Senate.

SEC. 407. FOREIGN OWNERSHIP OF PORTS.

(a) IN GENERAL.—On and after the date of the enactment of this Act, the United States Trade Representative may not negotiate any bilateral or multilateral trade agreement that limits the Congress in its ability to restrict the operations or ownership of United States ports by a foreign country or person.

(b) OPERATIONS AND OWNERSHIP.—For purposes of this section, the term "operations and ownership" includes—

(1) operating and maintaining docks;

(2) loading and unloading vessels directly to or from land;

(3) handling marine cargo;

(4) operating and maintaining piers;

(5) ship cleaning;

(6) stevedoring;

(7) transferring cargo between vessels and trucks, trains, pipelines, and wharves; and

(8) waterfront terminal operations.

TITLE V—RAIL SECURITY ACT OF 2006

SEC. 501. SHORT TITLE.

This title may be cited as the "Rail Security Act of 2006".

SEC. 502. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) VULNERABILITY ASSESSMENT.—The Under Secretary of Homeland Security for Border and Transportation Security (referred to in this title as the "Under Secretary"), in consultation with the Secretary of Transportation, shall conduct a vulnerability assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code), which shall include—

(A) identification and evaluation of critical assets and infrastructures;

(B) identification of threats to those assets and infrastructures;

(C) identification of vulnerabilities that are specific to the transportation of hazardous materials via railroad; and

(D) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment.

(2) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The assessment conducted under this subsection shall take into account actions taken or planned by both public and private entities to address identified security issues and assess the effective integration of such actions.

(3) RECOMMENDATIONS.—Based on the assessment conducted under this subsection, the Under Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Under Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Under Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment required by subsection (a), the Under Secretary shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials (including those within other agencies and offices within the Department of Homeland Security), and other relevant parties.

(c) REPORT.—

(1) CONTENTS.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains—

(A) the assessment and prioritized recommendations required by subsection (a) and an estimate of the cost to implement such recommendations;

(B) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the government to provide increased security support at high or severe threat levels of alert; and

(C) a plan for coordinating rail security initiatives undertaken by the public and private sectors.

(2) FORMAT.—The Under Secretary may submit the report in both classified and redacted formats if the Under Secretary determines that such action is appropriate or necessary.

(d) 2-Year Updates.—The Under Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations every 2 years and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Under Secretary $5,000,000 for fiscal year 2007 to carry out this section.

SEC. 503. RAIL SECURITY.

(a) Rail Police Officers.—Section 28101 of title 49, United States Code, is amended by striking "the rail carrier" each place it appears and inserting "any rail carrier".

(b) Review of Rail Regulations.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation, in consultation with the Under Secretary, shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail security.

SEC. 504. STUDY OF FOREIGN RAIL TRANSPORT SECURITY PROGRAMS.

(a) Requirement for Study.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study of the rail passenger transportation security programs that are carried out for rail transportation systems in Japan, member nations of the European Union, and other foreign countries.

(b) Purpose.—The purpose of the study conducted under subsection (a) shall be to identify effective rail transportation security measures that are in use in foreign rail transportation systems, including innovative measures and screening procedures determined effective.

(c) Report.—The Comptroller General shall submit a report on the results of the study conducted under subsection (a) to the Committee on Commerce, Science, and Transportation and Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include the Comptroller General's assessment regarding whether it is feasible to implement within the United States any of the same or similar security measures that are determined effective under the study.

SEC. 505. PASSENGER, BAGGAGE, AND CARGO SCREENING.

(a) Requirement for Study and Report.—The Under Secretary, in cooperation with the Secretary of Transportation, shall—

(1) conduct a study to analyze the cost and feasibility of requiring security screening for passengers, baggage, and cargo on passenger trains; and

(2) not later than 1 year after the date of the enactment of this Act, submit a report containing the results of the study and any recommendations that the Under Secretary may have for implementing a rail security screening program to—

(A) the Committee on Commerce, Science, and Transportation and the Committee of Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(b) Pilot Program.—As part of the study conducted under subsection (a), the Under Secretary shall complete a pilot program of random security screening of passengers and baggage at 5 passenger rail stations served by Amtrak, which shall be selected by the Under Secretary. In conducting the pilot program under this subsection, the Under Secretary shall—

(1) test a wide range of explosives detection technologies, devices, and methods;

(2) require that intercity rail passengers produce government-issued photographic identification, which matches the name on the passenger's tickets before the passenger boarding a train; and

(3) attempt to give preference to locations at the highest risk of terrorist attack and achieve a distribution of participating train stations in terms of geographic location, size, passenger volume, and whether the station is used by commuter rail passengers and Amtrak passengers.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Under Secretary to carry out this section $5,000,000 for fiscal year 2007.

SEC. 506. CERTAIN PERSONNEL LIMITATIONS NOT TO APPLY.

Any statutory limitation on the number of employees in the Transportation Security Administration of the Department of Transportation, before or after its transfer to the Department of Homeland Security, does not apply to the extent that any such employees are responsible for implementing the provisions of this title.

SEC. 507. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) Life-Safety Needs.—The Secretary of Transportation may award grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, New York, Baltimore, Maryland, and Washington, D.C.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels, to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $100,000,000 for fiscal year 2007;

(B) $100,000,000 for fiscal year 2008;

(C) $100,000,000 for fiscal year 2009; and

(D) $170,000,000 for fiscal year 2010.

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $10,000,000 for fiscal year 2007;

(B) $10,000,000 for fiscal year 2008;

(C) $10,000,000 for fiscal year 2009; and

(D) $17,000,000 for fiscal year 2010.

(3) For the Washington, DC Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $8,000,000 for fiscal year 2007;

(B) $8,000,000 for fiscal year 2008;

(C) $8,000,000 for fiscal year 2009; and

(D) $8,000,000 for fiscal year 2010.

(c) Infrastructure Upgrades.—There are authorized to be appropriated to the Secretary of Transportation $3,000,000 for fiscal year 2007 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) Availability of Appropriated Funds.—Amounts appropriated pursuant to this section shall remain available until expended.

(e) Plans Required.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded under this section, the Secretary has approved a project management plan prepared by Amtrak that appropriately addresses—

(A) project budget;

(B) construction schedule;

(C) recipient staff organization;

(D) document control and record keeping;

(E) change order procedure;

(F) quality control and assurance;

(G) periodic plan updates;

(H) periodic status reports; and

(I) such other matters the Secretary determines to be appropriate.

(f) Review of Plans.—

(1) Completion.—The Secretary of Transportation shall complete the review of the plans required under paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans not later than 45 days after the date on which each such plan is submitted by Amtrak.

(2) Incomplete Plans.—If the Secretary determines that a plan is incomplete or deficient—

(A) the Secretary shall notify Amtrak of the incomplete items or deficiencies; and

(B) not later than 30 days after receiving the Secretary's notification under subparagraph (A), Amtrak shall submit a modified plan for the Secretary's review.

(3) Review of Modified Plans.—Not later than 15 days after receiving additional information on items previously included in the plan, and not later than 45 days after receiving items newly included in a modified plan, the Secretary shall—

(A) approve the modified plan; or

(B) if the Secretary finds the plan is still incomplete or deficient—

(i) submit a report to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that identifies the portions of the plan the Secretary finds incomplete or deficient;

(ii) approve all other portions of the plan;

(iii) obligate the funds associated with those other portions; and

(iv) execute an agreement with Amtrak not later than 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) Financial Contribution From Other Tunnel Users.—The Secretary of Transportation shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use of the tunnels, if feasible.

SEC. 508. MEMORANDUM OF AGREEMENT.

(a) Memorandum of Agreement.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute a memorandum of agreement governing the roles and responsibilities of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) Rail Safety Regulations.—Section 20103(a) of title 49, United States Code, is amended by striking "railroad safety" and inserting "railroad safety, including security,".

SEC. 509. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) In General.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"§24316. Plans to address needs of families of passengers involved in rail passenger accidents

"(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Rail Security Act of 2006, Amtrak shall submit to the Chairman of the National Transportation Safety Board and the Secretary of Transportation a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

"(b) CONTENTS OF PLANS.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

"(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

"(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

"(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

"(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

"(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

"(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

"(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release to any person information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

"(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

"(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2007 to carry out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"Sec. 24316. Plans to address needs of families of passengers involved in rail passenger accidents.".

SEC. 510. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—Subject to subsection (c), the Under Secretary may award grants, through the Secretary of Transportation, to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, D.C.;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Under Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units;

(7) to expand emergency preparedness efforts; and

(8) for employee security training.

(b) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak for projects under subsection (a) unless—

(1) the projects are contained in a systemwide security plan approved by the Under Secretary, in consultation with the Secretary of Transportation;

(2) capital projects meet the requirements under section 507(e)(2); and

(3) the plan includes appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Under Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized under this section.

(d) AVAILABILITY OF FUNDS.—There are authorized to be appropriated to the Under Secretary $63,500,000 for fiscal year 2007, $30,000,000 for fiscal year 2008, and $30,000,000 for fiscal year 2009 for the purposes of carrying out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 511. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) SECURITY IMPROVEMENT GRANTS.—The Under Secretary may award grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security threats, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of cargo or passenger screening equipment at the international border between the United States and Mexico or the international border between the United States and Canada;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required under section 502(c), including infrastructure, facilities, and equipment upgrades.

(b) ACCOUNTABILITY.—The Under Secretary shall adopt necessary procedures, including audits, to ensure that grants awarded under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Under Secretary.

(c) EQUITABLE ALLOCATION.—The Under Secretary shall equitably distribute the funds authorized by this section, taking into account geographic location, and shall encourage non-Federal financial participation in awarding grants. With respect to grants for passenger rail security, the Under Secretary shall also take into account passenger volume and whether a station is used by commuter rail passengers and intercity rail passengers.

(d) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section 510(b).

(e) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless the Under Secretary determines, as a result of the assessment required by section 502, that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, a grant may not be awarded under this section—

(1) in excess of $65,000,000 to Amtrak; or

(2) in excess of $100,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) HIGH HAZARD MATERIALS DEFINED.—In this section, the term "high hazard materials" means poison inhalation hazard materials, class 2.3 gases, class 6.1 materials, and anhydrous ammonia.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary $350,000,000 for fiscal year 2007 to carry out the purposes of this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 512. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary of Transportation may use not more than 0.5 percent of amounts made available to Amtrak for capital projects under this title—

(1) to enter into contracts for the review of proposed capital projects and related program management plans; and

(2) to oversee construction of such projects.

(b) USE OF FUNDS.—The Secretary may use amounts available under subsection (a) to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under subsection (a).

(c) PROCEDURES FOR GRANT AWARD.—The Under Secretary shall prescribe procedures and

schedules for the awarding of grants under this title, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Under Secretary. The Under Secretary shall issue a final rule establishing the procedures not later than 90 days after the date of the enactment of this Act.

SEC. 513. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Under Secretary, in conjunction with the Secretary of Transportation, shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with railroad equipment; and

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car and transmit information about the integrity of tank cars to the train crew;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section 511(g));

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety;

(6) other projects recommended in the report required under section 502.

(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Under Secretary shall ensure that the research and development program under this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Under Secretary shall carry out any research and development project authorized under this section through a reimbursable agreement with the Secretary of Transportation if the Secretary—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) ACCOUNTABILITY.—The Under Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Under Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary $50,000,000 in each of fiscal years 2007 and 2008 to carry out the purposes of this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 514. WELDED RAIL AND TANK CAR SAFETY IMPROVEMENTS.

(a) TRACK STANDARDS.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Railroad Administration shall—

(1) require each track owner using continuous welded rail track to include procedures to improve the identification of cracks in rail joint bars in the procedures filed with the Administration under section 213.119 of title 49, Code of Federal Regulations;

(2) instruct Administration track inspectors to obtain copies of the most recent continuous welded rail programs of each railroad within the inspectors' areas of responsibility and require that inspectors use those programs when conducting track inspections; and

(3) establish a program to—

(A) periodically review continuous welded rail joint bar inspection data from railroads and Administration track inspectors; and

(B) require railroads to increase the frequency or improve the methods of inspection of joint bars in continuous welded rail, if the Administrator determines that such increase or improvement is necessary or appropriate.

(b) TANK CAR STANDARDS.—The Administrator of the Federal Railroad Administration shall—

(1) not later than 1 year after the date of the enactment of this Act, validate the predictive model it is developing to quantify the relevant dynamic forces acting on railroad tank cars under accident conditions; and

(2) not later than 18 months after the date of the enactment of this Act, initiate a rulemaking to develop and implement appropriate design standards for pressurized tank cars.

(c) OLDER TANK CAR IMPACT RESISTANCE ANALYSIS AND REPORT.—Not later than 2 years after the date of the enactment of this Act, the Administrator of the Federal Railroad Administration shall—

(1) conduct a comprehensive analysis to determine the impact resistance of the steels in the shells of pressure tank cars constructed before 1989; and

(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains recommendations for measures to eliminate or mitigate the risk of catastrophic failure.

SEC. 515. NORTHERN BORDER RAIL PASSENGER REPORT.

Not later than 180 days after the date of the enactment of this Act, the Under Secretary, in consultation with the heads of other appropriate Federal departments and agencies and the National Railroad Passenger Corporation, shall submit a report to the Committee on Commerce, Science, and Transportation and Committee of Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in "The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America", dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the "Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States", dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing pre-screened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers; and

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing pre-screened passenger lists to the Department of Homeland Security.

SEC. 516. REPORT REGARDING IMPACT ON SECURITY OF TRAIN TRAVEL IN COMMUNITIES WITHOUT GRADE SEPARATION.

(a) STUDY.—The Secretary of Homeland Security, in consultation with State and local government officials, shall conduct a study on the impact of blocked highway-railroad grade crossings on the ability of emergency responders, including ambulances and police, fire, and other emergency vehicles, to perform public safety and security duties in the event of a terrorist attack.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on Commerce, Science, and Transportation and Committee of Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

(1) the findings of the study conducted under subsection (a); and

(2) recommendations for reducing the impact of blocked crossings on emergency response.

SEC. 517. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 201 of title 49, United States Code, is amended by inserting after section 20115 the following:

"§20118. Whistleblower protection for rail security matters

"(a) DISCRIMINATION AGAINST EMPLOYEE.—A rail carrier engaged in interstate or foreign commerce may not discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a reasonably perceived threat, in good faith, to security; or

"(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a reasonably perceived threat, in good faith, to security; or

"(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

"(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under such section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after the filing date. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award

the employee reasonable damages, including punitive damages, of not more than $20,000.

"(c) Procedural Requirements.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B), including the burdens of proof, applies to any complaint brought under this section.

"(d) Election of Remedies.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

"(e) Disclosure of Identity.—

"(1) In general.—Except as provided in paragraph (2), or with the written consent of the employee, the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

"(2) Enforcement.—The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) if the matter is referred to the Attorney General for enforcement.".

(b) Conforming Amendment.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20115 the following:

"Sec. 20118. Whistleblower protection for rail security matters.".

SEC. 518. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) Program Elements.—The guidance developed under subsection (a) shall include elements, as appropriate to passenger and freight rail service, that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew communication and coordination.

(3) Appropriate responses to defend or protect oneself.

(4) Use of protective devices.

(5) Evacuation procedures.

(6) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(7) Situational training exercises regarding various threat conditions.

(8) Any other subject the Secretary considers appropriate.

(c) Railroad Carrier Programs.—Not later than 90 days after the Secretary of Homeland Security issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review. Not later than 30 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them.

(d) Training.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program. The Secretary shall review implementation of the training program of a representative sample of railroad carriers and report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) Updates.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) Front-Line Workers Defined.—In this section, the term "front-line workers" means security personnel, dispatchers, train operators, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) Other Employees.—The Secretary of Homeland Security shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

SEC. 519. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.

(a) In General.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Secretary of Transportation, shall require rail carriers transporting a high hazard material, and of a quantity equal or exceeding the quantities of such material listed in subpart 172.800, title 49, Federal Code of Regulations, to develop a high hazard material security threat mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) Implementation.—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) Completion and Review of Plans.—

(1) Plans required.—Each rail carrier shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security within 60 days after the date of enactment of this Act;

(B) develop and submit a high hazard material security threat mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary; and

(C) submit any subsequent revisions to the plan to the Secretary within 30 days after making the revisions.

(2) Review and updates.—The Secretary, with assistance of the Secretary of Transportation, shall review the plans and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them. Each rail carrier shall update and resubmit its plan for review not less than every 2 years.

(d) Definitions.—In this section:

(1) Catastrophic impact zone.—The term "catastrophic impact zone" means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(2) High-consequence target.—The term "high-consequence target" means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life; and

(B) significantly damaged national security and defense capabilities; or

(C) national economic harm.

(3) High hazard materials.—The term "high hazard materials" means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Secretary, in consultation with the Secretary of Transportation, determines pose a security risk.

(4) Rail carrier.—The term "rail carrier" has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. 520. PUBLIC AWARENESS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security. Not later than 9 months after the date of enactment of this Act, the Secretary of Homeland Security shall implement the plan developed under this section.

SEC. 521. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) Wireless Communications.—

(1) In general.—In conjunction with any rail security research and development program administered by the Department of Homeland Security and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop a program that will encourage the equipping of rail cars transporting high hazard materials (as defined in section 519) in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless terrestrial or satellite communications technology that provides—

(A) car position location and tracking capabilities;

(B) notification of rail car depressurization, breach, or unsafe temperature; and

(C) notification of hazardous material release.

(2) Coordination.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) Funding.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2007, 2008, and 2009.

TITLE VI—NATIONAL ALERT SYSTEM

SEC. 601. SHORT TITLE.

This title may be cited as the "Warning, Alert, and Response Network Act".

SEC. 602. NATIONAL ALERT SYSTEM.

(a) Establishment.—There is established a National Alert System to provide a public communications system capable of alerting the public on a national, regional, or local basis to emergency situations requiring a public response.

(b) Functions.—The National Alert System—

(1) will enable any Federal, State, tribal, or local government official with credentials issued by the National Alert Office under section 603 to alert the public to any imminent threat that presents a significant risk of injury or death to the public;

(2) will be coordinated with and supplement existing Federal, State, tribal, and local emergency warning and alert systems;

(3) will be flexible enough in its application to permit narrowly targeted alerts in circumstances in which only a small geographic area is exposed or potentially exposed to the threat; and

(4) will transmit alerts across the greatest possible variety of communications technologies, including digital and analog broadcasts, cable and satellite television, satellite and terrestrial radio, wireless communications, wireline communications, and the Internet to reach the largest portion of the affected population.

(c) Capabilities.—The National Alert System—

(1) shall incorporate multiple communications technologies and be designed to adapt to, and incorporate, future technologies for communicating directly with the public;

(2) shall include mechanisms and technologies to ensure that members of the public with disabilities and older individuals (as defined in section 102(35) of the Older Americans Act of 1965 (42 U.S.C. 3002(35))) are able to receive alerts and information provided through the National Alert System;

(3) shall not interfere with existing alert, warning, priority access, or emergency communications systems employed by Federal, State, tribal, or local emergency response personnel and may utilize existing emergency alert technologies, including the NOAA All-Hazards Radio System, digital and analog broadcast, cable, and satellite television and satellite and terrestrial radio;

(4) shall not be based upon any single technology or platform, but shall be designed to provide alerts to the largest portion of the affected population feasible and improve the ability of remote areas to receive alerts;

(5) shall incorporate technologies to alert effectively underserved communities (as determined by the Commission under section 608(a) of this title);

(6) when technologically feasible shall be capable of providing information in languages other than, and in addition to, English where necessary or appropriate; and

(7) shall be designed to promote local and regional public and private partnerships to enhance community preparedness and response.

(d) Reception of Alerts.—The National Alert System shall—

(1) utilize multiple technologies for providing alerts to the public, including technologies that do not require members of the public to activate a particular device or use a particular technology to receive an alert provided via the National Alert System; and

(2) provide redundant alert mechanisms where practicable so as to reach the greatest number of people regardless of whether they have access to, or utilize, any specific medium of communication or any particular device.

(e) Emergency Alert System.—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall—

(1) ensure the President, Secretary of Homeland Security, and State Governors have access to the emergency alert system; and

(2) ensure that the Emergency Alert System can transmit in languages other than English.

SEC. 603. IMPLEMENTATION AND USE.

(a) Authority To Access System.—

(1) In general.—Within 180 days after the date of enactment of this Act, the National Alert Office shall establish a process for issuing credentials to Federal, State, tribal, or local government officials with responsibility for issuing safety warnings to the public that will enable them to access the National Alert System and preserves access to existing alert, warning, and emergency communications systems pursuant to section 602(c)(3). The Office shall approve or disapprove a request for credentials within 60 days of request by the Federal department or agency, the governor of the State or the elected leader of a federally recognized Indian tribe.

(2) Requests for credentials.—Requests for credentials from Federal, State, tribal, and local government agencies shall be submitted to the Office by the head of the Federal department or agency, or the governor of the State or the elected leader of a Federally recognized Indian tribe, concerned, for review and approval.

(3) Scope and limitations of credentials.—The Office shall—

(A) establish eligibility criteria for issuing, renewing, and revoking access credentials;

(B) limit credentials to appropriate geographic areas or political jurisdictions; and

(C) ensure that the credentials permit use of the National Alert System only for alerts that are consistent with the jurisdiction, authority, and basis for eligibility of the individual to whom the credentials are issued to use the National Alert System.

(4) Periodic training.—The Office shall—

(A) establish a periodic training program for Federal, State, tribal, or local government officials with credentials to use the National Alert System; and

(B) require such officials to undergo periodic training under the program as a prerequisite for retaining their credentials to use the system.

(b) Allowable Alerts.—

(1) In general.—Any alert transmitted via the National Alert System, other than an alert described in paragraph (3), shall meet 1 or more of the following requirements:

(A) An alert shall notify the public of a hazardous situation that poses an imminent threat to the public health or safety.

(B) An alert shall provide appropriate instructions for actions to be taken by individuals affected or potentially affected by such a situation.

(C) An alert shall advise individuals of public addresses by Federal, State, tribal, or local officials when related to a significant threat to public safety and transmit such addresses when practicable and technically feasible.

(D) An alert shall notify the public of when the hazardous situation has ended or has been brought under control.

(2) Event eligibility regulations.—The director of the National Alert Office, in consultation with the Working Group, shall by regulation specify—

(A) the classes of events or situations for which the National Alert System may be used to alert the public; and

(B) the content of the types of alerts that may be transmitted by or through use of the National Alert System, which may include—

(i) notifications to the public of a hazardous situation that poses an imminent threat to the public health or safety accompanied by appropriate instructions for actions to be taken by individuals affected or potentially affected by such a situation; and

(ii) when technologically feasible public addresses by Federal, State, tribal, or local officials related to a significant threat to public safety.

(3) Opt-in procedures for optional alerts.—The director of the Office, in coordination with the Working Group, may establish a procedure under which licensees who elect to participate in the National Alert System as described in subsection (d), may transmit nonemergency information via the National Alert System to individuals who request such information.

(c) Access Points.—The National Alert System shall provide—

(1) secure, widely dispersed multiple access points to Federal, State, or local government officials with credentials that will enable them to initiate alerts for transmission to the public via the National Alert System; and

(2) system redundancies to ensure functionality in the event of partial system failures, power failures, or other interruptive events.

(d) Election To Carry Service.—

(1) Amendment of license.—Within 60 days after the date on which the National Alert Office adopts relevant technical standards based on recommendations of the Working Group, the Federal Communications Commission shall initiate a proceeding and subsequently issue an order—

(A) to allow any licensee providing commercial mobile service (as defined in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1))) to transmit National Alert System alerts to all subscribers to, or users of, such service; and

(B) to require any such licensee who elects under paragraph (2) not to participate in the transmission of National Alert System alerts, to provide clear and conspicuous notice at the point of sale of any devices with which its service is included, that it will not transmit National Alert System alerts via its service.

(2) Election to carry service.—

(A) In general.—Within 30 days after the Commission issues its order under paragraph (1), each such licensee shall file an election with the Commission with respect to whether or not it intends to participate in the transmission of National Alert System alerts.

(B) Participation.—If a licensee elects to participate in the transmission of National Alert System alerts, the licensee shall certify to the Commission that it will participate in a manner consistent with the standards and protocols implemented by the National Alert Office.

(C) Advertising.—Nothing in this title shall be construed to prevent a licensee from advertising that it participates in the transmission of National Alert System alerts.

(D) Withdrawal from or later entry into system.—The Commission shall establish a procedure—

(i) for a participating licensee to withdraw from the National Alert System upon notification of its withdrawal to its existing subscribers;

(ii) for a licensee to enter the National Alert System at a date later than provided in subparagraph (A); and

(iii) under which a subscriber may terminate a subscription to service provided by a licensee that withdraws from the National Alert System without penalty or early termination fee.

(E) CONSUMER CHOICE TECHNOLOGY.—Any licensee electing to participate in the transmission of National Alert System alerts may offer subscribers the capability of preventing the subscriber's device from receiving alerts broadcast by the system other than an alert issued by the President.

(3) EXPANSION OF CLASS OF LICENSEES PARTICIPATING.—The Commission, in consultation with the National Alert Office, may expand the class of licensees allowed to participate in the transmission of National Alert System alerts subject to such requirements as the Commission, in consultation with the National Alert Office, determines to be necessary or appropriate—

(A) to ensure the broadest feasible propagation of alerts transmitted by the National Alert System to the public; and

(B) to ensure that the functionality, integrity, and security of the National Alert System is not compromised.

(e) DIGITAL TELEVISION TRANSMISSION TOWERS.—

(1) RETRANSMISSION CAPABILITY.—Within 30 days after the date on which the National Alert Office adopts relevant technical standards based on recommendations of the Working Group, the Federal Communications Commission shall initiate a proceeding to require public broadcast television licensees and permittees to install necessary equipment and technologies on, or as part of, any broadcast television digital signal transmitter to enable the transmitter to serve as a backbone for the reception, relay, and retransmission of National Alert System alerts.

(2) COMPENSATION.—The National Alert Office established by section 605 shall compensate any such licensee or permittee for costs incurred in complying with the requirements imposed pursuant to paragraph (1).

(f) FCC REGULATION OF COMPLIANCE.—Except as provided in subsections (d) and (e), the Federal Communications Commission shall have no regulatory authority under this title except to regulate compliance with this title by licensees and permittees regulated by the Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.).

(g) LIMITATION OF LIABILITY.—Any person that participates in the transmission of National Alert System alerts and that meets its obligations under this title shall not be liable to any subscriber to, or user of, such person's service or equipment for—

(1) any act or omission related to or any harm resulting from the transmission of, or failure to transmit, a National Alert System alert to such subscriber or user; or

(2) for the release to a government agency or entity, public safety, fire service, law enforcement official, or emergency facility of subscriber information used in connection with delivering an alert.

(h) TESTING.—The director shall establish testing criteria and guidelines for licensees that elect to participate in the transmission of National Alert System alerts.

SEC. 604. COORDINATION WITH EXISTING PUBLIC ALERT SYSTEMS AND AUTHORITY.

(a) EXISTING FEDERAL WARNING SYSTEM COORDINATION.—The director shall work with the Federal Communications Commission, the National Oceanic and Atmospheric Administration, and other relevant Federal agencies to ensure that the National Alert System—

(1) complements, rather than duplicates, existing Federal alert systems; and

(2) obtains the maximum benefit possible from the utilization of existing research and development, technologies, and processes developed for or utilized by existing Federal alert systems.

(b) EXISTING ALERT AUTHORITY.—Nothing in this title shall be construed—

(1) to interfere with the authority of a Federal, State, or local government official under any other provision of law to transmit public alerts via the NOAA All-Hazards Radio System, digital and analog broadcast, cable, and satellite television and satellite and terrestrial radio, or any other emergency alert system in existence on the date of enactment of this Act;

(2) to require alerts transmitted under the authority described in paragraph (1) to comply with any standard established pursuant to section 603; or

(3) to require any Federal, State, or local government official to obtain credentials or undergo training under this title before transmitting alerts under the authority described in paragraph (1).

SEC. 605. NATIONAL ALERT OFFICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The National Alert Office is established within the Department of Homeland Security.

(2) DIRECTOR.—The office shall be headed by a director with at least 5 years' operational experience in the management and issuance of warnings and alerts, hazardous event management, or disaster planning. The Director shall serve under and report to the Secretary of Homeland Security or his designee.

(3) STAFF.—The office shall have a staff with significant technical expertise in the communications industry and emergency public communications. The director may request the detailing of staff from any appropriate Federal department or agency in order to ensure that the concerns of all such departments and agencies are incorporated into the daily operation of the National Alert System.

(b) FUNCTIONS AND RESPONSIBILITIES.—

(1) IN GENERAL.—The Office shall administer, operate, and manage the National Alert System established under this title.

(2) IMPLEMENTATION OF WORKING GROUP RECOMMENDATIONS.—The Office shall be responsible for implementing the recommendations of the Working Group established by section 606 regarding—

(A) the technical transmission of alerts;

(B) the incorporation of new technologies into the National Alert System;

(C) the technical capabilities of the National Alert System; and

(D) any other matters that fall within the duties of the Working Group.

(3) TRANSMISSION OF ALERTS.—In administering the National Alert System, the director of the National Alert Office shall ensure that—

(A) the National Alert System is available to, and enables, only Federal, State, tribal, or local government officials with credentials issued by the National Alert Office under section 603 to access and utilize the National Alert System;

(B) the National Alert System is capable of providing geographically targeted alerts where such alerts are appropriate;

(C) the legitimacy and authenticity of any proffered alert is verified before it is transmitted;

(D) each proffered alert complies with formats, protocols, and other requirements established by the Office to ensure the efficacy and usefulness of alerts transmitted via the National Alert System;

(E) the security and integrity of a National Alert System alert from the point of origination to delivery is maintained; and

(F) the security and integrity of the National Alert System is maintained and protected.

(c) REPORTS.—

(1) ANNUAL REPORTS.—The director shall submit an annual report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure on the status of, and plans for, the National Alert System. In the first annual report, the director shall report on—

(A) the progress made toward operational activation of the alerting capabilities of the National Alert System; and

(B) the anticipated date on which the National Alert System will be available for utilization by Federal, State, and local officials.

(2) 5-YEAR PLAN.—Within 1 year after the date of enactment of this Act and every 5 years thereafter, the director shall publish a 5-year plan that outlines future capabilities and communications platforms for the National Alert System. The plan shall serve as the long-term planning document for the Office.

(d) GAO AUDITS.—

(1) IN GENERAL.—The Comptroller General shall audit the National Alert Office every 3 years after the date of enactment of this Act and periodically thereafter and transmit the findings thereof to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure.

(2) RESPONSE REPORT.—If, as a result of the audit, the Comptroller General expresses concern about any matter addressed by the audit, the director of the National Alert Office shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure describing what action, if any, the director is taking to respond to any such concern.

SEC. 606. NATIONAL ALERT SYSTEM WORKING GROUP.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the director of the National Alert Office shall establish a working group, to be known as the National Alert System Working Group.

(b) MEMBERSHIP.—

(1) APPOINTMENT; CHAIR.—The director shall appoint the members of the Working Group as soon as practicable after the date of enactment of this Act and shall serve as its chair. In appointing members of the Working Group, the director shall ensure that the number of members appointed under paragraph (5) provides appropriate and adequate representation for all stakeholders and interested and affected parties.

(2) FEDERAL AGENCY REPRESENTATIVES.—Appropriate personnel from the National Institute of Standards and Technology, the National Oceanic and Atmospheric Administration, the Federal Communications Commission, the Federal Emergency Management Agency, the Nuclear Regulatory Commission, the Department of Justice, the National Communications System, the National Telecommunications and Information Administration, the Department of Homeland Security's Preparedness Directorate, the United States Postal Service, and other appropriate Federal agencies shall serve as members of the Working Group.

(3) STATE AND LOCAL GOVERNMENT REPRESENTATIVES.—The director shall appoint representatives of State and local governments and representatives of emergency services personnel, selected from among individuals nominated by national organizations representing such governments and personnel, to serve as members of the Working Group.

(4) TRIBAL GOVERNMENTS.—The director shall appoint representatives from Federally recognized Indian tribes and National Indian organizations.

(5) SUBJECT MATTER EXPERTS..—The director shall appoint individuals who have the requisite technical knowledge and expertise to serve on the Working Group in the fulfillment of its duties, including representatives of—

(A) communications service providers;

(B) vendors, developers, and manufacturers of systems, facilities; equipment, and capabilities for the provision of communications services;

(C) third-party service bureaus;

(D) technical experts from the broadcasting industry;

(E) the national organization representing the licensees and permittees of noncommercial broadcast television stations;

(F) national organizations representing individuals with special needs; and

(G) other individuals with technical expertise that would enhance the National Alert System.

(c) DUTIES OF THE WORKING GROUP.—

(1) DEVELOPMENT OF SYSTEM-CRITICAL RECOMMENDATIONS.—Within 1 year after the date of enactment of this Act, the Working Group shall develop and transmit to the National Alert Office recommendations for—

(A) protocols, including formats, source or originator identification, threat severity, hazard description, and response requirements or recommendations, for alerts to be transmitted via the National Alert System that ensures that alerts are capable of being utilized across the broadest variety of communication technologies, at National, State, and local levels;

(B) procedures for verifying, initiating, modifying, and canceling alerts transmitted via the National Alert System;

(C) guidelines for the technical capabilities of the National Alert System;

(D) guidelines for technical capability that provides for the priority transmission of National Alert System alerts;

(E) guidelines for other capabilities of the National Alert System as specified in this title;

(F) standards for equipment and technologies used by the National Alert System;

(G) guidelines for the transmission of National System Alerts in languages in addition to English, to the extent practicable; and

(H) guidelines for incorporating the National Alert System into comprehensive emergency planning standards for public alert and notification and emergency public communications.

(2) INTEGRATION OF EMERGENCY AND NATIONAL ALERT SYSTEMS.—The Working Group shall work with the operators of nuclear power plants and other critical infrastructure facilities to integrate emergency alert systems for those facilities with the National Alert System.

(d) MEETINGS.—

(1) INITIAL MEETING.—The initial meeting of the Working Group shall take place not later than 60 days after the date of the enactment of this Act.

(2) OTHER MEETINGS.—After the initial meeting, the Working Group shall meet at the call of the chair.

(3) NOTICE; OPEN MEETINGS.—Any meetings held by the Working Group shall be duly noticed at least 14 days in advance and shall be open to the public.

(e) RESOURCES.—

(1) FEDERAL AGENCIES.—The Working Group shall have reasonable access to—

(A) materials, resources, data, and other information from the National Institute of Standards and Technology, the Department of Commerce and its agencies, the Department of Homeland Security and its bureaus, and the Federal Communications Commission; and

(B) the facilities of any such agency for purposes of conducting meetings.

(2) GIFTS AND GRANTS.—The Working Group may accept, use, and dispose of gifts or grants of services or property, both real and personal, for purposes of aiding or facilitating the work of the Working Group. Gifts or grants not used at the expiration of the Working Group shall be returned to the donor or grantor.

(f) RULES.—

(1) QUORUM.—One-third of the members of the Working Group shall constitute a quorum for conducting business of the Working Group.

(2) SUBCOMMITTEES.—To assist the Working Group in carrying out its functions, the chair may establish appropriate subcommittees composed of members of the Working Group and other subject matter experts as deemed necessary.

(3) ADDITIONAL RULES.—The Working Group may adopt other rules as needed.

(g) FEDERAL ADVISORY COMMITTEE ACT.—Neither the Federal Advisory Committee Act (5 U.S.C. App.) nor any rule, order, or regulation promulgated under that Act shall apply to the Working Group.

SEC. 607. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Undersecretary of Homeland Security for Science and Technology and the director jointly shall establish an extramural research and development program based on the recommendations of the Working Group to support the development of technology that will enable all existing and future providers of communications services and all existing and future communications devices to be utilized effectively with the National Alert System.

(b) FUNCTIONS.—In carrying out subsection (a) the Undersecretary for Science and Technology and the director shall—

(1) fund research and development which may include academia, the private sector, and government laboratories; and

(2) ensure that the program addresses, at a minimum—

(A) developing innovative technologies that will transmit geographically targeted emergency messages to the public;

(B) enhancing participation in the national alert system;

(C) understanding and improving public response to warnings; and

(D) enhancing the ability of local communities to integrate the National Alert System into their overall operations management.

(c) USE OF EXISTING PROGRAMS AND RESOURCES.—In developing the program, the Undersecretary for Science and Technology shall utilize existing expertise of the Department of Commerce, including the National Institute of Standards and Technology.

SEC. 608. GRANT PROGRAM FOR REMOTE COMMUNITY ALERT SYSTEMS.

(a) GRANT PROGRAM.—The Undersecretary of Commerce for Oceans and Atmosphere shall establish a program under which grants may be made to provide for the installation of technologies in remote communities effectively unserved by commercial mobile radio service (as determined by the Federal Communications Commission within 180 days after the date of enactment of this Act) for the purpose of enabling residents of those communities to receive National Alert System alerts.

(b) APPLICATIONS AND CONDITIONS.—In conducting the program, the Undersecretary—

(1) shall establish a notification and application procedure; and

(2) may establish such conditions, and require such assurances, as may be appropriate to ensure the efficiency and integrity of the grant program.

(c) SUNSET.—The Undersecretary may not make grants under subsection (a) more than 5 years after the date of enactment of this Act.

SEC. 609. PUBLIC FAMILIARIZATION, OUTREACH, AND RESPONSE INSTRUCTIONS.

The director of the National Office, in consultation with the Working Group, shall conduct a program of public outreach to ensure that the public is aware of the National Alert System and understands its capabilities and uses for emergency preparedness and response. The program shall incorporate multiple communications technologies and methods, including inserts in packaging for wireless devices, Internet websites, and the use of broadcast radio and television Non-Commercial Sustaining Announcement Programs.

SEC. 610. ESSENTIAL SERVICES DISASTER ASSISTANCE.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

"SEC. 425. ESSENTIAL SERVICE PROVIDERS.

"(a) DEFINITION.—In this section, the term 'essential service provider' means an entity that—

"(1) provides—

"(A) telecommunications service;

"(B) electrical power;

"(C) natural gas;

"(D) water and sewer services; or

"(E) any other essential service, as determined by the President;

"(2) is—

"(A) a municipal entity;

"(B) a nonprofit entity; or

"(C) a private, for-profit entity; and

"(3) is contributing to efforts to respond to an emergency or major disaster.

"(b) AUTHORIZATION.—In an emergency or major disaster, the President may use Federal equipment, supplies, facilities, personnel, and other non-monetary resources to assist an essential service provider, in exchange for reasonable compensation.

"(c) COMPENSATION.—

"(1) IN GENERAL.—The President shall, by regulation, establish a mechanism to set reasonable compensation to the Federal Government for the provision of assistance under subsection (b).

"(2) CRITERIA.—The mechanism established under paragraph (1)—

"(A) shall reflect the cost to the government (or if this is not readily obtainable, the full market value under the applicable circumstances) for assistance provided under subsection (b) in setting compensation;

"(B) shall have, to the maximum degree feasible, streamlined procedures for determining compensation; and

"(C) may, at the President's discretion, be based on a good faith estimate of cost to the government rather than an actual accounting of costs.

"(3) PERIODIC REVIEW.—The President shall periodically review, and if necessary revise, the regulations established pursuant to paragraphs (1) and (2) to ensure that these regulations result in full compensation to the government for transferred resources. Such reviews shall occur no less frequently than once every 2 years, and the results of such reviews shall be reported to the House Transportation and Infrastructure Committee and the Senate Homeland Security and Governmental Affairs Committee.".

SEC. 611. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term "director" means the director of the National Alert Office.

(2) OFFICE.—The term "Office" means the National Alert Office established by section 605.

(3) NATIONAL ALERT SYSTEM.—The term "National Alert System" means the National Alert System established by section 602.

(4) NOAA.—The term "NOAA" means the National Oceanic and Atmospheric Administration.

(5) NON-COMMERCIAL SUSTAINING ANNOUNCEMENT PROGRAM.—The term "Non-Commercial Sustaining Announcement Program" means a radio and television campaign conducted for the benefit of a nonprofit organization or government agency using unsold commercial air time donated by participating broadcast stations for use in such campaigns, and for which the campaign's sponsoring organization or agency funds the cost of underwriting programs that serve the public convenience, interest, and necessity, as described in section 307 of the Communications Act of 1934 (47 U.S.C. 307).

(6) WORKING GROUP.—The term "Working Group" means the National Alert System Working Group on the established under section 606.

SEC. 612. SAVINGS CLAUSE.

Nothing in this title shall interfere with or supersede the authorities, missions, programs, operations, or activities of the Federal Communications Commission or the Department of Commerce, including those of the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, and the National Telecommunications and Information Administration.

SEC. 613. FUNDING.

Funding for this title shall be provided from the Digital Transition and Public Safety Fund in accordance with section 3010 of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note).

TITLE VII—MASS TRANSIT SECURITY

SEC. 701. SHORT TITLE.

This title may be cited as the "Public Transportation Terrorism Prevention Act of 2006".

SEC. 702. FINDINGS.

Congress finds that—

(1) public transportation systems throughout the world have been a primary target of terrorist attacks, causing countless death and injuries;

(2) 5,800 public transportation agencies operate in the United States;

(3) 14,000,000 people in the United States ride public transportation each work day;

(4) safe and secure public transportation systems are essential for the Nation's economy and for significant national and international public events;

(5) the Federal Transit Administration has invested $74,900,000,000 since 1992 for construction and improvements to the Nation's public transportation systems;

(6) the Federal Government appropriately invested $18,100,000,000 in fiscal years 2002 through 2005 to protect our Nation's aviation system and its 1,800,000 daily passengers;

(7) the Federal Government has allocated $250,000,000 in fiscal years 2003 through 2005 to protect public transportation systems in the United States;

(8) the Federal Government has invested $7.38 in aviation security improvements per passenger, but only $0.007 in public transportation security improvements per passenger;

(9) the Government Accountability Office, the Mineta Institute for Surface Transportation Policy Studies, the American Public Transportation Association, and many transportation experts have reported an urgent need for significant investment in public transportation security improvements; and

(10) the Federal Government has a duty to deter and mitigate, to the greatest extent practicable, threats against the Nation's public transportation systems.

SEC. 703. SECURITY ASSESSMENTS.

(a) PUBLIC TRANSPORTATION SECURITY ASSESSMENTS.—

(1) SUBMISSION.—Not later than 30 days after the date of the enactment of this Act, the Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary of Homeland Security.

(2) REVIEW.—Not later than July 31, 2007, the Secretary of Homeland Security shall review and augment the security assessments received under paragraph (1).

(3) ALLOCATIONS.—The Secretary of Homeland Security shall use the security assessments received under paragraph (1) as the basis for allocating grant funds under section 704, unless the Secretary notifies the Committee on Banking, Housing, and Urban Affairs of the Senate that the Secretary has determined that an adjustment is necessary to respond to an urgent threat or other significant factors.

(4) SECURITY IMPROVEMENT PRIORITIES.—Not later than September 30, 2007, the Secretary of Homeland Security, after consultation with the management and employee representatives of each public transportation system for which a security assessment has been received under paragraph (1) and with appropriate State and local officials, shall establish security improvement priorities that will be used by public transportation agencies for any funding provided under section 704.

(5) UPDATES.—Not later than July 31, 2008, and annually thereafter, the Secretary of Homeland Security shall—

(A) update the security assessments referred to in this subsection; and

(B) conduct security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack.

(b) USE OF SECURITY ASSESSMENT INFORMATION.—The Secretary of Homeland Security shall use the information collected under subsection (a)—

(1) to establish the process for developing security guidelines for public transportation security; and

(2) to design a security improvement strategy that—

(A) minimizes terrorist threats to public transportation systems; and

(B) maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks.

(c) BUS AND RURAL PUBLIC TRANSPORTATION SYSTEMS.—Not later than July 31, 2007, the Secretary of Homeland Security shall conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of—

(1) local bus-only public transportation systems; and

(2) selected public transportation systems that receive funds under section 5311 of title 49, United States Code.

SEC. 704. SECURITY ASSISTANCE GRANTS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable capital security improvements based on the priorities established under section 703(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) tunnel protection systems;

(B) perimeter protection systems;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems;

(E) surveillance equipment;

(F) communications equipment;

(G) emergency response equipment;

(H) fire suppression and decontamination equipment;

(I) global positioning or automated vehicle locator type system equipment;

(J) evacuation improvements; and

(K) other capital security improvements.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable operational security improvements based on the priorities established under section 703(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) security training for public transportation employees, including bus and rail operators, mechanics, customer service, maintenance employees, transit police, and security personnel;

(B) live or simulated drills;

(C) public awareness campaigns for enhanced public transportation security;

(D) canine patrols for chemical, biological, or explosives detection;

(E) overtime reimbursement for enhanced security personnel during significant national and international public events, consistent with the priorities established under section 703(a)(4); and

(F) other appropriate security improvements identified under section 703(a)(4), excluding routine, ongoing personnel costs.

(c) COORDINATION WITH STATE HOMELAND SECURITY PLANS.—In establishing security improvement priorities under section 3(a)(4) and in awarding grants for capital security improvements and operational security improvements under subsections (a) and (b), respectively, the Secretary of Homeland Security shall ensure that its actions are consistent with relevant State Homeland Security Plans.

(d) MULTI-STATE TRANSPORTATION SYSTEMS.—In cases where a public transportation system operates in more than 1 State, the Secretary of Homeland Security shall give appropriate consideration to the risks of the entire system, including those portions of the States into which the system crosses, in establishing security improvement priorities under section 3(a)(4), and in awarding grants for capital security improvements and operational security improvements under subsections (a) and (b), respectively.

(e) CONGRESSIONAL NOTIFICATION.—Not later than 3 days before the award of any grant under this section, the Secretary of Homeland Security shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate of the intent to award such grant.

(f) PUBLIC TRANSPORTATION AGENCY RESPONSIBILITIES.—Each public transportation agency that receives a grant under this section shall—

(1) identify a security coordinator to coordinate security improvements;

(2) develop a comprehensive plan that demonstrates the agency's capacity for operating and maintaining the equipment purchased under this section; and

(3) report annually to the Department of Homeland Security on the use of grant funds received under this section.

(g) RETURN OF MISSPENT GRANT FUNDS.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified for that grant under this section, the grantee shall return any amount so used to the Treasury of the United States.

SEC. 705. INTELLIGENCE SHARING.

(a) INTELLIGENCE SHARING.—The Secretary of Homeland Security shall ensure that the Department of Transportation receives appropriate

and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) Information Sharing Analysis Center.—

(1) Establishment.—The Secretary of Homeland Security shall provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the "ISAC") established pursuant to Presidential Directive 63, to protect critical infrastructure.

(2) Public transportation agency participation.—The Secretary of Homeland Security—

(A) shall require those public transportation agencies that the Secretary determines to be at significant risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC; and

(C) shall not charge a fee to any public transportation agency for participating in the ISAC.

SEC. 706. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS AND CONTRACTS.

(a) Grants and Contracts Authorized.—The Secretary of Homeland Security, through the Homeland Security Advanced Research Projects Agency in the Science and Technology Directorate and in consultation with the Federal Transit Administration, shall award grants or contracts to public or private entities to conduct research into, and demonstrate, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(b) Use of Funds.—Grants or contracts awarded under subsection (a)—

(1) shall be coordinated with Homeland Security Advanced Research Projects Agency activities; and

(2) may be used to—

(A) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(B) research imaging technologies;

(C) conduct product evaluations and testing; and

(D) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(c) Reporting Requirement.—Each entity that is awarded a grant or contract under this section shall report annually to the Department of Homeland Security on the use of grant or contract funds received under this section.

(d) Return of Misspent Grant or Contract Funds.—If the Secretary of Homeland Security determines that a grantee or contractor used any portion of the grant or contract funds received under this section for a purpose other than the allowable uses specified under subsection (b), the grantee or contractor shall return any amount so used to the Treasury of the United States.

SEC. 707. REPORTING REQUIREMENTS.

(a) Semi-Annual Report to Congress.—

(1) In general.—Not later than March 31 and September 30 each year, the Secretary of Homeland Security shall submit a report, containing the information described in paragraph (2), to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Appropriations of the Senate.

(2) Contents.—The report submitted under paragraph (1) shall include—

(A) a description of the implementation of the provisions of sections 703 through 706;

(B) the amount of funds appropriated to carry out the provisions of each of sections 703 through 706 that have not been expended or obligated; and

(C) the state of public transportation security in the United States.

(b) Annual Report to Governors.—

(1) In general.—Not later than March 31 each year, the Secretary of Homeland Security shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this title.

(2) Contents.—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

SEC. 708. AUTHORIZATION OF APPROPRIATIONS.

(a) Capital Security Assistance Program.—There are authorized to be appropriated $2,370,000,000 for fiscal year 2007 to carry out the provisions of section 704(a), which shall remain available until expended.

(b) Operational Security Assistance Program.—There are authorized to be appropriated to carry out the provisions of section 704(b)—

(1) $534,000,000 for fiscal year 2007;

(2) $333,000,000 for fiscal year 2008; and

(3) $133,000,000 for fiscal year 2009.

(c) Intelligence.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 705.

(d) Research.—There are authorized to be appropriated $130,000,000 for fiscal year 2007 to carry out the provisions of section 706, which shall remain available until expended.

SEC. 709. SUNSET PROVISION.

The authority to make grants under this title shall expire on October 1, 2010.

TITLE VIII—DOMESTIC NUCLEAR DETECTION OFFICE

SEC. 801. ESTABLISHMENT OF DOMESTIC NUCLEAR DETECTION OFFICE.

(a) Establishment of Office.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"TITLE XVIII—DOMESTIC NUCLEAR DETECTION OFFICE

"SEC. 1801. DOMESTIC NUCLEAR DETECTION OFFICE.

"(a) Establishment.—There shall be established in the Department of Homeland Security a Domestic Nuclear Detection Office. The Secretary of Homeland Security may request that the Secretaries of Defense, Energy, and State, the Attorney General, the Nuclear Regulatory Commission, and the directors of other Federal agencies, including elements of the Intelligence Community, provide for the reimbursable detail of personnel with relevant expertise to the Office.

"(b) Director.—The Office shall be headed by a Director for Domestic Nuclear Detection, who shall be appointed by the President.

"SEC. 1802. MISSION OF OFFICE.

"(a) Mission.—The Office shall be responsible for coordinating Federal efforts to detect and protect against the unauthorized importation, possession, storage, transportation, development, or use of a nuclear explosive device, fissile material, or radiological material in the United States, and to protect against attack using such devices or materials against the people, territory, or interests of the United States and, to this end, shall—

"(1) serve as the primary entity in the United States Government to further develop, acquire, and support the deployment of an enhanced domestic system to detect and report on attempts to import, possess, store, transport, develop, or use an unauthorized nuclear explosive device, fissile material, or radiological material in the United States, and improve that system over time;

"(2) enhance and coordinate the nuclear detection efforts of Federal, State, local, and tribal governments and the private sector to ensure a managed, coordinated response;

"(3) establish, with the approval of the Secretary of Homeland Security and in coordination with the Attorney General and the Secretaries of Defense and Energy, additional protocols and procedures for use within the United States to ensure that the detection of unauthorized nuclear explosive devices, fissile material, or radiological material is promptly reported to the Attorney General, the Secretaries of Defense, Homeland Security, and Energy, and other appropriate officials or their respective designees for appropriate action by law enforcement, military, emergency response, or other authorities;

"(4) develop, with the approval of the Secretary of Homeland Security and in coordination with the Attorney General and the Secretaries of State, Defense, and Energy, an enhanced global nuclear detection architecture with implementation under which—

"(A) the Domestic Nuclear Detection Office will be responsible for the implementation of the domestic portion of the global architecture;

"(B) the Secretary of Defense will retain responsibility for implementation of Department of Defense requirements within and outside the United States; and

"(C) the Secretaries of State, Defense, and Energy will maintain their respective responsibilities for policy guidance and implementation of the portion of the global architecture outside the United States, which will be implemented consistent with applicable law and relevant international arrangements;

"(5) conduct, support, coordinate, and encourage an aggressive, expedited, evolutionary, and transformational program of research and development efforts to prevent and detect the illicit entry, transport, assembly, or potential use within the United States of a nuclear explosive device or fissile or radiological material;

"(6) support and enhance the effective sharing and use of appropriate information generated by the intelligence community, law enforcement agencies, counterterrorism community, other government agencies, and foreign governments, as well as provide appropriate information to such entities;

"(7) further enhance and maintain continuous awareness by analyzing information from all Domestic Nuclear Detection Office mission-related detection systems; and

"(8) perform other duties as assigned by the Secretary.

"SEC. 1803. HIRING AUTHORITY.

"In hiring personnel for the Office, the Secretary of Homeland Security shall have the hiring and management authorities provided in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note; Public Law 105–261). The term of appointments for employees under subsection (c)(1) of that section may not exceed 5 years before granting any extension under subsection (c)(2) of that section.

"SEC. 1804. TESTING AUTHORITY.

"(a) In General.—The Director shall coordinate with the responsible Federal agency or other entity to facilitate the use by the Office, by its contractors, or by other persons or entities, of existing Government laboratories, centers, ranges, or other testing facilities for the testing of materials, equipment, models, computer software, and other items as may be related to the missions identified in section 1802. Any such use of Government facilities shall be carried out in accordance with all applicable laws, regulations, and contractual provisions, including those governing security, safety, and

environmental protection, including, when applicable, the provisions of section 309. The Office may direct that private-sector entities utilizing Government facilities in accordance with this section pay an appropriate fee to the agency that owns or operates those facilities to defray additional costs to the Government resulting from such use.

"(b) Confidentiality of Test Results.—The results of tests performed with services made available shall be confidential and shall not be disclosed outside the Federal Government without the consent of the persons for whom the tests are performed.

"(c) Fees.—Fees for services made available under this section shall not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

"(d) Use of Fees.—Fees received for services made available under this section may be credited to the appropriation from which funds were expended to provide such services.

"SEC. 1805. RELATIONSHIP TO OTHER DEPARTMENT ENTITIES AND FEDERAL AGENCIES.

"The authority of the Director under this title shall not affect the authorities or responsibilities of any officer of the Department of Homeland Security or of any officer of any other Department or agency of the United States with respect to the command, control, or direction of the functions, personnel, funds, assets, and liabilities of any entity within the Department of Homeland Security or any Federal department or agency.".

(b) Technical and Conforming Amendments.—

(1) Section 103(d) of the Homeland Security Act of 2002 (6 U.S.C. 113(d)) is amended by adding at the end the following:

"(5) A Director of the Domestic Nuclear Detection Office.".

(2) Section 302 of such Act (6 U.S.C. 182) is amended—

(A) in paragraph (2) by striking "radiological, nuclear"; and

(B) in paragraph (5)(A) by striking "radiological, nuclear".

(3) Section 305 of such Act (6 U.S.C. 185) is amended by inserting "and the Director of the Domestic Nuclear Detection Office" after "Technology".

(4) Section 308 of such Act (6 U.S.C. 188) is amended in each of subsections (a) and (b)(1) by inserting "and the Director of the Domestic Nuclear Detection Office" after "Technology" each place it appears.

(5) The table of contents of such Act (6 U.S.C. 101) is amended by adding at the end the following:

"TITLE XVIII—DOMESTIC NUCLEAR DETECTION OFFICE

"Sec. 1801. Domestic Nuclear Detection Office.
"Sec. 1802. Mission of office.
"Sec. 1803. Hiring authority.
"Sec. 1804. Testing authority.
"Sec. 1805. Relationship to other department entities and Federal agencies.".

SEC. 802. TECHNOLOGY RESEARCH AND DEVELOPMENT INVESTMENT STRATEGY FOR NUCLEAR AND RADIOLOGICAL DETECTION.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security, the Secretary of the Department of Energy, the Secretary of Defense, and the Director of National Intelligence shall submit to Congress a research and development investment strategy for nuclear and radiological detection.

(b) Contents.—The strategy under subsection (a) shall include—

(1) a long-term technology roadmap for nuclear and radiological detection applicable to the mission needs of the Departments of Homeland Security, Energy, and Defense, and the Office of the Director of National Intelligence;

(2) budget requirements necessary to meet the roadmap; and

(3) documentation of how the Departments of Homeland Security, Energy, and Defense, and the Office of the Director of National Intelligence will implement the intent of this title.

TITLE IX—IMPROVED MOTOR CARRIER, BUS, AND HAZARDOUS MATERIAL SECURITY

SEC. 901. SHORT TITLE.

This title may be cited as the "Transportation Security Improvement Act of 2006".

SEC. 902. HAZARDOUS MATERIALS HIGHWAY ROUTING.

(a) Route Plan Guidance.—Within one year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall—

(1) document existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier, and develop a framework for using a Geographic Information System-based approach to characterize routes in the National Hazardous Materials Route Registry;

(2) assess and characterize existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier for the purpose of identifying measurable criteria for selecting routes based on safety and security concerns;

(3) analyze current route-related hazardous materials regulations in the United States, Canada, and Mexico to identify cross-border differences and conflicting regulations;

(4) document the concerns of the public, motor carriers, and State, local, territorial, and tribal governments about the highway routing of hazardous materials for the purpose of identifying and mitigating security vulnerabilities associated with hazardous material routes;

(5) prepare guidance materials for State officials to assist them in identifying and reducing both safety concerns and security vulnerabilities when designating highway routes for hazardous materials consistent with the 13 safety-based non-radioactive materials routing criteria and radioactive materials routing criteria in Subpart C part 397 of title 49, Code of Federal Regulations;

(6) develop a tool that will enable State officials to examine potential routes for the highway transportation of hazardous material and assess specific security vulnerabilities associated with each route and explore alternative mitigation measures; and

(7) transmit to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure a report on the actions taken to fulfill paragraphs (1) through (6) of this subsection and any recommended changes to the routing requirements for the highway transportation of hazardous materials in part 397 of title 49, Code of Federal Regulations.

(b) Route Plans.—

(1) Assessment.—Within one year after the date of enactment of this Act, the Secretary of Transportation shall complete an assessment of the safety and national security benefits achieved under existing requirements for route plans, in written or electronic format, for explosives and radioactive materials. The assessment shall, at a minimum—

(A) compare the percentage of Department of Transportation recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials for which such route plans are required with the percentage of recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials not subject to such route plans; and

(B) quantify the security and safety benefits, feasibility, and costs of requiring each motor carrier that is required to have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry such a route plan that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title, taking into account the various segments of the trucking industry, including tank truck, truckload and less than truckload carriers.

(2) Report.—Within one year after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing the findings and conclusions of the assessment.

(c) Requirement.—The Secretary shall require motor carriers that have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry a route plan, in written or electronic format, that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title if the Secretary determines, under the assessment required in subsection (b), that such a requirement would enhance the security and safety of the nation without imposing unreasonable costs or burdens upon motor carriers.

SEC. 903. MOTOR CARRIER HIGH HAZARD MATERIAL TRACKING.

(a) Wireless Communications—

(1) In General.—Consistent with the findings of the Transportation Security Administration's Hazmat Truck Security Pilot Program and within 6 months after the date of enactment of this Act, the Secretary of Homeland Security, through the Transportation Security Administration and in consultation with the Secretary of Transportation, shall develop a program to encourage the equipping of motor carriers transporting high hazard materials in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless communications technology that provides—

(A) continuous communications;

(B) vehicle position location and tracking capabilities; and

(C) a feature that allows a driver of such vehicles to broadcast an emergency message.

(2) Considerations.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for motor carrier tracking at the Department of Transportation;

(B) take into consideration the recommendations and findings of the report on the Hazardous Material Safety and Security Operation Field Test released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(C) evaluate—

(i) any new information related to the cost and benefits of deploying and utilizing truck tracking technology for motor carriers transporting high hazard materials not included in the Hazardous Material Safety and Security Operation Field Test Report released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(ii) the ability of truck tracking technology to resist tampering and disabling;

(iii) the capability of truck tracking technology to collect, display, and store information regarding the movements of shipments of high hazard materials by commercial motor vehicles;

(iv) the appropriate range of contact intervals between the tracking technology and a commercial motor vehicle transporting high hazard materials; and

(v) technology that allows the installation by a motor carrier of concealed electronic devices on commercial motor vehicles that can be activated by law enforcement authorities and alert emergency response resources to locate and recover security sensitive material in the event of loss or theft of such material.

(b) Funding.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2007, 2008, and 2009.

SEC. 904. HAZARDOUS MATERIALS SECURITY INSPECTIONS AND ENFORCEMENT.

(a) In General.—The Secretary of Homeland Security shall establish a program within the Transportation Security Administration, in consultation with the Secretary of Transportation, for reviewing hazardous materials security plans required under part 172, title 49, Code of Federal Regulations, within 180 days after the date of enactment of this Act. In establishing the program, the Secretary shall ensure that—

(1) the program does not subject carriers to unnecessarily duplicative reviews of their security plans by the 2 departments; and

(2) a common set of standards is used to review the security plans.

(b) Civil Penalty.—The failure, by a shipper, carrier, or other person subject to part 172 of title 49, Code of Federal Regulations, to comply with any applicable section of that part within 180 days after being notified by the Secretary of such failure to comply, is punishable by a civil penalty imposed by the Secretary under title 49, United States Code. For purposes of this subsection, each day of noncompliance after the 181st day following the date on which the shipper, carrier, or other person received notice of the failure shall constitute a separate failure.

(c) Compliance Review.—In reviewing the compliance of hazardous materials shippers, carriers, or other persons subject to part 172 of title 49, Code of Federal Regulations, with the provisions of that part, the Secretary shall utilize risk assessment methodologies to prioritize review and enforcement actions to the most vulnerable and critical hazardous materials transportation operations.

(d) Transportation Costs Study.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in conjunction with the Secretary of Homeland Security, shall study to what extent the insurance, security, and safety costs borne by railroad carriers, motor carriers, pipeline carriers, air carriers, and maritime carriers associated with the transportation of hazardous materials are reflected in the rates paid by shippers of such commodities as compared to the costs and rates respectively for the transportation of non-hazardous materials.

(e) Funding.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $2,000,000 for fiscal year 2007;

(2) $2,000,000 for fiscal year 2008; and

(3) $2,000,000 for fiscal year 2009.

SEC. 905. TRUCK SECURITY ASSESSMENT.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall transmit to the Senate Committee on Commerce, Science, and Transportation, Senate Committee on Finance, the House of Representatives Committee on Transportation and Infrastructure, the House of Representatives Committee on Homeland Security, and the House of Representatives Committe on Ways and Means, a report on security issues related to the trucking industry that includes—

(1) an assessment of actions already taken to address identified security issues by both public and private entities;

(2) an assessment of the economic impact that security upgrades of trucks, truck equipment, or truck facilities may have on the trucking industry and its employees, including independent owner-operators;

(3) an assessment of ongoing research and the need for additional research on truck security; and

(4) an assessment of industry best practices to enhance security.

SEC. 906. NATIONAL PUBLIC SECTOR RESPONSE SYSTEM.

(a) Development.—The Secretary of Homeland Security, in conjunction with the Secretary of Transportation, shall consider the development of a national public sector response system to receive security alerts, emergency messages, and other information used to track the transportation of high hazard materials which can provide accurate, timely, and actionable information to appropriate first responder, law enforcement and public safety, and homeland security officials, as appropriate, regarding accidents, threats, thefts, or other safety and security risks or incidents. In considering the development of this system, they shall consult with law enforcement and public safety officials, hazardous material shippers, motor carriers, railroads, organizations representing hazardous material employees, State transportation and hazardous materials officials, private for-profit and non-profit emergency response organizations, and commercial motor vehicle and hazardous material safety groups. Consideration of development of the national public sector response system shall be based upon the public sector response center developed for the Transportation Security Administration hazardous material truck security pilot program and hazardous material safety and security operational field test undertaken by the Federal Motor Carrier Safety Administration.

(b) Capability.—The national public sector response system to be considered shall be able to receive, as appropriate—

(1) negative driver verification alerts;

(2) out-of-route alerts;

(3) driver panic or emergency alerts; and

(4) tampering or release alerts.

(c) Characteristics.—The national public sector response system to be considered shall—

(1) be an exception-based system;

(2) be integrated with other private and public sector operation reporting and response systems and all Federal homeland security threat analysis systems or centers (including the National Response Center); and

(3) provide users the ability to create rules for alert notification messages.

(d) Carrier Participation.—The Secretary of Homeland Security shall coordinate with motor carriers and railroads transporting high hazard materials, entities acting on their behalf who receive communication alerts from motor carriers or railroads, or other Federal agencies that receive security and emergency related notification regarding high hazard materials in transit to facilitate the provisions of the information listed in subsection (b) to the national public sector response system to the extent possible if the system is established.

(e) Data Privacy.—The national public sector response system shall be designed to ensure appropriate protection of data and information relating to motor carriers, railroads, and employees.

(f) Report.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on whether to establish a national public sector response system and the estimated total public and private sector costs to establish and annually operate such a system, together with any recommendations for generating private sector participation and investment in the development and operation of such a system.

(g) Funding.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $1,000,000 for fiscal year 2007;

(2) $1,000,000 for fiscal year 2008; and

(3) $1,000,000 for fiscal year 2009.

SEC. 907. OVER-THE-ROAD BUS SECURITY ASSISTANCE.

(a) In General.—The Secretary of Homeland Security shall establish a program within the Transportation Security Administration for making grants to private operators of over-the-road buses or over-the-road bus terminal operators for system-wide security improvements to their operations, including—

(1) constructing and modifying terminals, garages, facilities, or over-the-road buses to assure their security;

(2) protecting or isolating the driver;

(3) acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or otherwise, and information links with government agencies;

(4) training employees in recognizing and responding to security threats, evacuation procedures, passenger screening procedures, and baggage inspection;

(5) hiring and training security officers;

(6) installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages, and over-the-road bus facilities;

(7) creating a program for employee identification or background investigation;

(8) establishing and upgrading an emergency communications system linking operational headquarters, over-the-road buses, law enforcement, and emergency personnel; and

(9) implementing and operating passenger screening programs at terminals and on over-the-road buses.

(b) FEDERAL SHARE.—The Federal share of the cost for which any grant is made under this section shall be 80 percent.

(c) Due Consideration.—In making grants under this section, the Secretary shall give due consideration to private operators of over-the-road buses that have taken measures to enhance bus transportation security from those in effect before September 11, 2001, and shall prioritize grant funding based on the magnitude and severity of the security threat to bus passengers and the ability of the funded project to reduce, or respond to, that threat.

(d) Grant Requirements.—A grant under this section shall be subject to all the terms and conditions that a grant is subject to under section 3038(f) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393).

(e) Plan Requirement.—

(1) In general.—The Secretary may not make a grant under this section to a private operator of over-the-road buses until the operator has first submitted to the Secretary—

(A) a plan for making security improvements described in subsection (a) and the Secretary has approved the plan; and

(B) such additional information as the Secretary may require to ensure accountability for

the obligation and expenditure of amounts made available to the operator under the grant.

(2) Coordination.—To the extent that an application for a grant under this section proposes security improvements within a specific terminal owned and operated by an entity other than the applicant, the applicant shall demonstrate to the satisfaction of the Secretary that the applicant has coordinated the security improvements for the terminal with that entity.

(f) Over-the-Road Bus Defined.—In this section, the term "over-the-road bus" means a bus characterized by an elevated passenger deck located over a baggage compartment.

(g) Bus Security Assessment.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a preliminary report in accordance with the requirements of this section.

(2) Contents of preliminary report.—The preliminary report shall include—

(A) an assessment of the over-the-road bus security grant program;

(B) an assessment of actions already taken to address identified security issues by both public and private entities and recommendations on whether additional safety and security enforcement actions are needed;

(C) an assessment of whether additional legislation is needed to provide for the security of Americans traveling on over-the-road buses;

(D) an assessment of the economic impact that security upgrades of buses and bus facilities may have on the over-the-road bus transportation industry and its employees;

(E) an assessment of ongoing research and the need for additional research on over-the-road bus security, including engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver; and

(F) an assessment of industry best practices to enhance security.

(3) Consultation with industry, labor, and other groups.—In carrying out this section, the Secretary shall consult with over-the-road bus management and labor representatives, public safety and law enforcement officials, and the National Academy of Sciences.

(h) Funding.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $12,000,000 for fiscal year 2007;

(2) $25,000,000 for fiscal year 2008; and

(3) $25,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

SEC. 908. PIPELINE SECURITY AND INCIDENT RECOVERY PLAN.

(a) In General.—The Secretary of Homeland Security, in consultation with the Secretary of Transportation and the Pipeline and Hazardous Materials Safety Administration, and in accordance with the Memorandum of Understanding Annex executed under section 909, shall develop a Pipeline Security and Incident Recovery Protocols Plan. The plan shall include—

(1) a plan for the Federal Government to provide increased security support to the most critical interstate and intrastate natural gas and hazardous liquid transmission pipeline infrastructure and operations as determined under section 909—

(A) at high or severe security threat levels of alert; and

(B) when specific security threat information relating to such pipeline infrastructure or operations exists; and

(2) an incident recovery protocol plan, developed in conjunction with interstate and intrastate transmission and distribution pipeline operators and terminals and facilities operators connected to pipelines, to develop protocols to ensure the continued transportation of natural gas and hazardous liquids to essential markets and for essential public health or national defense uses in the event of an incident affecting the interstate and intrastate natural gas and hazardous liquid transmission and distribution pipeline system, which shall include protocols for granting access to pipeline operators for pipeline infrastructure repair, replacement or bypass following an incident.

(b) Existing Private and Public Sector Efforts.—The plan shall take into account actions taken or planned by both private and public entities to address identified pipeline security issues and assess the effective integration of such actions.

(c) Consultation.—In developing the plan under subsection (a), the Secretary of Homeland Security shall consult with the Secretary of Transportation, interstate and intrastate transmission and distribution pipeline operators, pipeline labor, first responders, shippers of hazardous materials, State Departments of Transportation, public safety officials, and other relevant parties.

(d) Report.—

(1) Contents.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall transmit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a), along with an estimate of the private and public sector costs to implement any recommendations.

(2) Format.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(e) Funding.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section $1,000,000 for fiscal year 2007.

SEC. 909. PIPELINE SECURITY INSPECTIONS AND ENFORCEMENT.

(a) In General.—Within 1 year after the date of enactment of this Act the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall establish a program for reviewing pipeline operator adoption of recommendations in the September, 5, 2002, Department of Transportation Research and Special Programs Administration Pipeline Security Information Circular, including the review of pipeline security plans and critical facility inspections.

(b) Review and Inspection.—Within 9 months after the date of enactment of this Act the Secretary shall complete a review of the pipeline security plan and an inspection of the critical facilities of the 100 most critical pipeline operators covered by the September, 5, 2002, circular, where such facilities have not been inspected for security purposes since September 5, 2002, by either the Department of Homeland Security or the Department of Transportation, as determined by the Secretary in consultation with the Secretary of Transportation.

(c) Compliance Review Methodology.—In reviewing pipeline operator compliance under subsections (a) and (b), the Secretary shall utilize risk assessment methodologies to prioritize vulnerabilities and to target inspection and enforcement actions to the most vulnerable and critical pipeline assets.

(d) Regulations.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit to pipeline operators and the Secretary of Transportation security recommendations for natural gas and hazardous liquid pipelines and pipeline facilities. If the Secretary of Homeland Security determines that regulations are appropriate, the Secretary shall promulgate such regulations and carry out necessary inspection and enforcement actions. Any regulations should incorporate the guidance provided to pipeline operators by the September 5, 2002, Department of Transportation Research and Special Programs Administration's Pipeline Security Information Circular and contain additional requirements as necessary based upon the results of the inspections performed under subsection (b). The regulations shall include the imposition of civil penalties for non-compliance.

(e) Funding.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $2,000,000 for fiscal year 2007; and

(2) $2,000,000 for fiscal year 2008.

SEC. 910. TECHNICAL CORRECTIONS.

(a) Hazmat Licenses.—Section 5103a of title 49, United States Code, is amended—

(1) by inserting "of Homeland Security" each place it appears in subsections (a)(1), (d)(1)(b), and (e); and

(2) by redesignating subsection (h) as subsection (i) and inserting the following after subsection (g):

"(h) Relationship to Transportation Security Cards.—Upon application, a State shall issue to an individual a license to operate a motor vehicle transporting in commerce a hazardous material without the security assessment required by this section, provided the individual meets all other applicable requirements for such a license, if the Secretary of Homeland Security has previously determined, under section 70105 of title 46, United States Code, that the individual does not pose a security risk.".

TITLE X—IP-ENABLED VOICE COMMUNICATIONS AND PUBLIC SAFETY

SEC. 1001. SHORT TITLE.

This title may be cited as the "IP-Enabled Voice Communications and Public Safety Act of 2006".

SEC. 1002. EMERGENCY SERVICE.

(a) Access to 911 Components.—Within 90 days after the date of enactment of this Act, the Commission shall issue regulations regarding access by IP-enabled voice service providers to 911 components that permit any IP-enabled voice service provider to elect to be treated as a commercial mobile service provider for the purpose of access to any 911 component, except that the regulations issued under this subsection may take into account any technical or network security issues that are specific to IP-enabled voice services.

(b) State Authority Over Fees.—Nothing in this title, the Communications Act of 1934, or any Commission regulation or order shall prevent the imposition on, or collection from, a provider of IP-enabled voice services of any fee or charge specifically designated by a State, political subdivision thereof, or Indian tribe for the support of 911 or E-911 services if that fee or charge—

(1) does not exceed the amount of any such fee or charge imposed on or collected from a provider of telecommunications services; and

(2) is obligated or expended in support of 911 and E-911 services, or enhancements of such services, or other emergency communications services as specified in the provision of State or local law adopting the fee or charge.

(c) Parity of Protection for Provision or Use of IP-Enabled Voice Service.—A provider or user of IP-enabled voice services, a PSAP, and the officers, directors, employees, vendors, agents, and authorizing government entity (if any) of such provider, user, or PSAP, shall have

the same scope and extent of immunity and other protection from liability under Federal and State law with respect to—

(1) the release of subscriber information related to emergency calls or emergency services,

(2) the use or provision of 911 and E–911 services, and

(3) other matters related to 911 and E–911 services,

as section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) provides to wireless carriers, PSAPs, and users of wireless 9–1–1 service (as defined in paragraphs (4), (3), and (6), respectively, of section 6 of that Act (47 U.S.C. 615b)) with respect to such release, use, and other matters.

(d) LIMITATION ON COMMISSION.—Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technological standard.

SEC. 1003. ENFORCEMENT.

The Commission shall enforce this title, and any regulation promulgated under this title, under the Communications Act of 1934 (47 U.S.C. 151 et seq.) as if this title were a part of that Act. For purposes of this section any violation of this title, or any regulation promulgated under this title, is deemed to be a violation of the Communications Act of 1934.

SEC. 1004. MIGRATION TO IP-ENABLED EMERGENCY NETWORK.

(a) IN GENERAL.—Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) by inserting after subsection (c) the following:

"(d) MIGRATION PLAN REQUIRED.—

"(1) NATIONAL PLAN REQUIRED.—No more than 18 months after the date of the enactment of the IP-Enabled Voice Communications and Public Safety Act of 2005, the Office shall develop and report to Congress on a national plan for migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications.

"(2) CONTENTS OF PLAN.—The plan required by paragraph (1) shall—

"(A) outline the potential benefits of such a migration;

"(B) identify barriers that must be overcome and funding mechanisms to address those barriers;

"(C) include a proposed timetable, an outline of costs and potential savings;

"(D) provide specific legislative language, if necessary, for achieving the plan;

"(E) provide recommendations on any legislative changes, including updating definitions, to facilitate a national IP-enabled emergency network; and

"(F) assess, collect, and analyze the experiences of the PSAPs and related public safety authorities who are conducting trial deployments of IP-enabled emergency networks as of the date of enactment of the IP-Enabled Voice Communications and Public Safety Act of 2005.

"(3) CONSULTATION.—In developing the plan required by paragraph (1), the Office shall consult with representatives of the public safety community, technology and telecommunications providers, and others it deems appropriate."; and

(3) by striking "services." in subsection (b)(1) and inserting "services, and, upon completion of development of the national plan for migrating to a national IP-enabled emergency network under subsection (d), for migration to an IP-enabled emergency network.".

(b) REPORT ON PSAPS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall—

(A) compile a list of all known public safety answering points, including such contact information regarding public safety answering points as the Commission determines appropriate;

(B) organize such list by county, town, township, parish, village, hamlet, or other general purpose political subdivision of a State; and

(C) make available from such list—

(i) to the public, on the Internet website of the Commission—

(I) the 10 digit telephone number of those public safety answering points appearing on such list; and

(II) a statement explicitly warning the public that such telephone numbers are not intended for emergency purposes and as such may not be answered at all times; and

(ii) to public safety answering points all contact information compiled by the Commission.

(2) CONTINUING DUTY.—The Commission shall continue—

(A) to update the list made available to the public described in paragraph (1)(C); and

(B) to improve for the benefit of the public the accessibility, use, and organization of such list.

(3) PSAPS REQUIRED TO COMPLY.—Each public safety answering point shall provide all requested contact information to the Commission as requested.

(c) REPORT ON SELECTIVE ROUTERS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall—

(A) compile a list of selective routers, including the contact information of the owners of such routers;

(B) organize such list by county, town, township, parish, village, hamlet, or other general purpose political subdivision of a State; and

(C) make such list available to providers of telecommunications service and to providers of IP-enabled voice service who are seeking to provide E–911 service to their subscribers.

SEC. 1005. DEFINITIONS.

(a) IN GENERAL.—For purposes of this title:

(1) 911.—The term "911" means a service that allows a user, by dialing the three-digit code 911, to call a public safety answering point operated by a State, local government, Indian tribe, or authorized entity.

(2) 911 COMPONENT.—The term "911 component" means any equipment, network, databases (including automatic location information databases and master street address guides), interface, selective router, trunkline, or other related facility necessary for the delivery and completion of 911 or E–911 calls and information related to such calls to which the Commission requires access pursuant to its rules and regulations.

(3) E–911 SERVICE.—The term "E–911 service" means a 911 service that automatically delivers the 911 call to the appropriate public safety answering point, and provides automatic identification data, including the originating number of an emergency call, the physical location of the caller, and the capability for the public safety answering point to call the user back if the call is disconnected.

(4) IP-ENABLED VOICE SERVICE.—The term "IP-enabled voice service" means the provision of real-time 2-way voice communications offered to the public, or such classes of users as to be effectively available to the public, transmitted through customer premises equipment using TCP/IP protocol, or a successor protocol, for a fee (whether part of a bundle of services or separately, or without a fee) with 2-way interconnection capability such that the service can originate traffic to, and terminate traffic from, the public switched telephone network.

(5) PSAP.—The term "public safety answering point" or "PSAP" means a facility that has been designated to receive 911 or E–911 calls.

(b) COMMON TERMINOLOGY.—Except as otherwise provided in subsection (a), terms used in this title have the meanings provided under section 3 of the Communications Act of 1934.

TITLE XI—OTHER MATTERS

SEC. 1101. CERTAIN TSA PERSONNEL LIMITATIONS NOT TO APPLY.

(a) IN GENERAL.—Notwithstanding any provision of law to the contrary, any statutory limitation on the number of employees in the Transportation Security Administration, before or after its transfer to the Department of Homeland Security from the Department of Transportation, does not apply after the date of enactment of this Act.

(b) AVIATION SECURITY.—Notwithstanding any provision of law imposing a limitation on the recruiting or hiring of personnel into the Transportation Security Administration to a maximum number of permanent positions, the Secretary of Homeland Security shall recruit and hire such personnel into the Administration as may be necessary—

(1) to provide appropriate levels of aviation security; and

(2) to accomplish that goal in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to a level of less than 10 minutes.

SEC. 1102. RURAL POLICING INSTITUTE.

(a) IN GENERAL.—There is established a Rural Policing Institute, which shall be administered by the Office of State and Local Training of the Federal Law Enforcement Training Center (based in Glynco, Georgia), to—

(1) evaluate the needs of law enforcement agencies of units of local government and tribal governments located in rural areas;

(2) develop expert training programs designed to address the needs of rural law enforcement agencies regarding combating methamphetamine addiction and distribution, domestic violence, law enforcement response related to school shootings, and other topics identified in the evaluation conducted under paragraph (1);

(3) provide the training programs described in paragraph (2) to law enforcement agencies of units of local government and tribal governments located in rural areas; and

(4) conduct outreach efforts to ensure that training programs under the Rural Policing Institute reach law enforcement officers of units of local government and tribal governments located in rural areas.

(b) CURRICULA.—The training at the Rural Policing Institute established under subsection (a) shall be configured in a manner so as to not duplicate or displace any law enforcement program of the Federal Law Enforcement Training Center in existence on the date of enactment of this Act.

(c) DEFINITION.—In this section, the term "rural" means area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section (including for contracts, staff, and equipment)—

(1) $10,000,000 for fiscal year 2007; and

(2) $5,000,000 for each of fiscal years 2008 through 2012.

SEC. 1103. EVACUATION IN EMERGENCIES.

(a) PURPOSE.—The purpose of this section is to ensure the preparation of communities for future natural, accidental, or deliberate disasters by ensuring that the States prepare for the evacuation of individuals with special needs.

(b) EVACUATION PLANS FOR INDIVIDUALS WITH SPECIAL NEEDS.—The Secretary, acting through the Federal Emergency Management Agency, shall take appropriate actions to ensure that each State, as that term is defined in section

2(14) of the Homeland Security Act of 2002 (6 U.S.C. 101(14)), requires appropriate State and local government officials to develop detailed and comprehensive pre-disaster and post-disaster plans for the evacuation of individuals with special needs, including the elderly, disabled individuals, low-income individuals and families, the homeless, and individuals who do not speak English, in emergencies that would warrant their evacuation, including plans for the provision of food, water, and shelter for evacuees.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report setting forth, for each State, the status and key elements of the plans to evacuate individuals with special needs in emergencies that would warrant their evacuation.

(2) CONTENTS.—The report submitted under paragraph (1) shall include a discussion of—

(A) whether the States have the resources necessary to implement fully their evacuation plans; and

(B) the manner in which the plans of the States are integrated with the response plans of the Federal Government for emergencies that would require the evacuation of individuals with special needs.

SEC. 1104. PROTECTION OF HEALTH AND SAFETY DURING DISASTERS.

(a) PROTECTION OF HEALTH AND SAFETY OF INDIVIDUALS IN A DISASTER AREA.—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by inserting after section 408 the following:

"SEC. 409. PROTECTION OF HEALTH AND SAFETY OF INDIVIDUALS IN A DISASTER AREA.

"(a) DEFINITIONS.—In this section:

"(1) CERTIFIED MONITORING PROGRAM.—The term 'certified monitoring program' means a medical monitoring program—

"(A) in which a participating responder is a participant as a condition of the employment of such participating responder; and

"(B) that the Secretary of Health and Human Services certifies includes an adequate baseline medical screening.

"(2) HIGH EXPOSURE LEVEL.—The term 'high exposure level' means a level of exposure to a substance of concern that is for such a duration, or of such a magnitude, that adverse effects on human health can be reasonably expected to occur, as determined by the President in accordance with human monitoring or environmental or other appropriate indicators.

"(3) INDIVIDUAL.—The term 'individual' includes—

"(A) a worker or volunteer who responds to a disaster, either natural or manmade, involving any mode of transportation in the United States or disrupting the transportation system of the United States, including—

"(i) a police officer;

"(ii) a firefighter;

"(iii) an emergency medical technician;

"(iv) any participating member of an urban search and rescue team; and

"(v) any other relief or rescue worker or volunteer that the President determines to be appropriate;

"(B) a worker who responds to a disaster, either natural or manmade, involving any mode of transportation in the United States or disrupting the transportation system of the United States, by assisting in the cleanup or restoration of critical infrastructure in and around a disaster area;

"(C) a person whose place of residence is in a disaster area, caused by either a natural or manmade disaster involving any mode of transportation in the United States or disrupting the transportation system of the United States;

"(D) a person who is employed in or attends school, child care, or adult day care in a building located in a disaster area, caused by either a natural or manmade disaster involving any mode of transportation in the United States or disrupting the transportation system of the United States, of the United States; and

"(E) any other person that the President determines to be appropriate.

"(4) PARTICIPATING RESPONDER.—The term 'participating responder' means an individual described in paragraph (3)(A).

"(5) PROGRAM.—The term 'program' means a program described in subsection (b) that is carried out for a disaster area.

"(6) SUBSTANCE OF CONCERN.—The term 'substance of concern' means a chemical or other substance that is associated with potential acute or chronic human health effects, the risk of exposure to which could potentially be increased as the result of a disaster, as determined by the President, in coordination with ATSDR and EPA, CDC, NIH, FEMA, OSHA, and other agencies.

"(b) PROGRAM.—

"(1) IN GENERAL.—If the President determines that 1 or more substances of concern are being, or have been, released in an area declared to be a disaster area under this Act and disrupts the transportation system of the United States, the President may carry out a program for the coordination and protection, assessment, monitoring, and study of the health and safety of individuals with high exposure levels to ensure that—

"(A) the individuals are adequately informed about and protected against potential health impacts of any substance of concern and potential mental health impacts in a timely manner;

"(B) the individuals are monitored and studied over time, including through baseline and followup clinical health examinations, for—

"(i) any short- and long-term health impacts of any substance of concern; and

"(ii) any mental health impacts;

"(C) the individuals receive health care referrals as needed and appropriate; and

"(D) information from any such monitoring and studies is used to prevent or protect against similar health impacts from future disasters.

"(2) ACTIVITIES.—A program under paragraph (1) may include such activities as—

"(A) collecting and analyzing environmental exposure data;

"(B) developing and disseminating information and educational materials;

"(C) performing baseline and followup clinical health and mental health examinations and taking biological samples;

"(D) establishing and maintaining an exposure registry;

"(E) studying the short- and long-term human health impacts of any exposures through epidemiological and other health studies; and

"(F) providing assistance to individuals in determining eligibility for health coverage and identifying appropriate health services.

"(3) TIMING.—To the maximum extent practicable, activities under any program carried out under paragraph (1) (including baseline health examinations) shall be commenced in a timely manner that will ensure the highest level of public health protection and effective monitoring.

"(4) PARTICIPATION IN REGISTRIES AND STUDIES.—

"(A) IN GENERAL.—Participation in any registry or study that is part of a program carried out under paragraph (1) shall be voluntary.

"(B) PROTECTION OF PRIVACY.—The President shall take appropriate measures to protect the privacy of any participant in a registry or study described in subparagraph (A).

"(C) PRIORITY.—

"(i) IN GENERAL.—Except as provided in clause (ii), the President shall give priority in any registry or study described in subparagraph (A) to the protection, monitoring and study of the health and safety of individuals with the highest level of exposure to a substance of concern.

"(ii) MODIFICATIONS.—Notwithstanding clause (i), the President may modify the priority of a registry or study described in subparagraph (A), if the President determines such modification to be appropriate.

"(5) COOPERATIVE AGREEMENTS.—

"(A) IN GENERAL.—The President may carry out a program under paragraph (1) through a cooperative agreement with a medical institution, including a local health department, or a consortium of medical institutions.

"(B) SELECTION CRITERIA.—To the maximum extent practicable, the President shall select, to carry out a program under paragraph (1), a medical institution or a consortium of medical institutions that—

"(i) is located near—

"(I) the disaster area with respect to which the program is carried out; and

"(II) any other area in which there reside groups of individuals that worked or volunteered in response to the disaster; and

"(ii) has appropriate experience in the areas of environmental or occupational health, toxicology, and safety, including experience in—

"(I) developing clinical protocols and conducting clinical health examinations, including mental health assessments;

"(II) conducting long-term health monitoring and epidemiological studies;

"(III) conducting long-term mental health studies; and

"(IV) establishing and maintaining medical surveillance programs and environmental exposure or disease registries.

"(6) INVOLVEMENT.—

"(A) IN GENERAL.—In carrying out a program under paragraph (1), the President shall involve interested and affected parties, as appropriate, including representatives of—

"(i) Federal, State, and local government agencies;

"(ii) groups of individuals that worked or volunteered in response to the disaster in the disaster area;

"(iii) local residents, businesses, and schools (including parents and teachers);

"(iv) health care providers;

"(v) faith based organizations; and

"(vi) other organizations and persons.

"(B) COMMITTEES.—Involvement under subparagraph (A) may be provided through the establishment of an advisory or oversight committee or board.

"(7) PRIVACY.—The President shall carry out each program under paragraph (1) in accordance with regulations relating to privacy promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note; Public Law 104–191).

"(8) EXISTING PROGRAMS.—In carrying out a program under paragraph (1), the President may—

"(A) include the baseline clinical health examination of a participating responder under a certified monitoring programs; and

"(B) substitute the baseline clinical health examination of a participating responder under a certified monitoring program for a baseline clinical health examination under paragraph (1).

"(c) REPORTS.—Not later than 1 year after the establishment of a program under subsection (b)(1), and every 5 years thereafter, the President, or the medical institution or consortium of

such institutions having entered into a cooperative agreement under subsection (b)(5), may submit a report to the Secretary of Homeland Security, the Secretary of Health and Human Services, the Secretary of Labor, the Administrator of the Environmental Protection Agency, and appropriate committees of Congress describing the programs and studies carried out under the program.".

(b) National Academy of Sciences Report on Disaster Area Health and Environmental Protection and Monitoring.—

(1) In general.—The Secretary, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency shall jointly enter into a contract with the National Academy of Sciences to conduct a study and prepare a report on disaster area health and environmental protection and monitoring.

(2) Participation of experts.—The report under paragraph (1) shall be prepared with the participation of individuals who have expertise in—

(A) environmental health, safety, and medicine;

(B) occupational health, safety, and medicine;

(C) clinical medicine, including pediatrics;

(D) environmental toxicology;

(E) epidemiology;

(F) mental health;

(G) medical monitoring and surveillance;

(H) environmental monitoring and surveillance;

(I) environmental and industrial hygiene;

(J) emergency planning and preparedness;

(K) public outreach and education;

(L) State and local health departments;

(M) State and local environmental protection departments;

(N) functions of workers that respond to disasters, including first responders;

(O) public health; and

(P) family services, such as counseling and other disaster-related services provided to families.

(3) Contents.—The report under paragraph (1) shall provide advice and recommendations regarding protecting and monitoring the health and safety of individuals potentially exposed to any chemical or other substance associated with potential acute or chronic human health effects as the result of a disaster, including advice and recommendations regarding—

(A) the establishment of protocols for monitoring and responding to chemical or substance releases in a disaster area to protect public health and safety, including—

(i) chemicals or other substances for which samples should be collected in the event of a disaster, including a terrorist attack;

(ii) chemical- or substance-specific methods of sample collection, including sampling methodologies and locations;

(iii) chemical- or substance-specific methods of sample analysis;

(iv) health-based threshold levels to be used and response actions to be taken in the event that thresholds are exceeded for individual chemicals or other substances;

(v) procedures for providing monitoring results to—

(I) appropriate Federal, State, and local government agencies;

(II) appropriate response personnel; and

(III) the public;

(vi) responsibilities of Federal, State, and local agencies for—

(I) collecting and analyzing samples;

(II) reporting results; and

(III) taking appropriate response actions; and

(vii) capabilities and capacity within the Federal Government to conduct appropriate environmental monitoring and response in the event of a disaster, including a terrorist attack; and

(B) other issues specified by the Secretary, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency.

(4) Authorization of appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

SEC. 1105. PILOT PROGRAM TO EXTEND CERTAIN COMMERCIAL OPERATIONS.

(a) In General.—During fiscal year 2007, the Commissioner shall extend the hours of commercial operations at the port of entry located at Santa Teresa, New Mexico, to a minimum of 16 hours a day.

(b) Report.—The Commissioner shall submit a report to the appropriate congressional committees not later than September 30, 2007, with respect to the extension of hours of commercial operations described in subsection (a). The report shall include:

(1) an analysis of the impact of the extended hours of operation on the port facility, staff, and trade volume handled at the port; and

(2) recommendations regarding whether to extend such hours of operation beyond fiscal year 2007.

SEC. 1106. SECURITY PLAN FOR ESSENTIAL AIR SERVICE AIRPORTS.

(a) In General.—Not later than 60 days after the date of the enactment of this Act, the Assistant Secretary for the Transportation Security Administration shall submit to Congress a security plan for Essential Air Service airports in the United States.

(b) Elements of Plan.—The security plan required by subsection (a) shall include the following:

(1) Recommendations for improved security measures at such airports.

(2) Recommendations for proper passenger and cargo security screening procedures at such airports.

(3) A timeline for implementation of recommended security measures or procedures at such airports.

(4) Cost analysis for implementation of recommended security measures or procedures at such airports.

SEC. 1107. DISCLOSURES REGARDING HOMELAND SECURITY GRANTS.

(a) Definitions.—In this section:

(1) Homeland security grant.—The term "homeland security grant" means any grant made or administered by the Department, including—

(A) the State Homeland Security Grant Program;

(B) the Urban Area Security Initiative Grant Program;

(C) the Law Enforcement Terrorism Prevention Program;

(D) the Citizen Corps; and

(E) the Metropolitan Medical Response System.

(2) Local government.—The term "local government" has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(b) Required Disclosures.—Each State or local government that receives a homeland security grant shall, not later than 12 months after the later of the date of enactment of this Act and the date of receipt of such grant, and every 12 months thereafter until all funds provided under such grant are expended, report to the Secretary a list of all expenditures made by such State or local government using funds from such grant.

SEC. 1108. INCLUSION OF THE TRANSPORTATION TECHNOLOGY CENTER IN THE NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.

The National Domestic Preparedness Consortium shall include the Transportation Technology Center in Pueblo, Colorado.

SEC. 1109. TRUCKING SECURITY.

(a) Legal Status Verification for Licensed United States Commercial Drivers.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Transportation, in cooperation with the Secretary of Homeland Security, shall issue regulations to implement the recommendations contained in the memorandum of the Inspector General of the Department of Transportation issued on June 4, 2004 (Control No. 2004–054).

(b) Commercial Driver's License Anti-Fraud Programs.—Not later than 12 months after the date of the enactment of this Act, the Secretary of the Transportation, in conjunction with the Secretary of the Department of Homeland Security, shall issue a regulation to implement the recommendations contained in the Report on Federal Motor Carrier Safety Administration Oversight of the Commercial Driver's License Program (MH–2006–037).

(c) Verification of Commercial Motor Vehicle Traffic.—

(1) Guidelines.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Homeland Security shall draft guidelines for Federal, State, and local law enforcement officials, including motor carrier safety enforcement personnel, to improve compliance with Federal immigration and customs laws applicable to all commercial motor vehicles and commercial motor vehicle operators engaged in cross-border traffic.

(2) Verification.—Not later than 12 months after the date of the enactment of this Act, the Administrator of the Federal Motor Carrier Safety Administration shall modify the final rule regarding the enforcement of operating authority (Docket No. FMCSA–2002–13015) to establish a system or process by which a carrier's operating authority can be verified during a roadside inspection.

SEC. 1110. EXTENSION OF REQUIREMENT FOR AIR CARRIERS TO HONOR TICKETS FOR SUSPENDED AIR PASSENGER SERVICE.

Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note) is amended by striking "November 19, 2005." and inserting "November 30, 2007.".

SEC. 1111. MAN-PORTABLE AIR DEFENSE SYSTEMS.

(a) In General.—It is the sense of Congress that the budget of the United States Government submitted by the President for fiscal year 2008 under section 1105(a) of title 31, United States Code, should include an acquisition fund for the procurement and installation of countermeasure technology, proven through the successful completion of operational test and evaluation, to protect commercial aircraft from the threat of Man-Portable Air Defense Systems (MANPADS).

(b) Definition of MANPADS.—In this section, the term "MANPADS" means—

(1) a surface-to-air missile system designed to be man-portable and carried and fired by a single individual; and

(2) any other surface-to-air missile system designed to be operated and fired by more than one individual acting as a crew and portable by several individuals.

SEC. 1112. AIR AND MARINE OPERATIONS OF THE NORTHERN BORDER AIR WING.

In addition to any other amounts authorized to be appropriated for Air and Marine Operations of United States Customs and Border Protection, there are authorized to be appropriated for fiscal year 2007 and 2008 for operating expenses of the Northern Border Air Wing, $40,000,000 for the branch in Great Falls, Montana.

SEC. 1113. STUDY TO IDENTIFY REDUNDANT BACKGROUND RECORDS CHECKS.

(a) Study.—The Comptroller General of the United States shall conduct a study of background records checks carried out by Federal departments and agencies that are similar to the background records check required under section 5103a of title 49, United States Code, to identify redundancies and inefficiencies in connection with such checks.

(b) Contents.—In conducting the study, the Comptroller General of the United States shall review, at a minimum, the background records checks carried out by—

(1) the Secretary of Defense;

(2) the Secretary of Homeland Security; and

(3) the Secretary of Energy.

(c) Report.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the results of the study, including—

(1) an identification of redundancies and inefficiencies referred to in subsection (a); and

(2) recommendations for eliminating such redundancies and inefficiencies.

SEC. 1114. PHASE-OUT OF VESSELS SUPPORTING OIL AND GAS DEVELOPMENT.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) and sections 12105(c) and 12106 of title 46, United States Code, a foreign-flag vessel may be employed for the movement or transportation of anchors for operations in support of exploration of offshore mineral or energy resources in the Beaufort Sea or the Chukchi Sea by or on behalf of a lessee—

(1) until January 1, 2010, if the Secretary of the department in which the Coast Guard is operating determines that insufficient eligible vessels documented under chapter 121 of title 46, United States Code, are reasonably available and suitable for these support operations; and

(2) during the period beginning January 1, 2010, and ending December 31, 2012, if the Secretary determines that—

(A) the lessee has entered into a binding agreement to use eligible vessels documented under chapter 121 of title 46, United States Code, in sufficient numbers and with sufficient suitability to replace foreign flag vessels operating under this section; and

(B) the Secretary determines that no eligible vessel documented under chapter 121 of title 46, United States Code, is reasonably available and suitable for these support operations to replace any foreign flag vessel operating under this section.

SEC. 1115. COAST GUARD PROPERTY IN PORTLAND, MAINE.

Section 347(c) of the Maritime Transportation Security Act of 2002 (Public Law 107-295; 116 Stat. 2109) is amended by striking "within 30 months from the date of conveyance." and inserting "by December 31, 2009.".

SEC. 1116. METHAMPHETAMINE AND METHAMPHETAMINE PRECURSOR CHEMICALS.

(a) Compliance With Performance Plan Requirements.—For each of the fiscal years of 2007, 2009, and 2011, as part of the annual performance plan required in the budget submission of the United States Customs and Border Protection under section 1115 of title 31, United States Code, the Commissioner shall establish performance indicators relating to the seizure of methamphetamine and methamphetamine precursor chemicals in order to evaluate the performance goals of the United States Customs and Border Protection with respect to the interdiction of illegal drugs entering the United States.

(b) Study and Report Relating to Methamphetamine and Methamphetamine Precursor Chemicals.—

(1) Analysis.—The Commissioner shall, on an ongoing basis, analyze the movement of methamphetamine and methamphetamine precursor chemicals into the United States. In conducting the analysis, the Commissioner shall—

(A) consider the entry of methamphetamine and methamphetamine precursor chemicals through ports of entry, between ports of entry, through the mails, and through international courier services;

(B) examine the export procedures of each foreign country where the shipments of methamphetamine and methamphetamine precursor chemicals originate and determine if changes in the country's customs over time provisions would alleviate the export of methamphetamine and methamphetamine precursor chemicals; and

(C) identify emerging trends in smuggling techniques and strategies.

(2) Report.—Not later than September 30, 2007, and each 2-year period thereafter, the Commissioner, in the consultation with the United States Immigration and Customs Enforcement, the United States Drug Enforcement Administration, and the United States Department of State, shall submit a report to the Committee on Finance and the Committee on Foreign Relations of the Senate, and the Committee on Ways and Means and the Committee on International Relations of the House of Representatives, that includes—

(A) a comprehensive summary of the analysis described in paragraph (1); and

(B) a description of how the Untied States Customs and Border Protection utilized the analysis described in paragraph (1) to target shipments presenting a high risk for smuggling or circumvention of the Combat Methamphetamine Epidemic Act of 2005 (Public Law 109-177).

(3) Availability of Analysis.—The Commissioner shall ensure that the analysis described in paragraph (1) is made available in a timely manner to the Secretary of State to facilitate the Secretary in fulfilling the Secretary's reporting requirements in section 722 of the Combat Methamphetamine Epidemic Act of 2005.

(c) Definition.—In this section, the term "methamphetamine precursor chemicals" means the chemicals ephedrine, pseudoephedrine, or phenylpropanolamine, including each of the salts, optical isomers, and salts of optical isomers of such chemicals.

SEC. 1117. AIRCRAFT CHARTER CUSTOMER AND LESSEE PRESCREENING PROGRAM.

(a) Implementation Status.—Within 180 days after the date of enactment of this Act, the Comptroller General shall assess the Department of Homeland Security's aircraft charter customer and lessee prescreening process mandated by section 44903(j)(2) of title 49, United States Code, and report on the status of the program, its implementation, and its use by the general aviation charter and rental community and report the findings, conclusions, and recommendations, if any, of such assessment to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Homeland Security.

SUPPORTING THE GOALS OF RED RIBBON WEEK

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 576, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 576) supporting the goals of Red Ribbon Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague Senator MURKOWSKI in sponsoring a resolution commemorating the annual Red Ribbon Week celebrated October 23-31. Red Ribbon Week encourages individuals, families, and communities to take a stand against alcohol, tobacco, and illegal drug use. I hope the rest of the Senate will join in supporting this resolution and support this very important campaign.

The tradition of Red Ribbon Week, now in its twenty-first year of wearing and displaying red ribbons, started following the assassination of U.S. Drug Enforcement Agency Special Agent Enrique "Kiki" Camarena. In an effort to honor his memory and unite in the battle against drug crime and abuse, friends, neighbors, and students from his home town began wearing red ribbons. Shortly thereafter, the National Family Partnership took the celebration nationwide. Since then, the Red Ribbon campaign has reached millions of children, families, and communities across the country, spreading the message about the destructive effects of drugs.

In my State of Iowa, this year's theme for Red Ribbon Week is Take a Stand—Be Drug Free. Schools and community groups across the State are organizing a variety of activities including pledges, contests, workshops, rallies, theatrical and musical performances, and other family and educational events all designed to educate our children on the negative effects of drugs and promote a drug-free environment.

Research tells us that the longer a child stays drug-free the less likely they will become addicted or even try illegal drugs. This is why it is so important to maintain a coherent anti-drug message that begins early in adolescence and continues throughout the growing years. Such an effort must involve parents, communities, and young people. Red Ribbon Week provides each of us the opportunity to take a stand by helping our children make the right decisions when it comes to drugs.

In light of the growing epidemic of methamphetamine abuse throughout the Nation and especially in my State of Iowa, this year's Red Ribbon Week holds greater importance. I urge my colleagues to join us in passing this resolution to demonstrate our commitment to raising awareness about drugs and encourage everyone to make healthy choices.

Ms. MURKOWSKI. Mr. President, I rise today in support of a resolution that commemorates the 21st Annual Red Ribbon Campaign. I am honored to again seek the Senate's continuing support and recognition of Red Ribbon Week, which is October 23 through October 31.

In 1985. Special Agent Enrique "Kiki" Camarena of the Drug Enforcement Administration was kidnapped, tortured, and murdered by drug traffickers. Shortly after Agent Camarena's death, Congressman DUNCAN HUNTER and high school friend Henry Lozano launched "Camarena Clubs" in his hometown of Calexico, CA. In honor of Agent Camarena, hundreds of club members wore red ribbons and pledged to lead drug-free lives. The campaign quickly gained statewide and then national prominence. In 1988, what is now the National Family Partnership organized the first National Red Ribbon Week, an eight-day event proclaimed by the United States Congress and chaired by then President and Mrs. Reagan.

With over 80 million people participating in Red Ribbon Week events during the last week in October, it has become the Nation's oldest and largest drug-prevention program. Red Ribbon Week memorializes Agent Camarena, and all those who have lost their lives in the war on drugs, by educating young people about the dangers of drug abuse, promoting drug-free activities, and supporting everyone who has stood strong against the daily bombardment of mixed signals sent by the mass media. The Red Ribbon that we will wear during Red Ribbon Week is a symbol of zero tolerance for illegal drug use and our commitment to help people, especially children, make the right life-decisions.

In Alaska, Red Ribbon Week will be a statewide celebration involving thousands of school children and other supporters. On October 23, the Municipality of Anchorage, in conjunction with the Alaska Red Ribbon Coalition, which is comprised of the Anchorage School District, the Drug Enforcement Administration, the Alaska State Troopers, the Boys and Girls Clubs of Alaska, the Alaska National Guard, and many other organizations, will hold its Red Ribbon Week kickoff. Among other activities, there will be poetry readings and dance performances, and a Public Service Announcement featuring local youths sending an antidrug message will be broadcast throughout the State.

As people across the country stand together against drugs, I thank my colleagues for joining me in what will hopefully be a continuation of the tradition of congressional support and recognition of Red Ribbon Week.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 576) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 576

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, and more than 100 other organizations throughout the United States annually cosponsor Red Ribbon Week during the week of October 23 through October 31;

Whereas a purpose of the Red Ribbon Campaign is to commemorate the service of Enrique "Kiki" Camarena, a special agent of the Drug Enforcement Administration who died in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign is nationally recognized and is in its twenty-first year of celebration to help preserve the memory of Special Agent Camarena and further the cause for which he gave his life;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug and alcohol abuse places the lives of children at risk and contributes to domestic violence and sexual assaults;

Whereas drug abuse is one of the major challenges that the citizens of the United States face in securing a safe and healthy future for the families and children of our Nation;

Whereas emerging drug threats, such as the growing epidemic of methamphetamine abuse and the abuse of inhalants and prescription drugs, jeopardize the progress made against illegal drug abuse; and

Whereas parents, youths, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States demonstrate their commitment to drug-free, healthy lifestyles by wearing and displaying red ribbons during this week-long celebration: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of Red Ribbon Week;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages all people of the United States—

(A) to promote the creation of drug-free communities; and

(B) to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

NATIONAL GOOD NEIGHBOR DAY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 577, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 577) designating September 24, 2006, as "National Good Neighbor Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. Mr. President, today, September 19, 2006, I join with my colleague from Montana, Senator BAUCUS, in cosponsoring a resolution to designate September 24, 2006 as National Good Neighbor Day. I am proud to promote positive, meaningful friendships between citizens as part of a long-established tradition begun in 1971 by one of Montana's own citizens.

National Good Neighbor Day was started by Becky Mattson of Lakeside, MT with the intent of fostering a strong community of friendship and interaction between neighbors. This day also serves to facilitate communication between senior citizens and children. So often the communications between America's greatest generation and our youngest citizens is not as strong as it could be, yet, Ms. Mattson has found a way to help encourage that important dialogue.

Ms. Mattson began this tradition by doing what so many Montanans and Americans do: she wrote a letter to her Senator. That letter, to Senator Mike Mansfield, was met with great enthusiasm and as result, the National Good Neighbor Day has become an annual event, taking place on the fourth Sunday of September. Her efforts have been recognized by countless individuals, and have even been recognized through proclamations by three United States Presidents: Carter, Ford and Nixon. In addition, governors of many States have issued proclamations of Good Neighbor Day as well.

In the spirit of Ms. Mattson, I encourage my colleagues in the Senate and in our communities to reach out and be a good neighbor. I urge children to visit with senior citizens and to share their life experiences. The efforts of each person matters, not just on this day, but everyday, and will make our communities stronger. I am proud of Ms. Mattson, and thank her for her contribution in making us all good neighbors.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 577) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 577

Whereas our society has developed highly effective means of speedy communication around the world, but has failed to ensure meaningful communication among people living across the globe, or even across the street, from one another;

Whereas the endurance of human values and consideration for others are critical to the survival of civilization; and

Whereas being good neighbors to those around us is the first step toward human understanding: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 24, 2006, as "National Good Neighbor Day"; and

(2) calls on the people of the United States and interested groups and organizations to observe National Good Neighbor Day with appropriate ceremonies and activities.

CHILD AND FAMILY SERVICES IMPROVEMENT ACT OF 2006

Mr. MCCONNELL. Mr. President, I ask that the Chair now lay before the Senate the House message to accompany S. 3525.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

S. 3525

Resolved, That the bill from the Senate (S. 3525) entitled "An Act to amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program, and for other purposes", do pass with amendments.

Mr. BAUCUS. Mr. President, I applaud the Senate's unanimous approval of the Child and Family Services Improvement Act of 2006. I am proud to have cosponsored this legislation with Senators GRASSLEY, ROCKEFELLER, HATCH, and SNOWE. The bill reauthorizes and improves the Promoting Safe and Stable Families Program and the Child Welfare Services Act.

Every child deserves the chance to grow up in a safe and stable home, and we need to root out the problems that too often force children into the child welfare system, particularly the growing scourge of methamphetamine, or "meth," abuse. This bill makes some real improvements to our child welfare system and gets us closer to the goal of a thriving, secure childhood for every American youngster.

In Montana, meth is wreaking havoc on our child welfare system. Prevention and intervention are key to stopping the vicious cycle. That is why I have worked hard to secure these funds so we can be one step closer to stamping out meth in Montana and around the country.

In hearings held earlier this year, the Senate Finance Committee heard testimony that "over 65 percent of all foster care placements in Montana are directly attributable to drug use, and of those, meth is a primary factor 57 percent of the time," and that "meth use among residents of the seven Indian tribes in Montana is far in excess of epidemic proportion."

I am proud to have worked to include $145 million in competitive grants to address the problem of methamphetamine and substance abuse related to child welfare and foster care. The funding is targeted to regional partnerships that include State agencies and will be available for family-based, comprehensive, long-term substance abuse treatment, early intervention and preventive services, and other innovative initiatives. I also have worked to insure that historically under-funded child welfare programs for Indian tribes received increased monies to help combat new and challenging issues. I am grateful to Chairman GRASSLEY and others for recognizing these needs and working with me to enact these provisions.

The reauthorized Promoting Safe and Stable Families Program will also require States to provide additional information on efforts to get children into safe family situations and keep them there. Congress will receive actual spending data on adoption and postadoption services, efforts to keep families together, and efforts to provide permanent, safe, and loving homes for children.

In addition, the bill supports the training and hiring of more child welfare caseworkers so that more children in foster care will receive at least monthly visits. The bill requires States to achieve the standard of monthly social worker visits for 90 percent of foster children by 2011. This will help ensure proper monitoring of the development of children for whom the State has taken responsibility.

It also continues the Mentoring Children of Prisoners Program and creates a 3-year demonstration program to help provide mentoring services in underserved areas.

The child welfare system protects the most vulnerable people in our society. It provides a safe harbor for children. It looks out for children whose birth families, for one reason or another, have not been able to provide fertile soil in which to grow. Each year, almost 3,000 Montana children enter foster care. They come because of abuse. They come because of neglect. They come because of other serious difficulties in their families.

The Promoting Safe and Stable Families Program supports efforts to rebuild families. And it helps to find permanency for kids when that proves impossible. This program is the largest dedicated source of Federal funds for services to children and families. Last year, Montana received a little over $2 million from the program. These funds are critical to Montana's child welfare system, and this legislation is a pivotal opportunity to ensure adequate support for strong families.

I look forward to quick passage by the House so that we can begin to better safeguard the well-being of our children.

Mr. ROCKEFELLER. I support S. 3525, the Child and Family Services Improvement Act. This is a bill that will reauthorize the Promoting Safe and Stable Families Program, legislation that I have worked on since its creation in 1997.

I am proud to join my colleagues Senators GRASSLEY, BAUCUS, HATCH and SNOWE in support of this bill. Chairman GRASSLEY deserves our deep thanks and gratitude for real leadership on this legislation and a truly bipartisan process. The Finance Committee has a strong history of bipartisanship on child welfare and foster care. And I should note that this bipartisanship is palpable at the staff level as well and the fine staff of the Finance Committee also deserve our thanks for making this agreement possible.

The children at risk of abuse and neglect in their own homes are among our most vulnerable children. Over the years, progress has been made to promote each child's safety, health and need for a permanent, safe home. But with 518,000 in foster care, there is clearly more work to be done for our children.

The 2006 Deficit Reduction Act included an additional $40 million per year provided for the Promoting Safe and Stable Families Program. Our legislation will target this new money to clear needs for our child welfare system. One priority will be to create new competitive grants to support regional partnership to combat methamphetamine, "meth," or other drug abuses that are affecting the child welfare system. Meth is devastating areas in West Virginia and around our country. When law enforcement breaks up a home meth lab, child welfare workers are often needed on site to deal with the children as their parents are taken to jail. Such children have been exposed to toxins and are at risk of having been abused or neglected when their parents were high on meth. Substance abuse is a huge problem for families in the child welfare system, but there is hope that prevention and treatment can help. Family-based comprehensive long term treatment facilities are reporting some impressive results in helping children and families. Other innovative court projects and law enforcement programs are being developed. This bill invests real dollars to promote and evaluate the most effective programs.

The other priority of this legislation will be to make new investments to help states achieve what is considered the best practice of having monthly caseworker visits to 90 percent of the children in foster care. This standard helps improve outcomes for our most vulnerable children, and it is a worthy goal.

The bill will also reauthorize and expand the Mentoring Children of Prisoners Program, created in 2002 as part of the reauthorization. The expansion is a 3-year pilot program to use vouchers as a new delivery mechanism for services in the hope of helping children in rural and underserved areas. Three States, West Virginia, Vermont and Utah, do not have any Mentoring Children of Prisoners grants, but there are children living there and in rural areas who need a mentor. Under the voucher program, qualified mentoring programs in local communities could get funding to serve such children. This is worth trying as a new model.

Earlier this year, I hosted a roundtable in Beckley, WV on adoption, foster care and child welfare. I met with a judge, local officials and parents involved in our system. I heard an inspiring story of a young man who was adopted from foster care and has become a spokesperson for other children. Following this roundtable, it was very clear to me that we need to provide support and services to families in the system, and this new legislation should help.

For years, I have worked with my colleagues to try and improve our child welfare system and foster care. This bill is our next step forward. Its costs have been offset, and the priorities of combating meth and substance abuse, as well as more caseworker visits are goals that we all can rally to support. My hope is that this bill will provide the incentives and push for West Virginia and every state to do more for our most vulnerable children.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate concur in the House amendments, with amendments; the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5024) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment (No. 5025) was agreed to, as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the Act, insert the following: "An Act to amend part B of title IV of the Social Security Act to reauthorize the promoting safe and stable families program, and for other purposes.".

CODE TALKERS RECOGNITION ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 1035 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1035) to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1035) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Code Talkers Recognition Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Expression of recognition.

TITLE I—SIOUX CODE TALKERS

Sec. 101. Findings.
Sec. 102. Congressional commemorative medal.

TITLE II—COMANCHE CODE TALKERS

Sec. 201. Findings.
Sec. 202. Congressional commemorative medal.

TITLE III—CHOCTAW CODE TALKERS

Sec. 301. Findings.
Sec. 302. Congressional commemorative medal.

TITLE IV—SAC AND FOX CODE TALKERS

Sec. 401. Findings.
Sec. 402. Congressional commemorative medal.

TITLE V—GENERAL PROVISIONS

Sec. 501. Definition of Indian tribe.
Sec. 502. Medals for other Code Talkers.
Sec. 503. Provisions applicable to all medals under this Act.
Sec. 504. Duplicate medals.
Sec. 505. Status as national medals.
Sec. 506. Funding.

SEC. 2. EXPRESSION OF RECOGNITION.

The purpose of the medals authorized by this Act is to express recognition by the United States and citizens of the United States of, and to honor, the Native American Code Talkers who distinguished themselves in performing highly successful communications operations of a unique type that greatly assisted in saving countless lives and in hastening the end of World War I and World War II.

TITLE I—SIOUX CODE TALKERS

SEC. 101. FINDINGS.

Congress finds that—

(1) Sioux Indians used their native languages, Dakota, Lakota, and Dakota Sioux, as code during World War II;

(2) those individuals, who manned radio communications networks to advise of enemy actions, became known as the Sioux Code Talkers;

(3) under some of the heaviest combat action, the Code Talkers worked around the clock to provide information that saved the lives of many Americans in war theaters in the Pacific and Europe, such as the location of enemy troops and the number of enemy guns; and

(4) the Sioux Code Talkers were so successful that military commanders credit the code with saving the lives of countless American soldiers and being instrumental to the success of the United States in many battles during World War II.

SEC. 102. CONGRESSIONAL COMMEMORATIVE MEDAL.

The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the presentation, on behalf of Congress, of a commemorative medal of appropriate design, to each Sioux Code Talker, including—

(1) Eddie Eagle Boy;
(2) Simon Brokenleg;
(3) Iver Crow Eagle, Sr.;
(4) Edmund St. John;
(5) Walter C. John;
(6) John Bear King;
(7) Phillip "Stoney" LaBlanc;
(8) Baptiste Pumpkinseed;
(9) Guy Rondell;
(10) Charles Whitepipe; and
(11) Clarence Wolfguts.

TITLE II—COMANCHE CODE TALKERS

SEC. 201. FINDINGS.

Congress finds that—

(1) the Japanese Empire attacked Pearl Harbor, Hawaii, on December 7, 1941, and Congress declared war on Japan the following day;

(2) the military code developed by the United States for transmitting messages had been deciphered by the Axis powers, and United States military intelligence sought to develop a new means to counter the enemy;

(3) the Federal Government called on the Comanche Nation to support the military effort by recruiting and enlisting Comanche men to serve in the United States Army to develop a secret code based on the Comanche language;

(4) at the time, the Comanches were—

(A) considered to be second-class citizens; and

(B) discouraged from using their own language;

(5) the Comanches of the 4th Signal Division became known as the "Comanche Code Talkers" and helped to develop a code using their language to communicate military messages during the D-Day invasion and in the European theater during World War II;

(6) to the frustration of the enemy, the code developed by those Native Americans—

(A) proved to be unbreakable; and

(B) was used extensively throughout the European war theater;

(7) the Comanche language, discouraged in the past, was instrumental in developing 1 of the most significant and successful military codes of World War II;

(8) the efforts of the Comanche Code Talkers—

(A) contributed greatly to the Allied war effort in Europe;

(B) were instrumental in winning the war in Europe; and

(C) saved countless lives;

(9) only 1 of the Comanche Code Talkers of World War II remains alive today; and

(10) the time has come for Congress to honor the Comanche Code Talkers for their valor and service to the United States.

SEC. 202. CONGRESSIONAL COMMEMORATIVE MEDAL.

The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the presentation, on behalf of Congress, of a commemorative medal of appropriate design to each of the following Comanche Code Talkers of World War II, in recognition of contributions of those individuals to the United States:

(1) Charles Chibitty.
(2) Haddon Codynah.
(3) Robert Holder.
(4) Forrest Kassanovoid.
(5) Willington Mihecoby.
(6) Perry Noyebad.

(7) Clifford Otitivo.
(8) Simmons Parker.
(9) Melvin Permansu.
(10) Dick Red Elk.
(11) Elgin Red Elk.
(12) Larry Saupitty.
(13) Morris Sunrise.
(14) Willie Yackeschi.

TITLE III—CHOCTAW CODE TALKERS

SEC. 301. FINDINGS.

Congress finds that—

(1) on April 6, 1917, the United States, after extraordinary provocations, declared war on Germany and entered World War I, the War to End All Wars;

(2) at the time of that declaration of war, Indian people in the United States, including members of the Choctaw Nation, were not accorded the status of citizens of the United States;

(3) without regard to this lack of citizenship, many members of the Choctaw Nation joined many members of other Indian tribes and nations in enlisting in the Armed Forces to fight on behalf of the United States;

(4) members of the Choctaw Nation were—

(A) enlisted in the force known as the American Expeditionary Force, which began hostile actions in France in the fall of 1917; and

(B) incorporated in a company of Indian enlistees serving in the 142d Infantry Company of the 36th Division;

(5) a major impediment to Allied operations in general, and operations of the United States in particular, was the fact that the German forces had deciphered all codes used for transmitting information between Allied commands, leading to substantial loss of men and materiel during the first year in which the military of the United States engaged in combat in World War I;

(6) because of the proximity and static nature of the battle lines, a method to communicate without the knowledge of the enemy was needed;

(7) a commander of the United States realized the fact that he had under his command a number of men who spoke a native language;

(8) while the use of such native languages was discouraged by the Federal Government, the commander sought out and recruited 18 Choctaw Indians to assist in transmitting field telephone communications during an upcoming campaign;

(9) because the language used by the Choctaw soldiers in the transmission of information was not based on a European language or on a mathematical progression, the Germans were unable to understand any of the transmissions;

(10) the Choctaw soldiers were placed in different command positions to achieve the widest practicable area for communications;

(11) the use of the Choctaw Code Talkers was particularly important in—

(A) the movement of American soldiers in October of 1918 (including securing forward and exposed positions);

(B) the protection of supplies during American action (including protecting gun emplacements from enemy shelling); and

(C) in the preparation for the assault on German positions in the final stages of combat operations in the fall of 1918;

(12) in the opinion of the officers involved, the use of Choctaw Indians to transmit information in their native language saved men and munitions, and was highly successful;

(13) based on that successful experience, Choctaw Indians were withdrawn from frontline units for training in transmission of codes so as to be more widely used when the war came to an end;

(14) the Germans never succeeded in breaking the Choctaw code;

(15) that was the first time in modern warfare that the transmission of messages in a Native American language was used for the purpose of confusing the enemy;

(16) this action by members of the Choctaw Nation—

(A) is another example of the commitment of Native Americans to the defense of the United States; and

(B) adds to the proud legacy of such service; and

(17) the Choctaw Nation has honored the actions of those 18 Choctaw Code Talkers through a memorial bearing their names located at the entrance of the tribal complex in Durant, Oklahoma.

SEC. 302. CONGRESSIONAL COMMEMORATIVE MEDAL.

The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the presentation, on behalf of Congress, of a commemorative medal of appropriate design honoring the Choctaw Code Talkers.

TITLE IV—SAC AND FOX CODE TALKERS

SEC. 401. FINDINGS.

Congress finds that—

(1) Sac and Fox Indians used their native language, Meskwaki, to transmit military code during Word War II;

(2) those individuals, who manned radio communications networks to advise of enemy actions, became known as the Sac and Fox Code Talkers; and

(3) under heavy combat action, the Code Talkers worked without sleep to provide information that saved the lives of many Americans.

SEC. 402. CONGRESSIONAL COMMEMORATIVE MEDAL.

The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the presentation, on behalf of Congress, of a commemorative medal of appropriate design, to each of the following Sac and Fox Code Talkers of World War II, in recognition of the contributions of those individuals to the United States:

(1) Frank Sanache.
(2) Willard Sanache.
(3) Dewey Youngbear.
(4) Edward Benson.
(5) Judie Wayne Wabaunasee.
(6) Mike Wayne Wabaunasee.
(7) Dewey Roberts.
(8) Melvin Twin.

TITLE V—GENERAL PROVISIONS

SEC. 501. DEFINITION OF INDIAN TRIBE.

In this title, the term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 502. MEDALS FOR OTHER CODE TALKERS.

(a) PRESENTATION AUTHORIZED.—In addition to the commemorative medals authorized to be presented under sections 102, 202, 302, and 402, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the presentation, on behalf of Congress, of a commemorative medal of appropriate design to any other Native American Code Talker identified by the Secretary of Defense under subsection (b) who has not previously received a congressional commemorative medal.

(b) IDENTIFICATION OF OTHER NATIVE AMERICAN CODE TALKERS.—

(1) IN GENERAL.—Any Native American member of the United States Armed Forces who served as a Code Talker in any foreign conflict in which the United States was involved during the 20th Century shall be eligible for a commemorative medal under this section.

(2) DETERMINATION.—The Secretary of Defense shall—

(A) determine eligibility under paragraph (1); and

(B) not later than 120 days after the date of enactment of this Act, establish a list of the names of individuals eligible to receive a medal under paragraph (1).

SEC. 503. PROVISIONS APPLICABLE TO ALL MEDALS UNDER THIS ACT.

(a) MEDALS AWARDED POSTHUMOUSLY.—A medal authorized by this Act may be awarded posthumously on behalf of, and presented to the next of kin or other representative of, a Native American Code Talker.

(b) DESIGN AND STRIKING.—

(1) IN GENERAL.—For purposes of any presentation of a commemorative medal under this Act, the Secretary of the Treasury shall strike gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary of the Treasury.

(2) DESIGNS EMBLEMATIC OF TRIBAL AFFILIATION.—The design of the commemorative medals struck under this Act for Native American Code Talkers who are members of the same Indian tribe shall be emblematic of the participation of the Code Talkers of that Indian tribe.

SEC. 504. DUPLICATE MEDALS.

The Secretary of the Treasury may strike and sell duplicates in bronze of the commemorative medals struck under this Act—

(1) in accordance with such regulations as the Secretary may promulgate; and

(2) at a price sufficient to cover the costs of the medals (including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the bronze medal).

SEC. 505. STATUS AS NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 506. FUNDING.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as are necessary to strike and award medals authorized by this Act.

(b) PROCEEDS OF SALE.—All amounts received from the sale of duplicate bronze medals under section 504 shall be deposited in the United States Mint Public Enterprise Fund.

REAUTHORIZING THE LIVESTOCK MANDATORY REPORTING ACT OF 1999

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged and the Senate proceed to the immediate consideration of H.R. 3408.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3408) to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, the Livestock Mandatory Reporting Act was enacted by Congress in 1999 to level the playing field for independent producers. This Act is important because it improves market transparency by requiring packers, processors, and importers to provide critical price, contracting, supply and demand information to USDA, which in turn creates price reports for livestock producers.

Since the Livestock Mandatory Reporting program was implemented by USDA, I have heard repeated concerns from producers about the accuracy and overall transparency of the program. Since this law was due to sunset, to get as many facts as possible for purposes of reauthorizing this important law, Senator GRASSLEY and I requested an audit by the Government Accountability Office (GAO) to evaluate the accuracy of the program. This GAO audit found numerous instances of limited transparency and lengthy lag times by USDA in actions to correct problems when packers failed to report or provide accurate information, and instances where USDA was excluding packer data in price reports but not making information about the exclusions available to the public.

Thus far, USDA has provided very little information to Congress regarding USDA's implementation of the six recommendations made by GAO. In fact, USDA has known of many of the problems described by GAO since 2001, but failed to act. That is why there needs to be strong oversight by the Senate Committee on Agriculture, Nutrition and Forestry to ensure this program is functioning correctly and that GAO's recommendations are fully implemented.

Mr. GRASSLEY. I also call on Chairman CHAMBLISS to help Senator HARKIN and me get much-needed answers to what USDA has done to implement the GAO recommendations. There has been a lack of believability regarding the information generated by the Livestock Mandatory Reporting program, many producers across Iowa and many parts of the Nation feel strongly that the information would be more valuable if the program had more credibility through improved transparency.

Mr. HARKIN. I do believe that some of the GAO recommendations would be better implemented if codified in law. Senator GRASSLEY and I provided numerous farm and livestock groups and the packing industry draft legislation that would address the GAO recommendations and other outstanding producer concerns. This process has been difficult and has taken considerable time given the complexity of issues and diversity of the groups. Since a full consensus was not reached among these parties, the legislative changes will not be approved this year. Senator GRASSLEY and I ask that Chairman CHAMBLISS be willing to help us achieve these needed legislative changes in the next Congress.

Mr. GRASSLEY. Last year, Senator HARKIN and I introduced legislation, that passed the Senate by unanimous consent, that would extend the Livestock Mandatory Reporting Act for one-year to allow additional time to review the GAO recommendations and develop needed modifications to the law to improve the functioning and operation of the program. Unfortunately, the House refused to take up the bill and the law expired. I conditioned my support of any multi-year extension or revision of the Livestock Mandatory Reporting program on carrying out the GAO study results. Now we are at a crucial point with the legislative session coming to a close. Senator HARKIN and I realize that we are facing strong opposition from the packing industry on moving a Senate version that includes the GAO recommendations. I ask for assurances from Chairman CHAMBLISS that he will work with Senator HARKIN and me to move our proposed legislative changes forward.

Mr. CHAMBLISS. Mr. President, I agree with Senators HARKIN and GRASSLEY about the importance of the Livestock Mandatory Reporting Act (LMRA) to producers. For over a year, I have worked with the Senators from Iowa in their attempt to craft consensus language to which all interested parties could agree. I agreed to wait for a report from the Government Accountability Office, GAO, even though there was concern that the report would be released after the expiration of this important mandatory program. Since that time, packers have continued to consistently report on a voluntary basis limiting potential disruptions to the information provided by LMRA to the marketplace. While I understand my colleague's interest in implementing the recommendations from GAO, I am also concerned that all stakeholders—producers and packers—have comfort and assurance in this program and that any changes made to the program will minimize potential litigation and the false reporting of data.

I intend to work with Senators HARKIN and GRASSLEY to ensure that there is another opportunity to find consensus among interested parties in implementing further changes to the program. Next year provides an excellent opportunity to debate this and other issues of importance to the livestock industry during the farm bill reauthorization process. In addition, the Senate Committee on Agriculture, Nutrition and Forestry will conduct a hearing in the spring of 2007 that will focus on livestock issues which will allow us to explore any needed changes to the Livestock Mandatory Reporting Act.

Although the Senators from Iowa and I have worked diligently with livestock groups and the packing industry to address the concerns of all interested parties, we were not able to reach an agreement. Given the limited time before adjournment, I ask my colleagues to support H.R. 3408, which has passed the House, and will reinstate the mandatory provisions of this much needed program. As I said previously, I will continue to work with the Senators from Iowa next year on the farm bill to arrive at consensus legislation that all stakeholders can support.

Finally, I would like to commend all of the industry groups that have worked on this issue for over a year. The countless hours of negotiations, meetings, and debate are healthy and represent the American legislative process at its best. The complexity of this issue has unfortunately made it impossible to accommodate all the changes requested by the Senators from Iowa, but I commend them for recognizing the importance of this program for not only producers in Iowa, but producers across this great Nation. H.R. 3408 will provide price discovery and transparency to the marketplace, allowing all producers to confidently receive fair prices for their livestock.

Mr. HARKIN. I thank Chairman CHAMBLISS for his patience throughout this process and willingness and commitment to help Senator GRASSLEY and me to get GAO's recommendations implemented. His commitment to help us pursue our legislative proposals next year is sincerely appreciated.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3408) was ordered to a third reading, was read the third time, and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar No. 893; provided further that the Foreign Relations Committee be discharged from consideration of the following nominations and that the Senate proceed to those en bloc: Senator COLEMAN (PN2044) and Senator BOXER (PN2043).

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

DEPARTMENT OF STATE

Cindy Lou Courville, of Virginia, to be Representative of the United States of America to the African Union, with the rank of Ambassador Extraordinary and Plenipotentiary.

UNITED NATIONS

Norman B. Coleman, of Minnesota, to be a Representative of the United States of America to the Sixty-first Session of the General Assembly of the United Nations.

Barbara Boxer, of California, to be a Representative of the United States of America to the Sixty-first Session of the General Assembly of the United Nations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order the Senate will return to legislative session.

ORDERS FOR THURSDAY, SEPTEMBER 21, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, tomorrow, September 21. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 30 minutes, with the first 15 minutes under the control of the Democratic leader or his designee, and the final 15 minutes under the control of the majority leader or his designee; further, that following morning business, the Senate resume consideration of the motion to proceed to H.R. 6061, the Secure Fence Act, and further, that notwithstanding the adjournment of the Senate, all time count against the motion under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, today, we unanimously invoked cloture on the motion to proceed to the border fence act by a vote of 94 to 0. Unless an agreement is reached to begin earlier, we will begin consideration of that bill no later than 5:45 tomorrow afternoon. We will update Senators as to the voting schedule as we attempt to reach agreement on this bill, as well as any other legislative or executive items that may be considered.

MEASURE READ THE FIRST TIME—H.R. 503

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 503) to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

Mr. McCONNELL. Mr. President, I ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDER FOR ADJOURNMENT

Mr. McCONNELL. Mr. President, in conclusion, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of the Democratic leader and Senator HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered.

The minority leader.

AGRICULTURAL WORKERS

Mr. REID. Mr. President, I was in my office and listened to the distinguished senior Senator from Idaho talk about the bill that is before the Senate, the so-called fence bill. I have great respect for the distinguished senior Senator. We have served together in the House and the Senate. He talked with great emotion about the agricultural workers and how people are losing crops as a result of not having sufficient agricultural workers and that it was extremely important that we have agricultural worker legislation.

I heard my friend, the distinguished senior Senator from California, Mrs. FEINSTEIN, talk about agricultural workers and how important they are. She gave vivid illustrations of how they are important. I agree with both, but I am stunned that the Senator from Idaho appears to only be talking and not being meaningful in what he is saying about agricultural workers.

"Congress Daily PM," which is a publication put out on a daily basis by the National Journal, says as follows:

> Senator Larry Craig, Republican of Idaho, would like to offer his amendment which would streamline certification for migrant farm workers, language that was included in the Senate's immigration package.

Listen to this one, though, this final sentence:

> Craig spokesman said the Senator would not offer his amendment if it would hold up consideration of the House-passed bill.

We have a bill before the Senate. No one has any intent of holding up the bill, but there are some important amendments that people want to offer. According to the Senator from Idaho, he feels his agricultural workers provision is pretty important. Then why shouldn't we be able to offer some amendments on this? Why shouldn't we be able to offer one amendment, an agricultural workers amendment? Why shouldn't we be able to offer two amendments, three amendments with time on them?

I am told the majority leader is going to fill the tree—that is a buzzword around here for having the majority lock up this legislation so no amendments are possible.

My friend from Idaho cannot have it both ways. He cannot be righteously indignant about the fact we are not having an opportunity to help agricultural workers and then, in effect, throw in the towel and say he is going to do nothing about it.

He is part of the majority party; we are not. We cannot do much about it, but he can.

MIDDLE-CLASS SQUEEZE

Mr. REID. Mr. President, I want the record to reflect that I appreciate very much Senator STABENOW, Senator REED, and Senator SARBANES coming here today and talking about something we haven't talked about much in recent weeks. The Republicans wanted to make this September "security month." So we have devoted all of our time talking about the failure of the war in Iraq and the war on terrorism. We know that the war in Iraq has been a diversion to the real war on terror, but that is what they want to talk about.

I am so grateful that my friends came and talked about the economy. It is an issue that deserves to be a top priority of this Congress but has been ignored for years—the need to strengthen America's middle class. Our country has always been a land of opportunity. As a nation, we take pride that all Americans, no matter where they begin in life, have the opportunity to work hard, get ahead, and prosper. It is called the American dream, and it is what our country is all about.

Unfortunately, while it is still possible for Americans to do well, it is getting harder and harder all the time. America's middle class faces ever increasing obstacles. Incomes are going down, but costs are going up. More and more middle-class families are being squeezed, and this Congress has done nothing to stop that.

Let's look at the facts. There really is a middle-class squeeze under this Republican administration. Real household income has declined during the tenure of President Bush. It has declined by $1,273 a year. That is pretty significant. This is median inflation adjusted household income. It was $47,599 in 2000. Here is what it is 5 years later, $46,326. That is not a record anyone should boast about.

The rich have been able to do much better. The average tax break for somebody over $1 million is about $38,000, where for someone under $50,000, the tax break has been about $6.

In addition to the household income declining, basic costs of the middle class have gone up. The rich are getting richer, the poor are getting poorer, and the middle class is getting squeezed.

The cost of going to college in these 5 years has gone up 44 percent. Health insurance premiums, when one can find health insurance, has gone up 71 percent. We are up to over 47 million Americans now with no health insurance and millions of others who are underinsured. Energy costs certainly have gone up. Parents are paying $3,700 more than they were 5 years ago. Health insurance, if one can buy it, is up $4,500 in the last 6 years. You are paying more.

This story only tells half the story. As families struggle to afford what they need, they also find themselves less secure. Since President Bush took office, 3.7 million more Americans are without employer-sponsored retirement plans. Almost 7 million more Americans are without health insurance, and millions more are carrying significant debt.

Since 2000, household debt has increased by 35 percent, or more than $26,000. When we put all this together—declining incomes, skyrocketing prices, rising insecurity—it is no wonder the economy remains a top concern for the American people. The kitchen-table concerns are issues that matter most to families, yet they are also the issues that are routinely ignored or made worse by this Congress that has been given the name "do-nothing Congress," and rightfully so.

Just listen to Washington Republicans to see how out of touch they are. They are convinced the economy is doing great. They believe we should stay the course. We not only want to stay the course in the war in Iraq, according to the President, we want to stay the course with the economy, even as families struggle like never before.

We can do better than the Republican record of failure—much better. We can take a new direction, and it starts by putting the middle class first for a change.

Democrats have developed a variety of proposals addressing the middle-class squeeze, but every time the Republican majority has blocked our efforts so they can help special interests.

As to rising gas prices, we proposed a ban on price gouging. The prices have dropped down. They are going to go back up. There is nothing that has changed substantially. All we need is a problem in Nigeria or another storm. The majority blocked our price-gouging legislation. They blocked it on behalf of the oil and gas industry. But, of course, they should, Mr. President, because this is the most energy-friendly administration we have had in the history of our country.

To lower the cost of prescription drugs, Democrats proposed repealing the Republican ban on negotiating for lower prices in Medicare, but the majority blocked that on behalf of the pharmaceutical lobby.

To bolster middle-class incomes, Democrats proposed ending tax breaks that encouraged companies to outsource jobs overseas, but the majority continues to support these tax breaks at the behest of multilevel, multinational corporations.

To cut college costs and help more Americans get ahead, we proposed making college tuition deductible from taxes. That is gone. The majority pushed through the largest student aid cut in the history of our country and allowed the college tuition deduction to expire even while pushing for huge tax breaks for special interests and multimillionaires.

The bottom line is that all too often in Republican Washington, special interests rule while the middle class is left behind. As I said, the rich are getting richer, the poor are getting poorer, and the middle class are getting squeezed, and it has never been so apparent as during these last 6 years. America literally cannot afford to stay the present course.

While Washington Republicans have been ignoring the plight of the middle class, they have been digging our Nation into a budget hole that will take decades to correct. As Senator CONRAD has explained so powerfully, since 2001, our national debt has exploded from $5.8 trillion to $8.5 trillion. The debt will double to $11.6 trillion by 2010.

The debt owed to foreigners has already doubled. The United States has borrowed more from overseas interests—that is foreign countries—during the Bush Presidency than we borrowed during all previous Presidencies combined. I think that is irresponsible, and our children and our grandchildren will pay the price.

We have several Democratic Senators who are experts on the economy who have come and spoken. Senator SARBANES, who sadly will retire at the end of this year, has been a wonderful Senator. He has handled the Banking Committee with expertise, and I so appreciate his coming to the floor today and talking about this issue. Our Democrat on the Joint Economic Committee, JACK REED, has done a wonderful job.

But I want to return to my main point. We need a new direction in America, one that strengthens the middle class. We believe it is long past time Washington focused on the people who work hard every day, play by the rules, and are the backbone of our Nation. They are being ignored, and they need our help. Our goal is not for Government to spend more; it is for families to spend less—less for college, less for health care, less for fuel, less for energy—all while enjoying an opportunity to succeed and prosper in the global economy and a chance at the American dream.

Mr. President, for 10 years, to show how little this Republican-dominated town feels about the poor, we have been unable to increase the minimum wage. When President Clinton was President, we tried and a filibuster by Republicans stopped us. The minimum wage—we believe Congress and Washington should focus on ways to help make the American dream come true, to help all Americans achieve their dreams. But to do that, we need to change course by, at long last, standing up to special interests and standing up for the common good. That is the Democratic vision. That is the new direction we seek. America's middle class in our Nation deserves no less.

U.S. ECONOMY CONTINUES TO PROSPER

Mr. HATCH. Mr. President, I have been very interested in the remarks of the distinguished Democratic leader, my friend, and I approach this issue from not just a slightly different perspective but from a very different perspective. I think it is important that we get our facts straight.

The robust health of the U.S. economy becomes more apparent with each passing day. Yet it is something about which we hear precious little except criticism, especially on the Senate floor. I would like to take just a few minutes to remind my colleagues about some of the positive aspects we are seeing about the state of the economy.

As we complete the fifth year of economic expansion, all signs indicate that the economy is as strong as it has ever been, and that we can expect continued economic growth for the foreseeable future. When President Bush became President, we were in the throes of an economic recession at the end of the Clinton years. He inherited that, and the first year of his Presidency was filled with a recession. But in the last 5 years, we have had an economic expansion. The U.S. economy grew at an annual rate of 4.6 percent in the first half of this year, and that is an impressive clip at any time, but particularly so for a mature economy approaching full employment.

Economic forecasters estimate the gross domestic product in the current quarter will come close to 3 percent. While initially we may not welcome a reduction in the rate of growth, a 3-percent rate is actually very positive news. This is because a growth rate of around 3 percent would put us at a level of growth that many economists believe can be sustained indefinitely without risking inflationary pressures.

It is mystifying to me that an economy this strong that has grown steadily for 5 full years now is not being recognized by everyone for what it is; namely, a remarkable jobs-producing machine. We have created 3.5 million jobs in the last 3 years and have more people employed today than ever before in the history of this country.

The unemployment rate is only 4.7 percent, a level that is below any rate seen in the United States between 1970 and 1997. Think about that: a rate below any rate seen in the U.S. between 1970 and 1997.

No matter how one cuts the numbers, the news on the job front of late has been good. The number of long-term unemployed is down, as is the unemployment rate for teenagers, women, African Americans, Hispanics, people without a high school degree, and people with only a high school degree.

While energy prices might have pushed the Consumer Price Index up a bit earlier in the year, I believe there was never a risk of higher inflation, and the financial markets now discount this possibility almost entirely. As Nobel Laureate Friedman put it:

> Inflation is always a monetary phenomenon. As long as the Federal Reserve commits to contain inflation, we should not worry.

I think Ben Bernanke has demonstrated his determination to keep the scourge of inflation under control, and for that he deserves commendation. I believe his decision today to leave the short-term discount rate where it is makes perfect sense, given the recent data.

The benefits of sustained economic growth, the likes of which we have seen over the last 5 years, cannot be overstated. We are just now beginning to reap its benefits in the form of higher incomes for American workers. Median household incomes, stagnant since the 2001 recession, went up by 1.1 percent after adjusting for inflation in 2005. Now, that is median household income.

Contrary to the gloom and doom we are hearing from the other side on this floor, it went up by 1.1 percent, after adjusting for inflation in 2005. That is after the adjustment for inflation.

The preliminary data for 2006 suggests that income growth has accelerated strongly, with even the New York Times reporting an estimate that inflation-adjusted wages and salaries have gone up an annual rate of 7 percent thus far this year. This is a pattern that would be entirely consistent with what we witnessed during the expansion of the 1990s, one that ultimately lifted millions of households out of poverty. Yet all we hear is doom and gloom. That is what happens when people want to gain power.

The Federal Government has also benefitted from the sustained economic growth. Tax revenues—and this is with the tax cuts that we put in, and because of the tax cuts we put in over the past 5 years—have grown at the fastest rate since the inflationary 1970s. You can't discount that, no matter how much doom and gloom you spread all over this body. Revenue went up by nearly 15 percent last year, and as we approach the end of the current fiscal year, it is likely it will go up 12 percent this year. That is phenomenal.

In 2006, we will collect over a half of a trillion dollars more than we did in 2004—a truly awesome amount. The budget deficit has shrunk rapidly over these same 2 years, from $412 billion in 2004 to roughly $260 billion in 2006. Now, it is still too high, but as a percentage of GDP, it is one of the lowest over the last 40 years. That can't be discounted, in spite of the doom and gloom that we hear consistently on this floor.

The Congressional Budget Office was forecasting a budget deficit of $100 billion larger than that as recently as March. Let me repeat, $100 billion larger than the $260 billion it was projected to be as recently as last March. Again, the strong budget growth we have benefitted from of late is reminiscent of what occurred in the late 1990s once the economy reached full employment and productivity growth picked up. It is also instructive to look at exactly where the additional tax revenues are coming from.

Now, let's get this straight because I get so tired of hearing the rich are getting richer and the poor are getting poorer. That is a slogan that really is pure folly. The top 1 percent of all earners—the top 1 percent of all earners—receive about 16 percent of all income but pay over 34 percent of all taxes. Let me repeat that. The top 1 percent of all earners receive about 16 percent of all income but pay over 34 percent of all taxes. The top 10 percent of all earners are paying two-thirds of all the taxes paid in this country—the top 10 percent.

Mr. President, 97 percent, all but 3 percent, 97 percent of all income tax revenue comes from the top 50 percent of all wage earners. That doesn't sound to me like the rich are getting richer. What the other side always seems to forget is that, in this great country, the middle class consistently rises to a higher position because of the opportunities in this country if we continue to provide opportunities for economic growth through tax rate reductions and other methodologies.

When you say that the top 50 percent of all earners pay 97 percent of all income tax revenues, this means that the bottom half of income earners in this country are paying only 3 percent of all income taxes collected. Many of them do not pay anything. Many of them get money from the Federal Government for living. No one can correctly say that the rich are not paying their share of taxes.

Let me go over that again. The top 1 percent pay 34 percent of all income taxes. The top 10 percent are paying two-thirds of all income taxes. The top 50 percent pay 97 percent of all income taxes. The bottom 50 percent pay only 3 percent, and many of those do not pay income taxes at all.

No one can correctly say that the rich are not paying their share of taxes or that this economy is not a good economy. We all wish it could be even better, but when you have an economy as diverse as ours, as complex as ours, it is hard to say that this is not a good economy.

Those who have complained that income growth lagged behind the rest of the economy in the early years of the current economic expansion were absolutely correct. I share their frustration that it takes so long for income growth to permeate throughout all income levels. It is not enough to tell someone who is out of work or has been forced to take a pay cut that once the unemployment rate falls a bit more wages should pick up.

The Government should do what it can to help lift people out of poverty. Republicans and Democrats agree on this. It is not just the Democrats. We all agree on that. So to present this like only Democrats care, that is pure bunk.

However, the answer to this problem is not to take actions that would jeopardize economic growth. The solution is to keep the economy as strong as possible while making sure that those who get hurt by a faltering economy have the means to get up again, to help those who are underemployed or who are unemployed. We improved and expanded the earned-income tax credit, provided new funds for training and education, and during the recession we increased the duration of unemployment insurance.

Let's be honest about it. Both Republicans and Democrats care for those who are suffering or those who have not been doing as well. But the Democratic solution seems to be, let's increase taxes so we can spend more from the Federal Government. We know what that is going to do. That is going to stifle this economy and economic growth and hurt all those who are paying into the system. Above all, it will hurt those who aren't paying into the system, who are the poor. That seems to be the only solution they have. They don't dare say that is their solution, but it is.

Should the Democrats take control of the Congress, you can absolutely bet that the tax cuts that we enacted will not be continued and that the economy is going to go into the tank. You can absolutely guarantee it.

Ultimately, it is productivity growth that improves the standard of living, plain and simple. Productivity growth has been exceptionally high for the last decade, and I aim to work to keep it that way by encouraging companies to invest in new plant and equipment, by encouraging workers to invest in training and education, and to do my part to say that Government keeps spending and taxes low and allows our businesses to compete as best they can.

The rewards may not be immediate. But the incredible engine that is the U.S. economy owes its success to these simple precepts.

Mr. President, I also know, and I notice the distinguished Senator from Nevada made the point, that energy is a very important matter to us. He said gas prices are going to go up again. That is going to be true if we do not have a consistently good energy policy. In the Republican energy bill, I put five bills in there myself. One to give incentives to recover the almost 1 trillion barrels of oil from oil tar sands and oil shale deposits in western Colorado, southern Wyoming, and eastern Utah. There are 3 trillion barrels of oil there, but we, according to the experts, can recover 1 trillion barrels of oil.

To put that in perspective, the whole Middle East's proven reserves are 760 billion barrels. So we have more oil in tar sands and oil shale than all of the Middle East. The problem is it is going to cost us about $34 a barrel under current methodology and current technology to produce that oil, where it costs only 50 cents a barrel for Saudi crude.

If we move in that direction, we are going to be able to be less dependent upon other countries' oil, especially countries that hate the United States of America, like Venezuela—at least the leadership does. I don't think the people of Venezuela do.

We also put in better permitting language. The radical environmentalists have made it almost impossible to get permits to be able to develop these resources.

Third, we put in that bill incentives to develop our geothermal resources. It is estimated that Utah geothermal wells alone could produce electricity for upwards of 22 million homes. That is about 66 million people. That is almost the whole West, right from one small State. Big in geography, small in population: only 2.5 million people. The fact is we can do that. Now the incentives are in that bill. They are not as good as I would have had them, but they are better than what we had before that bill.

Most people do not realize that we have lost 250 oil refineries over the last 40 years and only built one. It is almost impossible to build an oil refinery because of radical environmentalists. The fact is, we have to build more oil refineries as long as we are dependent on oil refineries for our major source of fuel, for automobiles, trucks, trains, planes, et cetera. We have to wake up and start doing some of these things.

Last but not least, my little CLEAR Act is in that bill to give economic incentives to develop alternative fuels, alternative-fuel vehicles and alternative-fuel infrastructure. It is a little bill that helped drive the hybrid auto industry into existence. Now we are talking about plug-in hybrids. We are talking about hydrogen cars. To get the hydrogen—we only have 9 million tons of hydrogen in this country. We need 150 million tons before we can actually make that a viable fuel and put it in real cars. We are capable of doing it now, but it would be the equivalent of about $3.60 a gallon of gas.

We are going to have to develop cookie-cutter nuclear powerplants so we can develop this hydrogen and have totally clean fuel in our country, from hydrogen cars that will work just as well as gasoline-driven cars. We are a few years away from that, but it is possible to do that if he we wake up and start really thinking about the environment the way we should.

If there is such a phenomenon as global warming—I believe there is—this will be one of the ways of making our contribution to reducing the greenhouse gases, among other things.

We hear a lot of complaints on the other side about the economy. My gosh, these figures have not been met hardly at all in the last 50 years—until now. I think the President, the Republican Congress, and a number of Democrats who have supported us deserve a lot of credit for at least having us where we are. Can we improve? We hope so, and we are going to do everything in our power to do it, but I know one way we can't improve is increasing taxes, increasing Government or having more Government controls, having more regulations, which always seems to be the case when the Democrats take over the Congress. It is certainly going to be the case if they do it this time, and I don't believe the American people are going to put up with that.

I think what I am saying here today is that we cannot listen to cliches and slogans and doom-and-gloom prophecies. We have to work hard to get things done. We have the elements here to do it.

There were comments made about the minimum wage, that we haven't had an increase in 10 years. The so-called trifecta bill would have increased it to $7 an hour, and maybe, if it was a true debate, the Democrats could have won on even a higher minimum wage. All we asked for is that we have some modest estate tax reform, which almost everybody admits would be beneficial to the economy at large and to our families, and especially small businesses that could lose their businesses—small farmers, family farmers, who could lose their farms. But, no, that was stopped by a filibuster, which has become the principal means of obstruction ever since the George Mitchell days when he filibustered.

I thought he was a great majority leader. Don't anybody misconstrue what I am saying. He was, but he was tough. But he started to filibuster everything he disagreed with, or the Democrats disagreed with. Of course, here we are today doing the same thing.

I would like to see us get rid of partisanship, where we can work together in the best interests of our country, without the mouthing off about how bad one side or the other side is, and really do what we were really sent here to do. I admit that we are in an election year and people want to win. So things are said that probably wouldn't be said in a non-election year. I would like to even tone that down a little bit and let's recognize the economy is a good economy. Could it be better? I doubt under the circumstances, but we can all work to try to make it better.

Are some people suffering in our society? I said in my remarks today that there are, and we ought to work to try alleviate that. We have done a lot to alleviate that.

As I have said, the bottom 50 percent only pay 3 percent of all Federal income taxes, and many of them don't pay taxes at all. A goodly number of them get help from the Federal Government. And that is from both parties, not just the Democratic Party. That is because in the past we have worked in bipartisan ways to do these things.

I hope we can continue that. I wish we could get rid of the obstructionary tactics that we have had on judges and some other issues over the last number of years.

I wish we could get behind whoever the President the United States is, and especially right now. President Bush is trying to do the best he can to stem the tide of terrorism in the world, but he also is doing a good job with regard to the economy with hopefully our help.

Whoever the President is the next time, I hope, whether it is a Democrat or a Republican, that we can work together in the best interests of our country. It would be a wonderful, pleasant change from the last 10 years that I have seen. Both parties are at fault. I am not saying equally, but both parties have reason to improve. All I can say is, how do you knock an economy that is clearly as good as this one is and continue to bad-mouth it when in fact the facts all show otherwise? I don't know how they can continue to drumbeat this day in and day out by some on the other side who know that is wrong.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 tomorrow morning.

Thereupon, the Senate, at 6:42 p.m., adjourned until Thursday, September 21, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 20, 2006:

SOCIAL SECURITY ADMINISTRATION

MARK J. WARSHAWSHY, OF MARYLAND, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2012, VICE HAROLD DAUB, TERM EXPIRED.

DANA K. BILYEU, OF NEVADA, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2010, VICE GERALD M. SHEA, TERM EXPIRED.

DEPARTMENT OF STATE

BARBARA BOXER, OF CALIFORNIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

NORMAN B. COLEMAN, OF MINNESOTA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CECIL E. FLOYD, OF SOUTH CAROLINA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

INTER-AMERICAN FOUNDATION

KAY KELLEY ARNOLD, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2010. (REAPPOINTMENT)

GARY C. BRYNER, OF UTAH, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING JUNE 26, 2008, VICE NANCY DORN, TERM EXPIRED.

THOMAS JOSEPH DODD, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING JUNE 26, 2008, VICE NADINE HOGAN.

HECTOR E. MORALES, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2010, VICE JOSE A. FOURQUET, RESIGNED.

JOHN P. SALAZAR, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2012, VICE ANITA PEREZ FERGUSON.

THOMAS A. SHANNON, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2012, VICE ROGER FRANCISCO NORIEGA.

JACK VAUGHN, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2012. (REAPPOINTMENT)

IN THE COAST GUARD

THE FOLLOWING NAMES OFFICERS OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 188:

To be captain

PAUL S. SZWED, 5792

To be commander

BRIGID M. PAVILONIS, 9670

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL IN THE ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. DAN K. MCNEILL, 4203

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM C. KIRKLAND, 4541

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5035:

To be admiral

VICE ADM. PATRICK M. WALSH, 1107

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN J. DONNELLY, 7223

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. THOMAS J. KILCLINE, JR., 3174

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MELVIN G. WILLIAMS, JR., 9480

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

ANDREA R. GRIFFIN, 6505

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RUSSELL G. BOESTER, 7873

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were confirmed:

BARBARA BOXER, OF CALIFORNIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

NORMAN B. COLEMAN, OF MINNESOTA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CONFIRMATIONS

Executive nominations confirmed by the Senate Wednesday, September 20, 2006:

DEPARTMENT OF STATE

CINDY LOU COURVILLE, OF VIRGINIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE AFRICAN UNION, WITH THE RANK OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

BARBARA BOXER, OF CALIFORNIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

NORMAN B. COLEMAN, OF MINNESOTA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

WITHDRAWALS

Executive Message transmitted by the President to the Senate on September 20, 2006 withdrawing from further Senate consideration the following nominations:

NADINE HOGAN, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING JUNE 26, 2008, VICE FRANK D. YTURRIA, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 24, 2005.

JOHN E. MAUPIN, JR., OF TENNESSEE, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2010, VICE GERALD M. SHEA, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 6, 2005.

NADINE HOGAN, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING JUNE 26, 2008 (REAPPOINTMENT), TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE, WHICH WAS SENT TO THE SENATE ON FEBRUARY 10, 2006.

HOUSE OF REPRESENTATIVES—*Wednesday, September 20, 2006*

The House met at 10 a.m.

The Most Reverend Donald W. Wuerl, Archbishop of Washington, offered the following prayer:

Good and gracious God, the all powerful font of life and goodness, wisdom and holiness, You call us to make our way through this life with You and challenge us to walk arm in arm with each other.

As we confront the human condition, You bless us with our intellect and free will to establish institutions to guide our human affairs and confirm the possibility of freedom, personal development and prosperity in the context of the common good and justice for all.

We ask You to bless and strengthen all who strive to improve the human condition and foster a caring respect for each person and who fashion the laws that enable a good and just society.

In Your loving goodness, bless the Members of this assembly, the House of Representatives of the United States, so that in all their deliberations and discussions, they will always be inspired by the vision of Your loving kindness and powerful grace.

As work is conducted here today, may it bear rich fruit that continues to nurture all of the citizens of this Nation and our dreams for a better world. All of this we ask in Your most holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INTRODUCTION OF THE MOST REVEREND DONALD W. WUERL, ARCHBISHOP OF WASHINGTON

(Mr. MURPHY asked and was given permission to address the House for 1 minute.)

Mr. MURPHY. Mr. Speaker, I would like to thank our guest chaplain today, the Archbishop Donald Wuerl, for leading us in prayer.

He attended Saint Mary of the Mount parish and school, and then studied at the Athenaeum of Ohio in Cincinnati, was ordained to the priesthood in 1966. He received graduate degrees from the Catholic University of America, the Gregorian University in Rome, and his doctoral in theology from Saint Thomas Aquinas in Rome in 1974.

He began his career as an assistant pastor at Saint Rosalia parish in Pittsburgh. There he became a secretary to Pittsburgh Bishop John Wright. From 1981 to 1985, he served as rector for Saint Paul's Seminary in Pittsburgh, and in 1988 Bishop Wuerl was installed as the 11th Bishop of Pittsburgh, where for 18 years he led 800,000 Roman Catholics in 214 parishes throughout southwestern Pennsylvania.

We also knew him in Pittsburgh for his weekly television program, "The Teaching of Christ," which is now widely distributed through the Christian Associates cable channel, and throughout its national syndication. As a writer, his best-selling catechism of the same name is now in its 30th year of publication and has been translated into more than 10 languages and used throughout the world.

We are very grateful for Archbishop Wuerl's presence here. We are sorry to have him gone from Pittsburgh, but we know he will do a great job now in the diocese of Washington, DC.

WELCOMING ARCHBISHOP DONALD WUERL TO WASHINGTON, DC

(Ms. NORTON asked and was given permission to address the House for 1 minute.)

Ms. NORTON. Mr. Speaker, I take considerable pleasure in welcoming Archbishop Donald Wuerl to Washington and to the archdiocese of Washington. Although born in Pittsburgh, where he last served, Archbishop Wuerl is very familiar with Washington where he studied at our own Catholic University of America. The archbishop follows Cardinal Theodore McCarrick, whose humble priestly ways and message of inclusiveness made him beloved by people of all religions and backgrounds here.

Archbishop Wuerl will minister both to official Washington and to average parishioners in the District and Maryland. The archbishop's work in Pittsburgh, however, foreshadows a leader who is first and foremost a pastor. We warmly welcome Archbishop Donald Wuerl.

IRANIAN PRESIDENT'S SPEECH AT U.N.

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, yesterday, we witnessed an Iranian dictator lecture us on freedom, democracy and justice. Ironically, in his own country, this tyrant denies his own people the basic rights of freedom of speech and freedom to assemble. Women are denied rights of inheritance, divorce and child custody, and youth of their rights of self-expression and economic creativity.

While he may resent us for being powerful, he does not realize that the foundation of our power is rooted in the freedom of our great people to pursue happiness, to innovate and to speak freely. These rights are denied to the people of Iran, and that is why, even with the soaring prices of oil, more than 40 percent of the Iranians are living below the poverty line.

Today in Iran dissent is brutally repressed, and terror is the regime's only instrument for domestic or foreign policy. This tyrant accuses the free world that they are denying the people of Iran their rights to nuclear energy, yet he forgets that the Islamic regime is denying the great people of Iran their God-given rights to self-respect and human dignity. He spoke of universal justice, yet he denies the Holocaust, and has threatened to wipe Israel off the map.

This regime wrongfully portrays the war on terror as a war of civilizations, yet uses every opportunity to export its brutal ideology, violently, to the other nations. We are not at war with any religion or civilization. We are at war with terrorism and terrorist interpretations of any religion. We need to protect the civilized world from the threat of Islamic fascism.

DANCING AROUND SERIOUS ISSUES AND AVOIDING OUR CONGRESSIONAL RESPONSIBILITIES

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, we have elevated to an art form here in Congress dancing around serious issues and avoiding our congressional responsibilities. Torture is a case in point.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

not extreme interrogation, but let's call it what it is: torture.

At the same time the President was asking Congress to rubber-stamp his policies of torture, the military was saying that torture does not give good information, and they were against it. Torture puts our troops at risk in giving our enemies the green light to torture our people. Torture lowers our image, our moral standing around the world.

In yesterday's headlines across America and across the world, there was the story of the Canadian citizen we kidnapped and we sent to Syria, a country on our terrorist watch list, so he could be tortured. His ordeal did not end for a year. Three years later, he is walking around a free man, never charged and Congress, spineless, has not taken action to stop this barbaric, illegal and immoral practice. It is time for us, as we stumble towards adjournment, to deal with something meaningful, investigate this outrage, and legislate protections.

WHERE IS LAFAYETTE?

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, "Let them eat cake" is what Marie Antoinette said to the starving French people, showing her ignorance of the world around her. Today it can be used to describe France's position on handling terror threats.

France's current Prime Minister said last week: "Against terrorism, what we need is not a war. It is, as France has done for many years, a determined fight based on vigilance at all times and effective cooperation with our partners." In other words, more talk, no action.

What France fails to consider is we tried that. Madrid's trains have been attacked. London's buses and subways have blown up. American embassies were bombed. The USS *Cole* was attacked, and, of course, there was September 11.

This war started years ago. The terrorists struck first across the globe. They declared war on us. They don't want to talk. It is now our duty to win this war, not wave France's new national white flag of surrender. What France and free people need is the spirit of Lafayette in this war on terror, not the current ignorance of Marie Antoinette, who was talking all the way to the guillotine and lost her head because she failed to see the real world around her.

And that's just the way it is.

FEDERAL ELECTION INTEGRITY ACT OF 2006

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, today's Federal Election Integrity Act of 2006 has nothing to do with protecting the right to vote and everything to do with restricting it. The real threat to our electoral system is not a contrived conspiracy of noncitizens illegally voting in Federal elections. The true threat is vulnerable electronic voting machines.

It is machines with no paper trail. It is poll workers with inadequate training and resources. It is voter alienation because people have lost faith in the political process. Congress has the ability and the duty to act on real voting reform that addresses the real issues that mar our electoral system, issues researched and documented by countless activists and academics.

There is a reason the article in the Washington Post, "Major problems at Polls Feared," does not once mention concerns about noncitizens voting. It is not a real issue of voting reform. If we want to strengthen democracy, we want to protect the right to vote. We want to reengage Americans in our government.

We need real voting reform now. Throw out electronic voting machines, that Diebold technology election hacker's dream. Go to paper ballots, a paper trail. Make our election process honest again. Enough of stolen elections. Make every vote count, and let every vote be honestly counted.

"BORDER SECURITY FIRST" DOES NOT MEAN "BORDER SECURITY ONLY"

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, a Nation without borders is not a Nation. In recent days, this Congress has taken important first steps to restore operational control of our borders. I was pleased to support the Secure Fence Act of 2006 and additional measures that we will bring to the floor of this Congress this week.

American people want Congress to put border security first, Mr. Speaker. But border security first does not mean border security only. Congress must secure our borders, but the American people know that securing our borders is a necessary but insufficient solution to the crisis of illegal immigration.

After we secure our borders, Congress must also enact a new temporary worker program, without amnesty, and without creating a new Federal bureaucracy, and I believe we will. We must do no less than secure our border, but we must do more to ensure that we solve this domestic crisis in a manner consistent with law and order and the compassionate character of the great American Nation.

REMEMBERING DONNA KAMMRITZ

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. DELAURO. Mr. Speaker, on September 7, a champion of our community, someone who had waged and won countless battles for people, lost one of her own. Donna Kammritz was a friend. But even more than that, she was someone who stared down adversity with a passion, principle and tenacity. Whether it was her brave fight against cancer, a disease I too have fought, or her impassioned commitment to the rights of working people, Donna never stopped. She always fought. She may not have won every battle, but she never gave in.

Indeed, it was through her volunteer work as director of research for The Organization for the Rights of American Workers, TORAW, that I first met this remarkable woman. A mother of two daughters, Heather and Rachel, Donna's job had just been sent offshore. She lost her health insurance, and she had just been diagnosed with cancer.

At a moment when most people would have thrown in the towel, Donna fought back. She faced her cancer with courage. She drew upon her personal experience with outsourcing to infuse TORAW with the energy and focus we needed to elevate the issue to the national level, and she did so for as long as she could.

Donna helped bring together the entire Connecticut delegation, Republicans and Democrats, to press the government to start confronting the issue of displaced American workers. She was a proud mother who wanted nothing more than to see her daughters attend college, and she did. Donna understood something elemental: that when you protect workers' rights, you strengthen families, you strengthen communities.

Mr. Speaker, today, let us say thank you to Donna Kammritz for her gifts, for her selfless dedication and for her love of the things that we hold so dear. May her inspiration live on in all of our work.

□ 1015

UNITY NEEDED ON SECURITY

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, America is at a critical time in moving forward with our efforts in the fight against the global war on terror, and it is time for this House to act.

In the coming days this House will consider legislation to ensure that we can try terrorists in military tribunals and military commissions while protecting America's most vital secrets.

That legislation will also give those brave Americans who confront suspected terrorists on the front lines of the war on terror and those who interrogate them with the guidance on what they can do to protect our citizens.

We will also be considering legislation that will officially sanction the NSA's terrorist surveillance program that is critical, absolutely critical, to help keep our Nation safe.

Mr. Speaker, we have not been attacked here at home since the horrific attacks on our Nation of 9/11 in large measure because these programs have worked. I ask the Democrats to put aside their partisan posturing and to join with us in protecting America.

The Democrats must recognize that we are at war against terrorists, and that their political rhetoric and demagoguery in search of votes will not make America more secure. They have an opportunity to join us, and I sincerely hope they do so. The security of our Nation depends on it.

AMERICA DESERVES A NEW DIRECTION ON ENERGY POLICIES

(Ms. SCHWARTZ of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, hardworking Americans are stretched thin. Under the Republican majority, their wages have remained stagnant, while their day-to-day expenses have all increased: health insurance, childcare, tuition, housing, energy bills.

Energy costs have skyrocketed, whether at the pump, at home or in business. Americans are paying more, and they are looking to Congress for relief. They are asking, demanding, that we work to reduce these costs, reduce dependence on foreign oil and make our Nation more secure. They are looking for a new direction.

Democrats have responded and Democrats have a plan. Democrats will double the production of renewable fuels like ethanol and biodiesel; Democrats will increase accessibility to renewable fuels at the pumps; and Democrats will aggressively invest in the future to assure their energy needs are not tied to the whims of unfriendly nations in the Middle East. Our plan will reduce costs for American consumers, and it will make this Nation safer. It is smart, and it is common sense.

What have the Republicans done? They have given away billions to the oil industry. America deserves a 21st century solution to energy needs, not oil industry handouts.

Mr. Speaker, America deserves a new direction.

THE REAL GUANTANAMO BAY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, listening to critics talk about the treatment of terrorist detainees at Guantanamo Bay, one may believe these trained murderers are not properly treated.

I have visited Gitmo twice and can attest that their living conditions are to the highest standards of a first-class American detention facility. In fact, more money is spent on food for the detainees than on the U.S. troops there. Instead of deprivation, the terrorists have gained weight on the nutritious diet.

Detainees have received medical care. In the prison hospital I toured last year, these detainees received 35 teeth cleanings, 91 filled cavities and 174 pairs of glasses.

With legal, strenuous interrogation, the terrorists from the battlefield have revealed bombing cells across the world, they have explained their ability to finance murder, and they have uncovered recruiting efforts of more homicide bombers.

Our troops at Guantanamo deserve praise and credit for protecting American families.

In conclusion, God bless our troops, and we will never forget September 11.

RESTORING ECONOMIC OPPORTUNITY FOR THE FORGOTTEN MIDDLE CLASS

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, President Bush and the congressional Republicans are failing America's middle class again. This is nothing new. Millions of Americans are struggling paycheck to paycheck, and falling deeper in debt.

Under Republican rule, the rich are getting much richer, while the middle class are helpless to stop the decline in their purchasing power. America's companies are recording their best profits in over four decades, while wages remain stagnant for the overwhelming majority of middle-class workers. Workers are behind those record corporate profits, but the workers are left behind sharing the gains.

The middle class deserves a pay raise, but Washington Republicans pay no attention to the needs of real Americans. They can't raise the minimum wage. They are too busy working for the rich.

For 5 straight years, Republicans have said to the middle class, You don't count. We have got rising college costs, skyrocketing health care costs, crippling energy costs, but no help from the Republicans.

The Democrats offer a new direction for America. Democrats will restore economic opportunity and economic stability for the forgotten middle class. In November, the middle class is going to get taken care of by the new direction of the Democrats.

THE WHITE FLAG

(Mr. McHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McHENRY. Mr. Speaker, the White House recently released a new report detailing our Nation's updated strategy for combating terrorism and winning the war against Islamic extremists. The report underscores the importance of our national security and our fight both in arms and ideas.

This is a battle to preserve freedom and civilization from tyranny and barbarism, from Baghdad to Beirut to Tehran, Islamic extremists importing weapons from rogue regimes and exporting terrorism around the world.

Mr. Speaker, while the Republicans are committed to spreading our message of hope and liberty in a region torn by violence and extremism, the left is advocating and continuing to advocate a policy of cut and run. The central difference between Republicans and Democrats is that we want to fight, and they want to wave the white flag.

Mr. Speaker, the last time I checked, white flags aren't bulletproof.

BUSH ECONOMY IS NOT BENEFITING AMERICA'S GREAT MIDDLE CLASS

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, for 6 years now, the middle-class families in the United States have been sold out by the leadership here in Washington. Wages are worse than stagnant. Families are paying more for energy, health care and education, and yet real household income for working-age families has declined every year of the Bush administration, dropping nearly $3,000 in real terms. Personal debt is at the highest in many years, and America's debt has climbed 50 percent, to more than $28,000 per person since Bush took office, and will double to more than $11 trillion.

I wonder if Americans realize that Republican leadership has stubbornly and consistently refused to accept Democratic calls to have pay-as-you-go budgets. The Democratic leadership would take our Nation in a new direction and begin to repair the economy for regular middle-class American families.

BREAST CANCER PATIENT PROTECTION ACT

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in support of H.R. 1849, the Breast Cancer Patient Protection Act introduced by my colleague from New York, Congresswoman SUE KELLY.

Breast cancer is the most commonly diagnosed cancer in women today. This legislation requires health care providers to cover hospital expenses for breast cancer patients undergoing a mastectomy or lumpectomy.

In my home State of Florida, it is estimated that over 13,000 new cases of breast cancer in women will be diagnosed this year, and that over 2,500 women will die of this disease. It is our duty to reduce these numbers, both in Florida and nationwide, by ensuring medical coverage for these lifesaving procedures. I urge my colleagues to join the fight against breast cancer by supporting this and other crucial pieces of legislation.

A PLEA FOR THE SURVIVAL OF THE PEOPLE OF DARFUR

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, I rise today to plead for the survival of the people of Darfur. Despite a peace agreement signed in May and the U.N. Security Council's approval for a peacekeeping force of 20,000 last month, Darfur is descending into chaos.

Twelve years ago the world stood by as ethnic war erupted in nearby Rwanda. One hundred days later, 800,000 bodies, hacked to death by machetes, had piled up in the streets and rivers. Without swift intervention, Darfur may soon erupt into a scene as deadly. Today's poorly trained and equipped African Union Force can only watch the chaos unfold. When they leave in a week, they must be replaced by a U.N. force that can protect the Darfuri people from slaughter.

Sudan must allow the U.N. peacekeepers to end the government-sponsored genocide. President Bush must decisively lead the international community for this effort to succeed. The U.N. force must have the training, the equipment and the mandate to stop the slaughter and punish the slaughterers. The world must not deploy another force that will simply bear witness to the slaughter of innocents.

AMERICANS DESERVE REAL IMMIGRATION REFORM

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, you know, all Americans know if you are here legally, you ought to be rewarded. If you are here illegally, you ought to be deported.

My constituents constantly complain to me that illegal immigration is a huge problem. Local officials have used the so-called "catch-and-release" policy when they apprehend an illegal immigrant. Really, that person should be sent to jail. Why would we want someone who was just picked up by the police and is here illegally still out in the community and potentially free to flee? That just doesn't make any sense.

It is time America totally ends catch-and-release policy when it comes to illegal immigration. Texans and all Americans want, need and deserve real immigration reform.

PROVIDING A NEW DIRECTION ON ECONOMIC SECURITY ISSUES

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, I rise today to express my deep concern about the economic crisis facing American families under the failed policies of the Republican leadership.

Housing construction has plunged to the lowest level in more than 3 years. In fact, many families in my district can't even make their mortgage payments anymore. The average cost of food supplies is increasing, just like the increase in electricity bills.

In my home State of California, gas prices have doubled in the past 5 years to well over $3.50 in my district. Families with two cars in Los Angeles will pay an extra $2,330 per year for gas. That is higher than it was 5 years ago. The increase in gas prices will cost Los Angeles drivers an extra $9.2 billion this year alone.

Real wages have not kept up with increased costs as well. In Los Angeles, workers there only make 84 cents on the dollar. In East Los Angeles, in my district, the unemployment rate is currently 7.1 percent, compared to 4.9 percent for all of California.

America's working families need a new direction, one that works for everybody and doesn't discriminate depending on where you live, instead of one that rewards the very wealthy at our expense.

SUPPORT THE FEDERAL ELECTION INTEGRITY ACT OF 2006

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, I rise today to give advance notice of a bill that will be coming up today, and I certainly appeal for your support for that bill.

There are very few things in this life that I hate, but one that I hate is dishonesty, particularly dishonesty in voting. I am very eager to make certain that every vote taken in this country is legitimate, is properly cast and properly counted, so that all citizens can be assured their vote will be counted and not be diluted by others who vote illegally.

With that in mind, our committee, the Committee on House Administration, has taken up H.R. 4844, a bill proffered by the gentleman from Illinois Mr. (HYDE). This bill will be coming up today.

It is very simple. It simply requires by the year 2008, in every Federal election, every voter will have to display a photo ID. That is not a bad requirement. You already have to show it to cash a check, to get on an airplane or to buy cigarettes or alcohol. It is not at all a difficult proposition. By the year 2010, that photo ID will also have to have something on it that shows that the voter is a citizen.

With those two improvements, I believe we can go a long way to get rid of fraud in our electoral process.

DEMOCRATS WORK TO FILL THE DOUGHNUT HOLE SO SENIORS DON'T LOSE DRUG COVERAGE

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, there is an old saying that goes, if it ain't broke, don't fix it. Well, just the opposite is true when it comes to the Republican prescription drug plan that is seriously broken. We must fix it.

This week, the average American senior will be denied payment of their drug costs through the private plans they have selected because they have fallen into the so-called doughnut hole. Under the Republican plan, seniors lose drug coverage after they have spent $2,250 in out-of-pocket costs, and they won't be eligible for more assistance until they have spent $5,100 for the year.

It is expected that more than half of the seniors who fall into the doughnut hole will not be able to escape it. This is simply not fair. Many seniors on fixed incomes will be forced to cut back on their prescriptions, regardless of the consequences to their health.

Democrats in this Congress want to take a new direction to eliminate the doughnut hole. We believe that any prescription drug plan should provide enough monthly assistance so seniors no longer have to choose between putting food on their table or having the prescription drugs they need to live longer and healthier lives.

□ 1030

SEARCHING FOR THE PRESIDENT'S IRAQ PLAN

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, yesterday the President told the world that building a more hopeful future in the Middle East is "the greatest challenge of our time" and "the calling of a generation."

There is no question the President's policies in Iraq have created the greatest foreign policy challenge of a generation. What started off as a battle between democracy versus stability has now become a civil war between the Shiite and the Sunni. It became that way because of our incompetence and failure to plan.

We shouldn't expect a plan soon, because the President's Iraq Study Group just announced they will not release their plan for Iraq until after the November midterm elections.

Quote: "We think it's more important, frankly, to make sure whatever we bring forward is taken out of domestic politics."

This is how we are teaching democracy in the Mideast. Keep the voters in the dark until it's too late.

I will end the suspense. The new plan for Iraq, there is no plan and there never has been one. According to Brigadier General Mark Scheid, Secretary of Defense Rumsfeld threatened to fire anyone who tried to come up with a plan for the postwar and hostilities.

The President tells us we're in a long war, but thanks to this White House's refusal to plan, it has become an endless war.

It's time for a new direction.

IRAQ

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, I came here this morning to chastise the Republican majority for their failure to act on the minimum wage, but one of my colleagues said something so outrageous and indecent that it demands an answer.

One of my colleagues lauded President Bush's action on security and foreign policy, asserting that we hadn't had any losses since September 11, that we hadn't been attacked.

We have been attacked in Baghdad. We have been attacked in Mosul. We have been attacked in Tikrit. We are being attacked every single day, because this President and this do-nothing Congress has sent our troops and our finest men and women, our sons and daughters, our husbands and wives, into harm's way, where they never should have been in Iraq. We have lost 2,600-plus. We have had 15,000 of them limping around America because of the absurdly incompetent, ineffective, boneheaded decisions by this President and this Congress which has allowed them to go into harm's way.

Those who sit there and pat themselves on the back and say that we have had unalloyed success have done a disrespect to the fallen in Iraq. They shouldn't stand here and pat themselves on the back. They should be covered in shame for their failure to hold this President accountable for the competence we need in Iraq.

THE REPUBLICAN MYTH OF A HEALTHY ECONOMY

(Mr. HINOJOSA asked and was given permission to address the House for 1 minute.)

Mr. HINOJOSA. Mr. Speaker, the Bush administration and Republicans in this body love to tout the so-called success of their economic policies, but as any economist or working American will tell you, the facts just do not add up.

Republicans claim that their policies are increasing job growth, but the fact is they are presiding over the lowest monthly job growth rate of any administration since Eisenhower. The current tepid growth is less than one-fifth of the average of jobs created each month during the Clinton years.

When it comes to the real money American workers take home, the picture is equally dismal. Inflation-adjusted hourly wages have actually fallen since 2003, and the median annual income has decreased 3½ percent during this Republican administration. Meanwhile, productivity is up so Americans are working harder for less pay, while their employers reap the rewards.

The solution to our economic situation is not the Bush plan of more tax cuts for corporations and the wealthiest 1 percent. These policies have done nothing to benefit American workers and have driven our country into huge debt.

PRESCRIPTION DRUG LAW CREATES A GIANT HOLE IN DRUG COVERAGE

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, in the coming days, millions of American seniors are going to see why the Republican prescription drug plan was written to help the pharmaceutical companies and the private insurance companies rather than to help our seniors.

Republicans on Capitol Hill sided with the pharmaceutical companies when they wrote the law to forbid the Federal Government from negotiating lower prices. Then they sided with the private insurance companies when they allowed them to create private plans that include what is known as the doughnut hole, a giant gap in coverage, when seniors must continue to pay their premiums but receive absolutely no help with their prescription drug bills.

That is right. Under the private plans that the Republicans created, seniors will lose their drug coverage after they spend $2,250 of their own money on prescription drugs.

This Friday, Mr. Speaker, is the day that the average senior is expected to fall into the doughnut hole. If congressional Republicans were really interested in helping our seniors, they would join us in filling the doughnut hole so seniors do not have to continue to face this giant gap in coverage.

CONGRESS SHOULD HELP SENIORS OUT BY FILLING THE DOUGHNUT HOLE THAT MILLIONS OF SENIORS FACE

(Mr. RUPPERSBERGER asked and was given permission to address the House for 1 minute.)

Mr. RUPPERSBERGER. Mr. Speaker, this Friday, September 22, the average American senior will lose his or her prescription drug coverage that was promised by the majority.

This is the same confusing and complicated drug plan the majority created through the private sector rather than through the Federal Government's Medicare program.

Millions of seniors have already lost their coverage, but in the coming days, those numbers will climb as more seniors are expected to be denied their coverage when they hit the $2,250 mark. How can this be? How can the majority create a plan where seniors are still forced to pay monthly premiums but are denied coverage?

How can a majority create a law that is supposed to help seniors and then not allow the government to negotiate to bring down drug prices? We must give the Federal Government the ability to negotiate on behalf of seniors so that we can bring down drug prices and eliminate the doughnut hole so no senior loses their drug coverage.

It is time we take our country in a new direction.

STAY THE COURSE IN IRAQ IS NOT A STRATEGY FOR SUCCESS

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, Republicans support the Bush promise to stay the course in Iraq with an open-ended commitment and no questions asked. This stay-the-course strategy has strained our military, compromised our readiness, cost nearly 2,700 American lives and almost $400 billion, and diverted attention and resources away from the real war on terror.

Stay the course is not a strategy, and it is not working. Republicans refuse to face the fact that the reality on the ground is that we are not winning. We have no end game plan.

Today, we are bogged down in the middle of a civil war, one where 100 people are killed every day. From May 20 through August 11, the average number of attacks per week against Americans and Iraqis was 792, the highest number since the war began.

Meanwhile, the war in Iraq is distracting us from the overall global threat of terror. Over the past 3 years while we have been fighting in Iraq, the number of worldwide terrorist attacks have grown dramatically and the Taliban is growing in strength in Afghanistan.

The President has to stop looking and face the facts.

PRESIDENT BUSH AND GOP OUT OF TOUCH ON THE ECONOMIC CONCERNS OF AMERICANS

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, President Bush and the congressional Republicans refuse to face reality when it comes to the economic conditions the American middle class and working poor now face. Despite all the evidence to the contrary, President Bush continues to contend that things are good for American workers.

Just what numbers is he looking at? Surely, it cannot be the economic numbers that show average workers today are making $3,000 less than they did 5 years ago, if you adjust for inflation.

The President must also be ignoring numbers showing that wages and salaries now make up the lowest proportion of the economy since the government began taking records back in 1947. While wages have been stagnant, corporate profits have climbed to their highest levels since the 1960s.

Mr. Speaker, that last fact must be the one that the President is referring to when he touts the economy. It may be working well for the President's wealthy special-interest friends who are forcing their workers to be more productive without allowing them to share in the profits. Is this really fair?

Democrats believe we need to take our economy in a new direction, one that looks out for all Americans, not just the privileged few.

AMERICANS KNOW WE CAN DO BETTER

(Mr. SNYDER asked and was given permission to address the House for 1 minute.)

Mr. SNYDER. Mr. Speaker, probably the most frequent fear facing a family each month is paying bills. Even families with income above minimum wage struggle. Nothing pays family bills but money. Nothing is better for bringing in money than a good job with a good wage.

For the last several years, our country has not been moving in the right direction: no change in the minimum wage; the numbers of uninsured substantially increased; tuition for technical schools going up; tuition for colleges substantially increased without an appreciable increase in Pell Grants and the GI bill.

We must do better. Americans know we can do better.

THIS ADMINISTRATION MUST CHANGE DIRECTION ON AVIATION SECURITY

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, 5 years and 9 days after 9/11 our system of aviation security is not yet done. In fact, today, a USA Today headline: "Crisis Seen in Luggage Screening." We still do not have inline, integrated state-of-the-art baggage screening in the largest majority of U.S. airports. People would be appalled if they saw what went on behind the scenes that is supposedly providing for security.

But the Bush administration has said consistently for 5 years, we cannot afford to make flying safe and to screen cargo and baggage; we cannot afford it.

If they just would forgo the tax cuts for 1 year for wealthy investors, exempting their dividend taxes from a normal rate of taxation, we could put this equipment in every airport in America. But guess what? Those rich people do not care. They are flying on the private jets and the Bush people are flying on their military flights, so they do not really care about the American public and their security.

But this is a crisis and we cannot afford to continue to ignore what we need to do, what we need to invest to make the American flying public safe.

This administration must change direction or we must change the leadership in Congress.

PROVIDING FOR CONSIDERATION OF H.R. 4844, FEDERAL ELECTION INTEGRITY ACT OF 2006

Mrs. CAPITO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1015 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1015

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4844) to amend the National Voter Registration Act of 1993 to require any individual who desires to register or re-register to vote in an election for Federal office to provide the appropriate State election official with proof that the individual is a citizen of the United States to prevent fraud in Federal elections, and for other purposes. The amendment in the nature of a substitute recommended by the Committee on House Administration now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration; and (2) one motion to recommit with or without instructions.

UNFUNDED MANDATE POINT OF ORDER

Mr. MCDERMOTT. Mr. Speaker, pursuant to section 426 of the Congressional Budget Act of 1974, I make a point of order against consideration of the rule, H. Res. 1015.

Section 425 of the same act states that a point of order lies against the legislation which, number one, imposes an unfunded mandate in excess of the annual amount specified in that section against State or local governments; or two, does not publish prior to floor consideration a CBO estimate of any unfunded mandates in excess of the amounts specified annually for State and local entities or in excess of the amount specified annually for the private sector.

Section 426 of the Budget Act specifically states that the Rules Committee may not waive this point of order.

On page 1, line 2, and on page 2, line 1, of H. Res. 1015, all points of order are waived against consideration of H.R. 4844, the Federal Election Integrity Act of 2006. Therefore, I make a point of order that this rule may not be considered pursuant to section 426.

The SPEAKER pro tempore (Mr. BOOZMAN). The gentleman from Washington (Mr. MCDERMOTT) makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

In accordance with section 426(b)(2) of the act, the gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated.

Under section 426(b)(4) of the act, the gentleman from Washington (Mr. MCDERMOTT) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 10 minutes of debate on the question of consideration.

Pursuant to section 426(b)(3) of the act, after that debate the Chair will put the question of consideration, to wit: "Will the House now consider the resolution?"

The Chair recognizes the gentleman from Washington.

Mr. MCDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Republicans want to erect a fence around the right of the American people to vote. They have offered a bill that will restrict voting rights for Americans. In effect, the Republicans are trying to dilute the fundamental rights guaranteed under the U.S. Constitution. It fits right in with the Republican effort to suspend those rights they find inconvenient.

☐ 1045

The president of the League of Women Voters, don't take my word, Mary Wilson summed it up this way: "This is an attempt to politicize the voting process by erecting barriers to keep many eligible legal voters from participating. Congress should not be playing politics with our right to vote." Yet this is exactly what Republicans are doing, creating a nonexistent problem to appeal to their base. This is basically a PR opportunity just before the election.

Just yesterday, millions of Americans across the country voted, including those in my State, and today there is not a single story anywhere in this Nation about noncitizens voting illegally. In fact, last week, the circuit court in Missouri threw out the Harmful ID law, the real name of what Republicans are trying to give us. Republicans have the superrich, so they would like to disenfranchise everyone else, anybody who doesn't have a photo ID, Native Americans, the elderly, the disabled, people who don't have a birth certificate. They fear what happens when every eligible American gets to vote.

Democrats believe that the Constitution is worth protecting. We surely wish that the Republicans would start spreading democracy in all of America, not just those who have a photo ID.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. I would like to now recognize the chairman of the House Administration Committee, the gentleman from Michigan (Mr. EHLERS), for as much time as he may consume.

Mr. EHLERS. I thank the gentlewoman for yielding.

I am astonished at the comments made by the previous speaker. It is certainly not my intent and certainly not the intent of the Republicans to in any way restrict the ability to vote.

He mentioned the Constitution. The Constitution clearly specifies who are citizens of this Nation. Federal law clearly specifies that only citizens may vote.

We have had numerous instances of fraud, voter fraud, in the history of this Nation. Let me just mention Tammany Hall, the Pendergast machine, the Daley machine, and on and on. There is no question that fraud has existed. Based on my work on the Committee on House Administration and being involved in some of the difficult decisions we make there on voting reviews, I assure you there is no question that there continues to be fraud.

In recent hearings we had on the bill before us here, we had testimony in New Mexico that poll watchers, instead of doing what they were supposed to do, namely, noting who was absent and hadn't voted, and then calling these absent individuals to remind them to come to vote, instead of doing that, the poll watchers were calling friends to come in and vote illegally in place of the missing people. They would vote the party line for the party that was arranging this procedure. Fraud does exist and still occurs in elections.

I think there is one very, very good way to solve this problem, and that is to make sure that every voter who votes proves that they are the person who has registered to vote. A good way to do that is photo ID.

Now, the other side of the aisle tends to see this as a terrible calamity. They believe this is horrible. How can we do this? But at the same time they have approved, I am sure, the use of photo ID for getting on an airplane. They have approved the use of photo ID for purchasing alcohol or cigarettes. They have approved the use of photo ID for cashing a check. And on and on. We use photo ID all the time. We use photo IDs to get on governmental property. This is not a new concept.

All we are simply saying in this bill is that by the year 2008 election, every Federal election will require a photo ID of every voter wishing to vote in that and succeeding Federal elections. It further goes on to say that in the year 2010, that photo ID must also indicate whether or not this person is a citizen. So it is two-pronged, and straightforward.

In the public hearings that we held, there was much made by, among others, the League of Women Voters and also by the other side of the aisle that this was going to deprive poorer people of the opportunity to vote because they can't afford to get a voter ID, or it's too difficult for them to get out of the house and do it, or they can't prove their citizenship because they were born at home, et cetera, et cetera. We took that to heart. So we modified the bill to say that the States will prepare these photo IDs that will vouch for the persons citizenship, and if there is any expense involved that cannot be reimbursed by the person receiving this information and getting the photo ID and the citizenship verification, and if they cannot pay for it because they are indigent and simply do not have the resources, of if they can't get out of the house, or whatever, the State is to pay for it, and we will reimburse the State.

This is not an unfunded mandate. We include the authorization in the bill, saying that when the States incur this expense, they submit their bills to the Federal Government. The Federal Government is authorized to repay them. The only glitch might come if the appropriators don't appropriate the money, but I can assure you the appropriators will be happy to appropriate the money for this purpose as long as we continue in the majority.

I think it is totally inappropriate to call this on a point of order. This is not a mandate for the States to spend. They have enough credit in every case to pay the bill and have us reimburse them a month or so later. Surely they can carry that small burden. The total expense for the entire country is estimated to be less than $77 million. That is the estimate from the CBO.

So I think the point of order is completely unfounded. I believe it is very important to continue with this bill. My goal in every case is to ensure that every citizen of the United States clearly has the right to vote, and that right will be facilitated by using the methods outlined in the bill, but also every citizen who votes has the right to believe that their vote will be counted accurately, and that no one else will dilute their vote by voting illegally and, therefore, undermining the process.

Mr. McDERMOTT. Mr. Speaker, could you tell us how much time has been used on both sides?

The SPEAKER pro tempore (Mr. BOOZMAN). The gentleman has 8 minutes.

Mr. McDERMOTT. I have 8 minutes. And my opponent?

The SPEAKER pro tempore. Five minutes.

Mr. McDERMOTT. I yield 1½ minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. I thank my colleague for yielding. I wish specifically to address the statement made by Chairman EHLERS, for whom I have the greatest respect. And he is my friend.

I disagree where you say, Mr. Chairman, that this is not an unfunded mandate. Although H.R. 4844 authorizes, as you correctly say and from the language of the bill, such sums as necessary to fund the program, it does not guarantee any funding to States to pay for the requirements of this bill.

The Help America Vote Act was authorized for $3.9 billion, and to date only $3.1 billion has been appropriated, leaving an $800 million shortfall. The sponsors of H.R. 4844 simply cannot guarantee that States won't be stuck with the bill for the costs imposed by this legislation.

The unfunded mandates law was the very first bill considered on the House floor when the Republicans took control of the Congress in January of 1995. I was here when it passed. They were highly critical of previous mandates imposed by Democratic Congresses and adamant about not allowing legislation to impose unfunded mandates on State and local governments as well as the private sector. Yet here we are today ready to impose enormous costs on these entities and on private citizens as well.

I support the point of order and ask that it prevail.

Mrs. CAPITO. Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Do we have the right to close?

The SPEAKER pro tempore. The gentlewoman from West Virginia has the right to close.

Mr. McDERMOTT. Mr. Speaker, I know the gentleman from Michigan, and he is an honorable man, but he is standing out here trying to sell snake oil to the U.S. Congress.

This speech just given by the gentleman from Florida about the Help America Vote Act is living proof of the fact that this place promises all kinds of stuff and then doesn't deliver to the local government. We could spend a long time talking about the Leave No Child Behind Act. Over and over, after all that showboating you did when you took over the Congress about we're not going to have any more of those unfunded mandates, and then you come out here again and again and again, and you stick the States and the local governments with the cost.

Now, if it doesn't make any difference to the Republicans that the State and local government are going to have a problem, it ought to worry them that 7 million people are affected. That is the estimate by the League of Women Voters about the people who will be affected by this bill. You don't worry about people who get on airplanes. All of us are rich. We've got money to fly on an airplane. There are 7 million people that don't go to the airport every week and have to show a photo ID. We get one given to us here in the Congress for free. None of us paid for that thing. And we show it.

Our driver's license. We don't pay for the photo ID. We pay for the right to use the roads of our State. The fact is that there are millions of people in this country who you are going to make a serious problem for, and the States are either going to have to say you can't vote because you don't have a photo ID, or they are going to have to pay for it. And to count on you, the Republican appropriators, when you are wasting $400 billion in Iraq, to come up with even what is really a small amount of money, $77 million or $100 million or whatever the number is, it's not very much, is really betting on the tooth fairy.

Now, I believe that the constitutional right to vote is preeminent. Everybody should have a right to it. Every year in Seattle, we bring in about 500 new immigrants on election day, or on the Fourth of July, and we send them up to register with the League of Women Voters because we tell them the most important thing in this country is to vote, that that is how you exercise your American rights.

□ 1100

And now you want to erect a barrier. Thank God for the courts in Missouri who threw out the Missouri law; but that is not good enough for you guys. You say, oh, no, Missouri didn't write it right. We will write it so we will get them. We will get everybody in the country.

The elections in this country have hung on a very few number of votes, and to eliminate 7 million people from the opportunity to vote because they don't have a photo ID and put it in the loving hands of State governments and county governments to make sure that they have what is necessary is to limit their right to vote.

You show me one bit of evidence that somebody has illegally voted, because you haven't shown that. I believe that in reality you are really only trying to protect your own grip on power in this House by making it harder for ordinary Americans to have a say in who leads this country.

In 2001, the National Commission on Federal Election Reform estimated that up to 10 percent of those eligible to vote do not have official State identification like a driver's license. Now these are people without cars, including the disadvantaged. Republicans are willing to leave those people behind. I am sorry if you can't drive a car and don't have a driver's license, your State is not going to have the money to pay for it. Where are they going to get it? They will take it out of the TANF program, or the schools, or somewhere. You can count on them to do that. That is what you are saying.

Instead of finding ways to ensure that every American has a right to vote, the Republicans want to build a fence so it is harder and harder to get to the polls. Republicans would like you to believe that illegal aliens are a danger to the American political process, that they are sneaking in through the borders and then they are sneaking up to the polls and they are casting their ballots and are electing—come on, that is the fear tactic again. It is the fear tactic that you use over and over on the American people, and that is all this bill is about: the fear tactic.

We are coming up to an election. The real danger is if the Republicans could put a fence around the Constitution, letting in their friends and keeping everybody else out. And it is not about protecting the right to vote, it is about subverting the right to vote for non-Republican Americans perhaps, people who they think won't vote for them.

Why would the poor people vote for the 1 percent party, the party of the rich? We know what this is all about. People just don't want to say it straight out, but it is really going after those people least able to defend themselves in our society casting their vote.

The vision of the Republicans is if you don't vote Republican, they want to make sure you don't vote at all. They don't want you to vote. Democrats will never stop fighting to protect the rights of people to vote, to run their government, even when they choose you.

A democracy requires allowing everybody to have a chance to vote, even when I might say they made a mistake here and there. But nevertheless, they have a right to vote.

This bill is a sham. It is a PR piece and it doesn't belong in a Nation governed by all of the people.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume to respond, and then I will yield to the chairman of the committee.

First of all, I think this is serious business. When you talk about one of the most precious rights we have as citizens, it is to vote. Obviously that is how we all arrived here. And I think we have, shamefully, a very low percentage of people who are voting, when we compare worldwide, in this country. So I think highlighting voting and voting patterns and the way to vote and the way to legally vote is an important issue.

But what I have heard just now is a very cynical and I think slightly mean-spirited attack on why we believe and why the committee has brought forward very thoughtful legislation on voting and voter identification.

If you want instances of voter fraud, come to the State of West Virginia. We just had five people indicted and sentenced in Federal court for this very thing.

If you want to talk about the Commission on Federal Election Reform, which was quoted just a minute ago, headed by former President Jimmy Carter and former Secretary of State James Baker, they recommended this very thing, that photo ID be used as an identifier to vote.

And I can quote as well, to go to the other point, the former mayor of the city of Atlanta, Andrew Young, who talks about the concept of a photo ID for voting. I think this is an interesting point he makes: At the end of the day, a photo ID is a true weapon against the bondages of poverty. Anyone driving through a low-income neighborhood sees the ubiquitous check-cashing storefronts which thrive because other establishments, such as supermarkets and banks, won't cash checks without a standard photo ID.

To go to the point of order that has been raised, this is an authorizing committee. The House Administration Committee is an authorizing committee. They have made provisions in the bill for appropriators to provide the appropriate funds of money that would be necessary to create the photo ID for the, and I will take the gentleman's figure, the 7 million people who are without.

I think it is important to note that the REAL ID Act which is going to be going into effect in the next several years is going to require federally issued photo ID as a means for identification and citizenship.

Mr. Speaker, I would now like to yield the balance of my time to the chairman of the committee, the gentleman from Michigan (Mr. EHLERS), who is very thoughtful, very well respected, and certainly is known for his intense study of a subject, and this one is no different.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Michigan is recognized for 2½ minutes.

Mr. EHLERS. Mr. Speaker, several points. First of all, I am surprised that anyone regards this bill as an attempt to prevent people from voting. It is intended to aid them in voting. I am committed, as I said earlier, to allow every citizen the opportunity to vote, and make certain they can be assured that no one else is diluting that vote through illegal action.

Having said that, and recognizing that Andrew Young has also endorsed this, I don't understand the arguments of the Democrats on this. When the bill was first introduced and we had our first hearing, all of the complaints from the Democrats and the League of Women Voters was that we are disenfranchising the poor because they could not afford to get a photo ID and they could not afford to prove they were citizens.

So I said, fine, we will provide the money so that the poor can get a photo ID, and so that the poor can prove their citizenship. Then we are truly helping them, because not only can they vote, but as Andrew Young said, they can cash their check more readily. Also, if they want to apply for Social Security or Medicare benefits, they have proof of citizenship which speeds up the process tremendously; otherwise they have to go through the effort of proving citizenship at that time.

So this bill not only will help with voting, it will help the poor in many other ways because it provides payment for them to properly be able to identify themselves to get government services, to cash checks, et cetera, et cetera.

What we have done here is a good bill, and the point of order is simply invalid. If we are going to apply the point of order for this bill because the appropriators haven't yet acted, then every authorizing bill we pass that provides for funding through the States or localities is not going to pass the test either, because they won't have the appropriations in hand yet. I think it is a farce. I urge all Members to vote against this point of order, and I urge that we proceed on to the debate of the bill itself.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider House Resolution 1015?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McDERMOTT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 213, nays 190, not voting 29, as follows:

[Roll No. 454]

YEAS—213

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NAYS—190

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—29

Beauprez
Boehlert
Brady (TX)
Cardoza
Case
Cooper
Costa
Culberson
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Fattah
Ford
Gutierrez
Harris
Hyde
Keller
Kennedy (RI)
Moore (KS)
Ney
Nunes
Oxley
Pombo
Radanovich
Ryan (OH)
Shays
Strickland
Westmoreland
Wolf

□ 1132

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

Messrs. JEFFERSON, HOLT and FRANK of Massachusetts changed their vote from "yea" to "nay."

Messrs. EHLERS, BONNER and HALL changed their vote from "nay" to "yea."

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HARRIS. Mr. Speaker, on rollcall No. 454, consideration of H. Res. 1015, I am not recorded due to travel delay. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume.

Mr. Speaker, last night the Committee on Rules granted a closed rule for consideration of H.R. 4844, the Federal Election Integrity Act. The rule provides for 1 hour of debate in the House equally divided and controlled by the chairman and ranking member of the Committee on House Administration.

The rule waives all points of order against consideration of the bill and provides that the amendment in the nature of a substitute as reported by the Committee on House Administration shall be considered as adopted. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the right to vote is our most cherished freedom as American citizens. Over the years our Nation has evolved and progressed to include many more citizens in the voting process. Who could forget the wonderful accomplishments of Susan B. Anthony, Elizabeth Stanton, and Martin Luther King and countless others who fought to extend the right to populations that had previously been discriminated against?

Mr. Speaker, I am proud to say that today all American citizens, regardless of gender, race, creed or ideology, are free to vote for candidates from the Presidential election all of the way through to the school board.

But, sadly, there are those who have taken advantage of this cherished freedom by distorting our election system. We have all heard stories about the rolls of deceased voters mysteriously voting from the grave, sometimes even voting more than once.

Furthermore, with an increasing population of illegal immigrants populating our States, the possibility of noncitizens voting continues to grow. When voters go to the polls, they are electing representatives like us that will set policies for all citizens. Therefore, we should not allow these outcomes to be affected by individuals who have intentionally broken the law.

In my home State of West Virginia, I am not proud to say, five individuals were recently convicted of illegally influencing elections. Our State has long suffered from these illegal and unethical tactics used to stifle the voice of our voters. While many of these problems that have been plaguing our system cannot be fixed overnight, the underlying legislation is a step in the right direction.

The Federal Election Integrity Act simply requires that in order for a person to vote, they must be able to show proof of identification with a photo ID by 2007, and then 3 years later, in 2010, all voters will be required to provide a photo ID that could not have been obtained without proof of citizenship.

We all understand this is going to be a challenge for some of our rural, elderly and indigent populations, but the REAL ID Act already requires all people to have a compliant ID to prove their legal status by 2008.

Furthermore, this legislation authorizes funds to reimburse the States for providing IDs to the indigent at no cost. Seventeen States currently have similar requirements in their laws, most recently Arizona.

The Secretary of State for Arizona recently testified that voter registration has increased in Arizona by 15.4 percent since the implementation of Proposition 200, a measure that requires all voters to present identification at the polls before casting a ballot, as well as provide a proof of citizenship before registering to vote. Recent reports show that the primary election held last week in Arizona, that there were no stumbling blocks to this new provision. Certainly this has been a success as more voters are registering, and they have peace of mind that their registration is protected by proof of their identify.

During a recent NBC-Wall Street Journal poll, 81 percent of those surveyed expressed support for requiring ID at the polls. Clearly the voting population is concerned with voter fraud and is yearning for action. Even former President Carter and former Secretary of State James Baker, a bipartisan duo, have endorsed this approach.

Mr. Speaker, integrity in our election system is a goal that is shared across party affiliation. We want everyone to participate, to vote, and to know that their vote counts. And it is my hope that we can all work together to improve our system for future generations.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentlewoman from West Virginia (Mrs. CAPITO), for the time, and I yield myself such time as I may consume.

Mr. Speaker, I am in opposition to this closed rule. This so-called Federal Election Integrity Act places an unconstitutional burden on the fundamental rights of eligible citizens to participate in our country's democratic process.

I agree with the words of President Lyndon Johnson when he said, "The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible wall which imprisons men and women because they are different from other men and women."

Today, before millions of Americans, the majority is trying to reconstruct the walls of injustice and imprison our poor, disabled, elderly and young by putting up barriers to the voting process. This majority Congress has decided to embarrass itself further by coming up with a solution in search of a problem instead of passing legislation that would rectify actual problems that plague our citizens.

Out of all of the issues that this Congress could be considering in the last 2 weeks before we adjourn, the majority has decided that the priorities of the American people include trying to make voting harder for segments of our population that already have it difficult.

In today's USA Today, it says, "Crisis Seen in Luggage Screening." And this is a report by TSA and airports highlighting the urgency of us needing to screen baggage that goes onto airplanes, and here we are screening voters who have done nothing wrong in the first place rather than dealing with urgent matters.

Although the majority of Americans have and use IDs as a routine matter, approximately 10 percent of the public, disproportionately people of color, elderly citizens, disabled citizens, and young people and low-income citizens, do not have government-issued photo IDs.

When I think about the latest schemes of the majority, I cannot help but think about who exactly this bill would affect. I call attention, for example, to elderly blacks born into segregation, as my mom and grandfather and grandmother were, and racism that existed in the pre-civil rights era in the South.

My mother was born in Florida in the early 20th century at a time when the birth of most blacks was not officially acknowledged by States or localities. This meant that my mom and thousands like her were not issued birth certificates. This practice continued in some areas of this country into the 1950s. Furthermore, many persons at this time do not drive, like my mom, so they never obtained licenses either.

Mr. Speaker, the claim that voter fraud is such a rampant problem is really beyond the pale. There is virtually no empirical evidence. I might add they held no hearings, did not take into consideration anything other than some nominal reports regarding this matter. There is virtually no empirical evidence that voter fraud with any frequency would warrant such a restrictive and potentially harmful legislation.

Furthermore, proponents of the voter ID requirements cannot even prove that existing safeguards do not adequately address the minimum problems of fraud. I heard all of the talk about something happened in Arizona and what the people did. All of that was prosecutable under the law as it exists. This legislation is nothing short of yet another political ploy at a political time when we are in high political dudgeon to bamboozle. disenfranchise American citizens.

The fact that this bill is being considered as a closed rule with no amendments and no debate confirms my suspicions that the majority is actively doing everything in its power to stifle democracy instead of letting it flourish.

Mr. Speaker. this country needs a new direction. This bill is nothing but a distraction to real issues that deserve real solution. Currently States have several alternative means to address potential problems associated with voter fraud. When those alternatives are executed correctly. which includes statewide voter registration databases, in-person affirmation and signature comparison, they pose less of a burden on eligible Americans than a mandatory ID. I also note that most of these alternatives have long been used successfully in States across the country.

If Republicans were serious about carrying out real election reform. they would not have voted against the two amendments offered by my two good friends on the House Administration Committee. Ranking Member MILLENDER-McDONALD and Representative LOFGREN. that sought to improve voter participation and access to polls.

□ 1145

As it stands. the current legislation before us today does absolutely nothing to alleviate the problems Florida had with recent elections on September 5. and would not address current problems that many States are still experiencing today.

Maryland, just last week, had all sorts of problems that this measure here would not have covered in their flawed election. I am not the only one who is concerned about the effectiveness of this bill. Our colleague, LINCOLN DIAZ-BALART. expressed extreme concern about there not being a paper trail in the voting process. I strongly agree with his concerns and those of ROBERT WEXLER, who has fought the paper trail problem in my district, and note that this bill provides nothing. nothing. for States to improve electronic vote.

Several States. including Florida. Missouri, where Mr. SKELTON is from and who will speak. has personal experience. Ohio, Michigan, Arizona, and the city of Albuquerque, New Mexico, have enacted voter ID requirements that have been challenged in court. Many have already been found unconstitutional and thrown out while others are still pending. Just yesterday. another judge, a superior court judge in Georgia, threw out that State's voter ID. which has been litigated ad nauseam.

For a party that doesn't like trial lawyers. the Republicans would almost guarantee big business with trial lawyers. with the increase of litigation that would immediately follow the passage of this litigation.

Mr. Speaker. we cannot bypass the opportunity to pursue real election reform. We cannot let the majority pass harmful and vague legislation that would only nullify the advances we have witnessed with such legislation like the Voting Rights Act.

Two years ago. in response to what I believe is going to be recited, that this is not an unfunded mandate. 2 years ago, the Democrats on the Appropriations Committee tried to provide funding under the Help America Vote Act. but the Republicans on that committee voted it down. So your argument that there would be funds for this falls on deaf ears. Once we pass a measure like this. the localities are going to have to bear the brunt, whether we fund it or not. Voting is for all of us. not just most of us. We can and must do better in the people's House.

For these reasons. I oppose this closed rule and the underlying legislation.

Mr. Speaker. I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I think the perspective of a chief election officer of a State is one that can shed great wisdom and knowledge concerning this bill, so it is my honor to yield 4 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker. certainly the fundamental building block of our democracy for the last 208 years has been a constitutionally guaranteed right to vote. Prior to my service in Congress here, I had the great honor and privilege to serve as my State of Michigan's chief election officer and the secretary of State.

In that role I viewed it as my duty to ensure the integrity of our elections process, to ensure that every eligible voter had an opportunity to vote, to ensure that every registered voter would turn out on election day. and to root out any fraud, any type of fraud in our elections process. and to ensure that every vote that was cast was properly counted.

I would like to think that I do have a deep understanding and certainly a respect for our Nation's electoral process. and not from a partisan tint. In fact, after the 2000 elections, the NAACP gave my administration the Nation's highest grade of any of the secretaries of State in the entire Nation for election reform.

Mr. Speaker, since the 2000 election. this Congress has also taken action to improve the process through the Help America Vote Act, that they authorized and appropriated millions and millions and millions of dollars for. which has improved the quality of our voting equipment and improved the registration voter list throughout the Nation.

Now, today. we have another positive electoral initiative that will help ensure the integrity of our process. H.R. 4844, the Federal Election Integrity Act. will require voters in Federal elections to show a photo ID to prove their identity and to be sure that their vote is counted.

I know that we are hearing concerns from the other side that for very partisan political reasons that this is going to disenfranchise voters. but nothing could be further from the truth. This important reform will ensure that every voter who presents himself at the poll. is who they say they are. and will limit diluting the votes of lawful voters by rooting out fraud.

Mr. Speaker, the call for photo identification at the polling places is not simply coming from Republicans. In fact, in my home State of Michigan, during the 2005 Detroit mayoral race, we heard calls there from both candidates. both camps about electoral improprieties that were happening in the city of Detroit. Both of the candidates engaged in that process and in that election were Democrats.

In fact. Freeman Hendrix. who lost that close race. actually came out after the election with a litany of things that we needed to do in the State of Michigan for election reform and paramount, a priority amongst them from him. was that we needed to have photo identification.

In addition. as has been mentioned on the floor already. the bipartisan Carter-Baker Commission. that is Jimmy Carter. former President Jimmy Carter. the Carter-Baker Commission on Electoral Reform recommended that we require photo ID at the polling places. again to ensure the integrity of our electoral process. I don't think there is anybody in the Nation that would accuse former President Jimmy Carter of being a Republican or a partisan Republican. We need to enact the photo identification requirement.

Another problem is that from some estimates, we have as many as 12 million illegal aliens in our Nation. Many of my constituents are concerned that votes of our citizens are being diluted by noncitizens illegally participating in the electoral process. This legislation actually builds on the REAL ID

Act, which ensures that no States issue either driver's licenses or State identification cards to illegal aliens, and it assures the validity of the documents which establish the identity and the citizenship of the individuals.

This legislation will be yet another safeguard to ensure that those who are in our country illegally, or who are not citizens, do not participate in our electoral process. It also ensures that citizens who do not now have a government-issued photo ID, or cannot afford one, will have access to free, literally free, identification.

So there are a lot of reasons as to why people don't vote. Perhaps they think, they are very apathetic, they don't like the negative campaigning, or they don't like their choices of candidate, or they might think that there is too much fraud in the system and that their vote will not count, for whatever reason.

I truly believe that enhancing the integrity of the process will be an impetus to show people that their vote does count, that it is going to be counted, that it is going to be counted properly. In fact, this bill has the potential to actually increase voter participation.

Mr. Speaker, this is commonsense reform that will make our democracy stronger. I urge my colleagues to support the rule and the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I just wish to correct one thing with reference to President Carter. What he said was that there should be identification, not proof of citizenship, and that it should be free to everybody. I am sure he didn't allow for an unfunded mandate.

Mr. Speaker, I yield to the distinguished ranking member of the Armed Services Committee, a decorated veteran and hero that all of us respect. I would be interested, the kind of hero that IKE SKELTON is, that he tell his story; or hear his story about what happened to him.

Mr. Speaker, I yield 2½ minutes to my good friend, the distinguished gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, not long ago the Missouri legislature passed a law just like the one that we are considering today for the State of Missouri. Since I don't drive, I needed a nondriver's license identification card. I went in to the Lafayette County license bureau, waited like all the others for 45 minutes to see the very nice young lady, and I told her that I needed a government, State of Missouri-issued nondriver's license identification card.

She said, "I know you." Of course, she did. I produced the voting card identification card that I always carry with me. It has my picture, United States House of Representatives, the Honorable IKE SKELTON, Member of Congress, Missouri Fourth District, No. 190465, and has a facsimile of my signature, 109th Congress, January 2005–2007.

She said that ought to do it, but let me call the Jefferson City Department of Revenue and check. She did, and they said, no, that is not enough identification for me. I would have to go get either a passport or a birth certificate. As I was running out of time, I thanked her, and I would come back at a later moment. Thus, I was turned down trying to get a Department of Revenue nondriver's license voter identification card.

A month later, just a few days ago with my passport, which was up here in Washington in my safe, I waited in line and did get my voter nondriver's license identification card. So I am pleased to tell you that I can vote in November.

I also should tell you that in recent days the law that was passed by the Missouri legislature was held to be unconstitutional by the trial judge in Jefferson City, Missouri. This law, if allowed to stand in our State, or on a Federal level, will disenfranchise some very nice people, particularly senior citizens who walk in without a photo ID or driver's license. I just thought I would share my personal experience with my friends and colleagues here in the House.

Mrs. CAPITO. Mr. Speaker, I yield 3 minutes to the chairman of the House Administration Committee, the author of this bill, the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentlewoman for yielding.

Mr. Speaker, first, I would like to address the comments raised by the gentleman from Missouri, who is one of the most outstanding Members of Congress. I am sorry that his State has adopted a law such that you have to have a certain type of State ID. I am not at all sure why they did not recognize his congressional ID.

Under the bill that we have written, the bill that is on the floor today, a congressional ID would be recognized and would be appropriate for the process, simply because it is issued by the Federal Government. It shows the picture of the person carrying it. It establishes, by virtue of the position, that this person has citizenship, and so the voter, the Member card, which I incidentally use for ID every time I board a plane, would apply equally well for voting. The event described is an isolated case, and he was affected by State law, not by the law that we are proposing here.

There has been so much said about how this is going to keep people from the polls. I don't see that at all. We have worked very hard on this bill. We have conducted three hearings. I understand that while I was out of the room, someone on the other side said we hadn't had any hearings. We had three hearings: one in Washington, DC, one in New Mexico, and one in Arizona.

I have also heard that this is going to keep people away from the polls. But in Arizona, when they passed their referendum requiring photo ID and citizenship proof, registration went up 15 percent. It did not go down, it went up. I think that is simply because the people could be assured that their vote would be entered properly, their vote would be legal, and that there would not be illegal votes nullifying what they had done.

Most of the argument that I have heard against this bill is simply not germane, or simply erroneous, because they simply haven't read the bill or understood it. We worked very hard to take into account the objections raised by the members of the committee, members of the public who had testified, and we thought we had taken care of all of those concerns.

Why is it unacceptable to help individuals prove their citizenship and obtain a photo ID and proof of citizenship free of charge. It is beyond me why that is unacceptable. Andrew Young says it is wonderful. Why don't the people in the House of Representatives think it is wonderful?

We are actually helping them to collect Social Security eventually, and collect Medicare benefits. We are paying the bill to allow them to do this, and I think this is a really good side benefit of a bill which not only will do that, but which will ensure that all votes cast in this Nation are valid votes, and that fraud will be minimized.

□ 1200

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Mr. EHLERS continues to use Arizona. In the first 6 months of 2005, as a result of Arizona's Proposition 200, more than 10,000 Arizona citizens had their voter registrations rejected as a result of failure to provide adequate proof of citizenship. I think that is horrible.

Mr. Speaker, someone else that knows about protecting us from fraud is the ranking member of the Homeland Security Committee, who I believe has had a substantial career dealing with the subject of voter problems.

Mr. Speaker, I yield 3 minutes to my good friend, the distinguished gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Speaker, integrity is having the wisdom to say what you believe and the courage to do what you say.

Here on the floor of this House, we talk about our beliefs in democracy, we talk about preserving and protecting the Constitution, we talk about the importance of voting. But talk is not enough. We must act. And if we enact this bill, we will fail the second test of integrity, to have your actions in line with your words.

In 2002, we passed the Help America Vote Act. HAVA set a baseline for voter identification requirements. Only three States in the Nation have interpreted HAVA to require photo identification at the ballot box. Each of these State laws is being challenged. Yesterday the Georgia court struck down the State's voter ID law. They said it violated the State constitution.

States that require photo ID at the ballot box provide a provisional ballot if a voter does not have an ID, but the bill before us today will go a giant step further. Without a valid ID, a voter can only get a provisional ballot if they can prove citizenship. So even if you voted for years, were born in this country and served in the military, you could be turned away.

Mr. Speaker, I am from Mississippi, and I know what voter suppression is when I see it. We stand here today ready to short-circuit the judicial process and impose a system that all 50 States have outright rejected.

My colleagues on the other side of this aisle have stated that this bill will help stamp out voter fraud, but look at the facts. The Department of Justice statistics show that over 196 million votes have been cast in Federal elections. Only 52 individuals have been convicted of voter fraud. In Ohio, 9 million votes were cast in the last two elections and only four cases of ineligible voters were found. In Wisconsin, the U.S. Attorney General conducted an investigation into alleged widespread voter fraud. He found 14 cases.

Today we are asked to mandate that State and local elections officials in every State train an army of volunteer poll workers to spot an acceptable photo ID, but we give them no money to do so.

Why the rush? This requirement will create massive confusion at the polling sites all over the country. People who have never had a photo ID will be required to produce it. Many people will have an ID. Some will go home and get their ID and come back. But others will not. Some of these people who are turned away may not have a driver's license or a passport at home. They will not come back. And they will wonder, as my fellow Mississippian Fannie Lou Hamer wondered, is this America?

I know it is hard for some folk to understand, but there are millions of people in this country that will not have an acceptable ID.

Mr. Speaker, I have found what WMD really stands for, weapons of mass disenfranchisement, and it is here in this bill. An election with integrity is one in which every eligible voter is encouraged to vote. I oppose this rule.

Mrs. CAPITO. Mr. Speaker, I would like to make a point of clarification. If this goes into effect, and somebody does arrive at the polling place without their photo ID, they would be given a provisional ballot and be permitted to vote with the caveat that they would return within 48 hours to show their photo ID. I just wanted to make that point of clarification.

Mr. Speaker, I yield 3 minutes to my colleague on the Rules Committee, my esteemed colleague the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, as we continue debate over immigration and border security, it is important to remember the security of the ballot box. Most importantly, we need to uphold the concept of the citizen voter, which is the foundation, of course, of our democracy.

Voting in our democratic government needs to be preserved for United States citizens to protect the legitimacy of the voting process as well as the interests of the United States.

One of the first bills I introduced, Mr. Speaker, as a Member of Congress, was the Voter Verification Act to address concerns about noncitizens voting and reaffirm that only United States citizens have the right to vote.

The Voter Verification Act simply stated that before voting in a Federal election, a citizen has to provide proof of citizenship. Whether the proof of citizenship is a birth certificate, a passport or a driver's license from a State that limits driver's licenses to citizens, the important point is to make sure our election workers are checking credentials before allowing people to vote.

This bill is slightly different from the Voter Verification Act, but it is very similar, and I want to thank my colleague, Mr. HYDE of Illinois, for introducing H.R. 4844, the Federal Election Integrity Act of 2006, and, of course, as well as Chairman EHLERS.

In Georgia, Governor Perdue has twice signed legislation to address the issue of voter registration. Since Georgia requires proof of citizenship before any method of voter registration, the concern is matching a registration card to a legitimate photo identification card.

Combine the REAL ID Act, which passed earlier in this Congress to mandate secure and reliable State identification cards, with the Georgia ID law, starting this November the State I represent has a better system for knowing who is voting in our elections as well as a means for deterring illegal voters.

Mr. Speaker, in closing, I believe we need to preserve and limit the right to vote to citizens. The right to vote is a sacred right, and we need to preserve its integrity.

I ask my colleagues, support this rule and the underlying legislation. And, yes, I have finally found an issue on which I agree with former President Jimmy Carter.

Mr. HASTINGS of Florida. Jimmy Carter also said that States should make voter registration and IDs accessible to all eligible citizens by using mobile offices and other means to register more voters and issue photo ID cards, and he also called for comprehensive electoral reform, which you all are not willing to do.

Mr. Speaker, I yield 3 minutes to the distinguished minority whip, my good friend, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding, and I rise in opposition to this bill.

The gentleman who has just spoken represents Georgia. Georgia passed a bill. The superior court has now twice held that bill to be unconstitutional. It is unconstitutional because it undermines the ability of Americans to vote. It in effect imposes additional tests.

In my State, I have been active for 40 years, I will tell my friend, I don't remember a case, not one, where citizenship was raised in our State. I venture if I asked all of you to prove to me you were a U.S. citizen right now, nobody on this floor could do it. Not one of you. You might give me a license. You might say, well, I was born here, there or everywhere. But nobody could prove they were a U.S. citizen.

Ladies and gentlemen, this bill is tantamount to a 21st century poll tax. It will disenfranchise large numbers of legal voters and disproportionately affect elderly people with disabilities, rural voters, students, racial and ethnic minorities, and low-income voters. Indeed, that may be its purpose. Hear me. That may be its purpose. All of these folks are less likely to have the current valid photo identification required by this bill.

It is highly ironic, Mr. Speaker, that just a few short weeks ago, this Congress reauthorized key provisions of the Voting Rights Act of 1965 after defeating a number of crippling amendments offered by the other side of the aisle, that landmark law designed to make voting easier and more fair, to address centuries, centuries, of discrimination. People were told they couldn't vote because of the color of their skin. People were told they couldn't vote because of their gender. They were told you can go to war, but you can't vote. We have changed that. Let us not now retreat and say, yes, but we are going to make it more difficult.

Today, through this voter ID bill, the Republican majority would make voting more onerous and burdensome for many, many Americans. Show me the cases. Show me the examples of the problem you are trying to solve.

Mr. Speaker, this legislation is nothing more than a partisan political stunt. All of us are united in seeking to eliminate voter fraud. I stand against voter fraud. I worked with the Help America Vote Act Coalition to pass the Help America Vote Act. We have staff on here who worked very hard on that bill. We debated this issue, and the Congress rejected it. But now, 7 days left in the session, let us appeal to the fear, and, yes, perhaps the prejudice of people.

I ask that this bill be defeated. It is a bad bill for America. It is a bad bill for democracy. It is a bad bill for the House of Representatives to pass.

Mrs. CAPITO. Mr. Speaker, the gentleman asked for examples? I have an example here of a study that was done by the Johns Hopkins University computer science students that found 1,500 dead people listed who had voted in past elections. Now, you want to talk about onerous voting. It is difficult to get out of a grave and vote.

Mr. HOYER. Mr. Speaker, will the gentlewoman yield?

Mrs. CAPITO. I yield to the gentleman from Maryland.

Mr. HOYER. They found 1,500. Can the gentlewoman cite me one instance of a criminal charge being proven that that is the case? I don't doubt that you can assert that some people said there is fraud. Yes. Can you cite me one conviction of anybody who facilitated one of those 1,500 dead people going in, saying, "I am Sam Brown," who is dead, "and I want to vote"? Can you cite me one example of one conviction where that was found to be the fact, as opposed to an assertion?

Mrs. CAPITO. Mr. Speaker, reclaiming my time, after the fact I cannot cite you one example, but I don't think the gentleman would deny that fraud occurred and has occurred under this.

Mr. HOYER. Can I respond that I do agree with the gentlewoman that fraud does occur, and when it occurs, we ought to prosecute it. When fraud occurs, we ought to put those people in jail, because they undermine the rest of us who are voting honestly and fairly.

What we ought not do is respond to that by making it more difficult for many Americans to cast the basic right that they have as American citizens, the vote.

Mrs. CAPITO. Mr. Speaker, I agree with the gentleman. We don't want to disenfranchise anybody from voting, because voting is something that we all cherish not only in this Hall, but in every household in America. I believe that asking somebody to show a photo ID, which we do for many things, to buy cigarettes, beer, get on an airplane, travel, and many other instances, cash a check, we are asked for photo ID in many instances, and I think we provide in this bill for those who might not have photo ID who need it.

Once they get it, I think it would be viewed as a positive thing for them, so they wouldn't be going, as they do in many cases to check-cashing facilities that don't require a photo ID, and they end up paying 30 and 40 percent surcharges for that.

I would like to say, in my State of West Virginia, we just had five Federal convictions for vote fraud, vote buying. So it exists. And it is a defeating thing that occurs from State to State, because it defeats those of us who get up on that election morning or have gotten up earlier to early vote or send in our absentee ballot. It feels like our vote is being disenfranchised.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I would like to clarify, as somebody who supervised one of the largest counties in the United States for 10 years in the voter registration system, that voter fraud is not something you can come back on after the fraud is committed. The person who voted for those dead people is long gone by the time it comes up on the record that somebody who has got a death certificate filed is also somebody who supposedly voted. Then to say why didn't we catch the person who was doing it, it is too late to stop voter fraud once the vote is done and they are out of the booth.

□ 1215

That is just a practical experience of actually administering the programs.

Mr. Speaker, last June, in the 50th District, my constituency was rocked by statements made by a candidate that you do not need papers for voting. Those words were rocked across this country as the scandal over the issue of whether a candidate was actually soliciting people who were not U.S. citizens to vote in a public meeting.

The fact is in the State of California there is no checking, no reviewing, and not even the ability for those of us who supervise the electoral process to be able to question those, when they register to vote, if they were qualified. It was strictly on an honor system, and the honor system did not even say I am a citizen. It just says I am qualified.

The integrity of our republican form of government, the electoral process that we like to call democracy, has two major threats. Yes, stopping those who can qualify to vote from being able to participate if they are franchised. But the other violation that we have not addressed enough of when it comes down to violating voters' rights is disqualifying a legitimate vote by allowing those who do not have the constitutional right to vote to cancel out those legitimate votes. That is the violation of the Voting Rights Act that we have not addressed in this body enough.

Mr. Speaker, I ask us to stand up for our process, for fairness, and with the American people, that we will do everything we can to protect our process.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentlewoman from California (Ms. SOLIS), my good friend. Ms. SOLIS is the first Hispanic woman to be elected to the California senate. She has had a lot of experience in this voter business.

Ms. SOLIS. Mr. Speaker, I thank the gentleman for offering me this moment to speak.

Mr. Speaker, I would like to raise my strong opposition to the closed rule and the underlying piece of legislation, H.R. 4844, which restricts the right of citizens to vote.

With the cast of one vote, this legislation would undo what women and communities of color have fought for decades: the sacred right to vote and have a voice in the electoral process.

The bill will suppress the vote of groups like the elderly, people of color, and low-income citizens who are less likely to possess documents or prove their citizenship. Elderly citizens especially, who were born at home and do not possess their birth certificates, would be denied their right to vote. Citizens who lost their possessions because of natural disasters like Hurricane Katrina would be denied the right to vote. Women change their last name when they marry. Will they have the right to vote or will that be restricted?

The bill might as well be a poll tax for low-income citizens who would be required to obtain and pay for a document like a passport, which would cost them $97 just to acquire one. That is a big, big amount of money for many of our low-income seniors to meet.

It is already a felony, as we know, in this country to vote fraudulently. Law-abiding citizens should not be penalized.

The bill is a breach of the American citizens' right to vote and undermines everything that the Voting Rights Act stands for.

I strongly urge my colleagues to vote down this closed rule and the underlying legislation.

I just want to make a statement that there is no law that says that you cannot have people go out and help participate in campaigns and knock on doors and pass out literature. I believe the candidate in that San Diego race was asking for that support. So I would like to clarify the record on behalf of Ms. Francine Busby, because I know after meeting her that she was very excited about talking to students and engaging them in the art of voting and getting people out to understand the importance to take on your civic responsibility.

Mrs. CAPITO. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER), the chairman of the Rules Committee.

Mr. DREIER. Mr. Speaker, all we are looking for is common sense here. You have to have a photo ID if you look like you are under 18 years of age and want to buy alcohol. You have to have a photo ID if you are going to get on board an airplane. You have to have a photo ID if you are going to enter many office buildings here in the United States.

It seems to me that the notion of providing photo identification when you are getting ready to exercise that very important franchise to vote is something that we should have in place.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, it is only the things you cite, I just am curious. For beer or to cash a check or get on a plane or buy cigarettes or go into a building, do you need citizenship on that ID?

Mr. DREIER. The point I am making is, I am talking about a photo identification. In this bill it begins by simply photo identification. Then in 2010 it gets to this notion of citizenship, and the fact of the matter, it begins the implementation in 2008, simply requires photo identification. I am happy to have yielded to my dear friend.

I will say, as we look at this challenge that we have, Mr. Speaker, it is very important for us to realize the potential for fraud is there. We invite fraud and we know that there are potential problems on the horizon, and I know that my friend from California (Ms. MILLENDER-MCDONALD) yesterday said this is a solution looking for a problem. I think that as we look at past elections, there have been instances of fraud.

Common sense is what we are trying to apply here, and I believe that having photo identification when it comes to that extraordinarily important franchise is essential.

The chairman of the Administration Committee, Mr. EHLERS, pointed out in the Rules Committee yesterday that in the case of Arizona, when they put it into place, we hear this argument we are going to suppress the vote, we are going to discourage people from being able to vote. They actually had a 15 percent increase in the number of registered voters in the State of Arizona, as was testified by the Secretary of State.

Mr. Speaker, this is a good measure. It deserves our support, and I hope Republicans and Democrats will join us in doing it. I thank my friend for yielding.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from California (Mr. BECERRA), my good friend and classmate.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we all agree that we have to remove any type of voter fraud that might exist in our electoral system, and we need to prosecute to the fullest extent of the law anyone who does violate that, and we have to make sure that we base our laws on the evidence and documented facts that are out there.

The reality is that while we know that there are isolated cases of voter abuse, it does not amount to what this majority is trying to make us believe, that we must now disenfranchise thousands, if not millions, of American citizens from the ability to vote, simply to tackle what we hear are anecdotal stories about people who may have abused the process.

Mr. Speaker, it may not be an intended consequence, but it certainly is an inescapable consequence that this bill will disenfranchise many Americans who are citizens and wish to vote. It will also amount to a poll tax, as we have heard.

Nearly 75 percent of Americans do not have a passport. It costs about $100 to get one. In many parts of our country, especially in the South, we have many elderly African Americans and a number of Native Americans throughout our country, who were born at home or under the care of midwives, who never received a birth certificate. Approximately 6 to 10 percent of the American electorate does not have any form of State identification. African Americans are four to five times less likely than whites to have photo identification. And, finally, in Georgia, 36 percent of its voters over the age of 75 do not have government-issued photo IDs.

Isolated cases of abuse must be addressed, but this bill does not do that. It takes a meat axe to try to deal with the problem, and if you do not believe me, then talk to the folks who were victims of the Katrina hurricane, who lost everything, including any type of personal identification. How do they tackle the problem of trying to go vote and only being given 48 hours to show a photo ID that they no longer have?

We can resolve this in a bipartisan fashion, but this is not the direction to go. I urge Members to vote against this rule and against this bill.

Mrs. CAPITO. Mr. Speaker, it is now my honor and pleasure to yield 3 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise today in support of the rule and the bill which will restore integrity to our election system.

It is outrageous and inexcusable that voters do not have to show proof of citizenship in order to vote in an election. Illegal immigrants are populating this country in an unprecedented number, and it is unjust and unfair to citizens of this country that noncitizens have had a hand in electing Federal officials.

The right to vote is the cornerstone of our democracy. It baffles me that there are no laws in place to protect this sacred practice from noncitizens.

H.R. 4844 has proper timelines and implementation guidelines in place for the proof of citizenship requirements, and if there are added costs to local governments, there certainly are a few appropriation years between now and 2008 for funding to be provided.

So listen up, America. Those who are in this country illegally want the same rights as United States citizens, without obeying the laws of our land. We should not let these criminals defraud our election system by allowing them to vote.

We have heard some pretty specious arguments here from the other side of the aisle on the impact of this bill. The Federal Election Integrity Act accomplishes a commonsense, much needed component in our election system. American citizens will proudly provide proof of citizenship, and illegals will realize the gig is up.

I urge my colleagues to vote for the rule and also for the underlying bill, H.R. 4844.

Mr. HASTINGS of Florida. Mr. Speaker, I would advise my friend from Florida and colleague in the House of Representatives that the people that stole the election in 2000, in mine and your State, were not illegal immigrants.

Mr. Speaker, I am very pleased to yield 2 minutes to the gentlewoman from California (Ms. LEE), my good friend.

Ms. LEE. Mr. Speaker, let me thank the gentleman for yielding and for his leadership in the preservation of democracy and also in the promotion of justice.

Talk about a cynical and discriminatory election-year ploy. This is unbelievable. This bill, as well as this closed rule, should be defeated.

As the country with one of the lowest percentages of voter participation in the world, we should be doing everything we can to remove the barriers to voting. For example, we should have been debating legislation to fix the real problems with the 2002 and 2004 elections: long voting lines, voter intimidation, faulty machines, poor training for poll workers, discriminatory voter registration laws; or making, for example, election day a Federal holiday so everyone can exercise their right to vote.

But, instead, we are debating a bill that effectively suppresses voter turnout by imposing this new, unconstitutional poll tax on all Americans. Have we already forgotten why we just reauthorized the Voting Rights Act a few months ago? Now the Republican leadership is already working overtime to try and undermine it.

Yes, we must eliminate voter fraud, but that is certainly not what this bill does. There are real solutions that will enforce our constitutionally guaranteed right to vote, that will ensure that every vote is cast and counted. That is what we should be voting on.

As we supposedly promote democracy throughout the world, we are quickly, and I mean quickly, eroding it right here at home, and this bill is an example of another step in that direction.

Let us practice what we preach. Let us defeat this rule and this sham bill and do some things in this body this session to make sure that every individual who has the right to vote is allowed that right and that voting becomes freer and fairer in our country.

Mrs. CAPITO. Mr. Speaker, could I inquire as to the time remaining?

The SPEAKER pro tempore (Mr. PRICE of Georgia). The gentlewoman from West Virginia (Mrs. CAPITO) has 7½ minutes remaining, and the gentleman from Florida (Mr. HASTINGS) has 6 minutes remaining.

Mrs. CAPITO. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my very good friend from Arizona (Mr. PASTOR). Arizona has been utilized an awful lot here. Perhaps we should hear from an Arizonan who was at Mr. EHLERS' hearing and could speak to this issue.

Mr. PASTOR. Mr. Speaker, at the hearing that we had in Phoenix, Arizona, I asked a question of the panel which included the election director from Maricopa County, the largest county; the election director from Apache County; the president from the Intertribal Council of Arizona; the Secretary of State, Jan Brewer, who was the Republican running for the election; the county attorney, Andrew Thomas, who ran on an anti-immigrant; and also the president of the League of Women Voters.

☐ 1230

When the question was asked whether in the history of Arizona voting had there been one instance of voter fraud that was directly linked to an undocumented person, the response was zero. The question then was asked, since we have had the Proposition 200 which requires an ID when you register and now when you go to the polls where, as correctly has been stated, that thousands of people have now registered, the question was asked, what have you done to show that there has been voter fraud, attempted or perpetuated by an undocumented? And the answer again was zero. And possibly, the county attorney said that he might have a case where he may indict 10 people.

So if you look at the situation, you would find that the response of the people on the panel was that Proposition 200 came about because of a perceived problem of undocumented people being able to vote. So this is built on the conception that you may have fraud in the future.

The Intertribal Council President Rafael Bear said it would injure the voting and suppress voting among Native Americans. The League of Women Voters came out against the proposition because of the suppression of the vote. The election director of Maricopa County said it wasn't needed, that in the past they didn't have the fraud that everybody was perceiving. So as Chairman DREIER said, this is a solution that is looking for a problem.

Mrs. CAPITO. I would like to read from the committee record from the hearing on Arizona, if I might. And this is from the Honorable Andrew Thomas, the Maricopa County Attorney. He talks about instances of voter fraud, they were charged of filing false documents, a class 6 felony.

Maricopa County Recorder Helen Purcell referred these matters to the county attorney's office after her office received jury questionnaire forms from the county jury commissioner. These forms were filled out by potential jurors who claimed they were unable to serve on a jury because they were not citizens. The county recorder's Office found that they claimed to be citizens when they filled out the voter registration form. Four of these five defendants voted in at least one election. In addition to the 10 charged defendants, they were reviewing 149 other cases. The county recorder had received inquiries from people seeking to become U.S. citizens who had been told by Immigration and Customs Enforcement to obtain a letter from her office confirming they had neither registered to vote nor voted. And today, a review of these matters has turned up 37 noncitizens who have registered to vote.

So I think this is a good reason to get out of Washington, D.C., to have real-life testimony across the country, which I know we do quite often. And this comes from the State of Arizona.

I reserve the balance of my time.

Mr. HASTINGS of Florida. I am prepared to close at this time, and I yield myself the remainder of the time.

Mr. Speaker, I will submit for the RECORD the Carter-Baker Commission on Federal Election Reform Report that appeared in the American University. In addition thereto, I will submit for the RECORD an Atlanta Journal article referring to the Georgia Supreme Court's denial of this same measure.

Mr. Speaker, you know where some fraud is occurring, as much as this seems to be ringing alarm bells in the majority? There is a lot of fraud in Medicare in the United States of America, there is a lot of fraud in Medicaid. We could drive right across 14th Street Bridge and go over there and find all that fraud at the Pentagon if we wanted to hunt up some real fraud. And we could really go to Iraq and trace the money that has been wasted in Iraq's reconstruction if we want to find some fraud. I mean, those are some urgent things.

To buy beer, you don't need to be a citizen if you have photo ID. To cash a check, you don't have to be a citizen. To get on a plane, you don't have to be a citizen. To buy cigarettes, you don't have to be a citizen. And now you come up with the precursor to a national ID card. And that is really what this is, after we get past all the mumbling, fumbling, and words that we are saying.

Mr. Speaker, I will be asking Members to vote "no" on the previous question so I can amend this rule to allow the House to consider the Millender-McDonald amendment that was offered in the Rules Committee late last night, but was rejected.

I ask unanimous consent to print the text of the amendment and extraneous materials immediately prior to vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, if the leadership is insistent on the moving forward with this divisive bill, which I might add ain't going to pass the Senate, let's at least allow the ranking member of the committee of jurisdiction to offer her amendment to try and address some of the more egregious provisions in the bill.

The Millender-McDonald amendment would establish uniform standards for the treatment of provisional balance and clarify criminal penalties for voter fraud under the Help America Vote Act. It would codify a Federal court decision that HAVA matching requirements are intended as an administrative safeguard, not as a restriction on voter eligibility. And it would recommend to the States additional fraud-prevention methods. Finally, it would exempt senior citizens, the disabled, and the military and their families from onerous photo ID requirements in the bill.

Mr. Speaker, nonparticipation in the election process is more of a problem in this country than noncitizens trying to vote. This bill will do more to keep eligible American citizens away from the polls than it will do to fix the nonexistent problems of ineligible immigrants sneaking in to vote in our Federal elections.

If we must take up this problem in search of a solution, let's at least allow the Millender-McDonald amendment to be included. I ask that we vote "no" on the previous question so we can consider this important amendment.

[From AU News, Sept. 19, 2005]

CARTER-BAKER COMMISSION ON FEDERAL ELECTION REFORM STRESSES URGENCY OF REFORM

WASHINGTON, DC.—Former President Jimmy Carter and former Secretary of State James A. Baker, III will conduct meetings with President Bush and Congressional leaders today to discuss recommendations in the final report of the Commission on Federal Election Reform, which they co-chaired.

The 21-member Commission, which conducted public hearings in Washington and

Houston, offers 87 recommendations to strengthen the country's electoral system and build confidence among voters in the political process. The Commissioners met with political leaders Monday in order to stress the need for change before the 2008 presidential election.

"Elections are the heart of our democracy," Carter said. "The Help America Vote Act of 2002 made an historic contribution, but one law is not enough. The American people are losing confidence in the system, and they want electoral reform. We have forged a comprehensive package of reforms that represent the best path toward modernizing our electoral system, and we hope that the President, the Congress, and the states will consider them seriously."

"We hope that this report will help transform the sterile debate between Democrats and Republicans on election reform issues and provide the impetus for our federal and state leaders to take action now, when we still have plenty of time before our next presidential election," Baker said.

The 21-member private commission is organized by American University. Comprised of former Members of Congress, scholars and nonpartisan leaders, the group identified "five pillars" of election reform—voter registration, voter identification, voting technology, increased access to voting and nonpartisan election administration—and recommended ways to strengthen them. Highlights include:

To address the most serious problem of inaccurate registration lists, the Commission recommends that states, not local jurisdictions, organize and update their lists, and that the U.S. Election Assistance Commission (EAC) take the lead in making the lists interoperable so as to eliminate duplicates when people move between states.

To enhance ballot integrity, states should require voters to present a REAL ID card at the polls and provide non-drivers with a free photo ID card for voting, but during a transition, citizens without a card should be permitted to vote with a provisional ballot.

States should make voter registration and IDs accessible to all eligible citizens by using mobile offices and other means to register more voters and issue photo ID cards.

Congress should pass a law to require voter-verifiable paper audit trails on all electronic voting machines, and the EAC needs to take additional steps to ensure those machines are secure and accessible for people with disabilities.

The U.S. Election Assistance Commission and state election management institutions should be strengthened and reconstituted on a nonpartisan basis.

The presidential primary schedule should be reorganized into four regional primaries.

The full report is available on the Commission Web site at http://www.american.edu/Carter-Baker.

The Commission's Co-Chairs will have a press conference on Capitol Hill at 1:30 pm in the Hall of Columns. President Carter will also be speaking at American University at 4 pm, and that will be open to the media.

American University's Center for Democracy and Election Management (CDEM) organized the work of the Commission in association with the James A. Baker III Institute for Public Policy at Rice University, The Carter Center and electionline.org, sponsored by The Pew Charitable Trusts. General sponsors include Carnegie Corporation of New York, the Ford Foundation, the John S. and James L. Knight Foundation and Omidyar Network. CDEM Director Robert A. Pastor is executive director of the Commission and serves as a Commission member.

In addition to Carter, Baker and Pastor, Commission Members include:

Betty Castor, the 2004 Democratic candidate for U.S. Senate in Florida.

Tom Daschle, former U.S. Senate Minority Leader from South Dakota.

Rita DiMartino, former vice president of congressional relations for AT&T.

Lee Hamilton, president and director of the Woodrow Wilson International Center for Scholars and a former Member of Congress from Indiana.

Kay Coles James, former director of the U.S. Office of Personnel Management.

Benjamin Ladner, president and professor of philosophy and religion at American University.

David Leebron, president of Rice University in Houston, TX.

Nelson Lund, professor of constitutional law at George Mason University in Arlington, VA.

Shirley Malcom, head of the Directorate for Education and Human Resources Programs of the American Association for the Advancement of Science (AAAS).

Bob Michel, former U.S. House Whip and House Minority Leader from Illinois.

Susan Molinari, president and CEO of the Washington Group, a government relations and lobbying firm, and former Member of Congress from New York.

Robert Mosbacher, chairman of Mosbacher Energy Company and past chairman of the Republican National Committee.

Ralph Munro, former Washington secretary of state and board member for various voting and Internet technology comparues.

Jack Nelson, Pulitzer Prize-winning journalist and former Washington bureau chief for the Los Angeles Times.

Spencer Overton, professor specializing in voting rights and campaign finance law at The George Washington University Law School in Washington, DC.

Tom Phillips, former chief justice of the Supreme Court of Texas.

Sharon Priest, former Arkansas secretary of state and current chair of the Arkansas State Election Improvement Study Commission and the State Board of Election Commissioners.

Raul Yzaguirre, presidential professor of practice in community development and civil rights at Arizona State University and former president of the National Council of La Raza.

[From ajc.com, Sept. 19, 2006]

JUDGE VOIDS VOTER PHOTO ID LAW

(The Associated Press)

A state judge has thrown out the latest version of Georgia's law requiring voters to show photo ID, ruling that it violates the constitutional rights of the state's voters.

Fulton County Superior Court Judge T. Jackson Bedford, Jr. issued the ruling Tuesday, nearly three weeks after lawyers argued both sides of the issue, which is likely headed for the Georgia Supreme Court before the Nov. 7 general elections.

Bedford said the photo ID requirement disenfranchises otherwise qualified voters and adds a new condition to voting that violates the state constitution.

In his 17-page ruling, Bedford took issue with the burden placed on voters to prove who they are using photo ID. Even if voters are allowed to cast ballots without the required identification, they must return within 48 hours with one of the six necessary photo IDs or their vote is forfeited.

"This cannot be," Bedford wrote, pointing out that photo ID are not even required to register to vote in Georgia.

"Any attempt by the Legislature to require more than what is required by the express language of our Constitution cannot withstand judicial scrutiny," Bedford wrote.

Supporters of the photo ID law say it is needed to protect against voter fraud. Opponents argue it disenfranchises poor, elderly and minority voters who are less likely to have a driver's license or other valid government-issued photo ID.

The new law took effect July 1, but was blocked by state and federal judges during the state's July primaries, August runoffs and some local special elections held Tuesday.

Last October, U.S. District Judge Harold Murphy struck down an earlier version of the law, saying it amounted to an unconstitutional poll tax. The Georgia Legislature addressed his complaints in the latest version, but when Murphy issued an injunction before the July 18 primaries, he said the state had not taken enough time to educate voters.

Because the U.S. Department of Justice didn't approve the photo ID requirement until late June, the state's election board had only three weeks to educate voters before the primaries—a window that was too short, Murphy said then.

Elections supervisors across the state have trained poll workers on both the old law and the new one.

Last week, Murphy blocked the law from being enforced in more than 20 special elections Tuesday.

Mr. Speaker, I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I would like to thank my colleague from Florida for presenting his viewpoints on this, and we obviously have great differences.

I think the underlying legislation is an important step towards improving the integrity of the election system. We have both talked about the lack of participation in our elections and how that is something that, really, as Americans we are not very proud of. But if we don't have a system that has integrity, our participation rates are going to go even lower, and that is a concern, I believe, for all of us.

We have made great strides towards extending the right to vote to all citizens, but there is still work to be done to improve the integrity of our system. This is something the American people have spoken loudly on, with 81 percent of the population favoring the measures taken in this underlying legislation.

I am pleased that my colleague inserted the report from former President Jimmy Carter and former Secretary of State James Baker. They wrote in the New York Times in September of 2005 concerning this report: "Our concern was that the differing requirements from State to State could be a source of discrimination, and so we recommended a standard for the entire country, the REAL ID card, the standardized driver's license mandated by Federal law, last May. With that law, a driver's license can double as a voting card. All but 3 of our 21 commission members accepted the proposal in part because the choice was no longer whether to have voter ID, but what kind of voter ID the voters should have."

So I ask my colleagues to support the rule and the underlying legislation

The material previously referred to by Mr. HASTINGS of Florida is as follows:

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

PREVIOUS QUESTION FOR H. RES. 1015 H.R. 4844—FEDERAL ELECTION INTEGRITY ACT OF 2006

In the resolution strike "and (2)" and insert the following:

"(2) the amendment in the printed in Section 3 of this resolution if offered by Representative Millender-McDonald of California or a designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 60 minutes equally divided and controlled by the proponent and an opponent; and (3)"

At the end of the resolution add the following new section:

"Sec. 3. The amendment by Representative Millender-McDonald referred to in Section 1 is as follows:

AMENDMENT TO H.R. 4844, AS REPORTED OFFERED BY MS. MILLENDER-MCDONALD OF CALIFORNIA

Add at the end of section 303(b)(1) of the Help America Vote Act of 2002, as proposed to be amended by section 2(a) of the bill, the following:

"(C) EXCEPTION FOR ELDERLY AND DISABLED VOTERS.—Subparagraph (A) does not apply with respect to any elderly or handicapped individual. In this subparagraph, the terms 'elderly' and 'handicapped' have the meanings given such terms in section 8 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee—6)).".

Amend section 303(b)(2)(B) of the Help America Vote Act of 2002, as proposed to be amended by section 2(a) of the bill, to read as follows:

"(B) EXCEPTION FOR ABSENT MILITARY VOTERS AND THEIR FAMILIES.—Subparagraph (A) does not apply with respect to a ballot provided by an absent uniformed services voter. In this subparagraph, the term 'absent uniformed services voter' has the meaning given such term in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff—6(1)).".

Add at the end of section 303(b)(2) of the Help America Vote Act of 2002, as proposed to be amended by section 2(a) of the bill, the following:

"(C) EXCEPTION FOR ELDERLY AND DISABLED VOTERS.—Subparagraph (A) does not apply with respect to a ballot provided by a elderly or handicapped individual. In this subparagraph, the terms 'elderly' and 'handicapped' have the meanings given such terms in section 8 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee—6)).".

Add at the end of section 2(d) the following:

(3) EXCEPTION.—Notwithstanding paragraph (1) or section 303(d)(2) of the Help America Vote Act of 2002 (as amended by paragraph (2)), this section and the amendments made by this section shall not apply with respect to any election which is held in a State during a fiscal year for which the amount provided to the State pursuant to the authorization under section 297A of such Act (as added by section 3(c)) is not sufficient to cover the costs incurred by the State in carrying out the amendments made by section 3.

Insert after section 3(a) the following new subsection (and redesignate accordingly):

(b) REPORT ON NUMBER OF INDIVIDUALS UNABLE TO CAST BALLOTS AS A RESULT OF PHOTO IDENTIFICATION REQUIREMENT.—Section 303(b) of such Act (42 U.S.C. 15483(b)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(7) REPORT ON NUMBER OF INDIVIDUALS UNABLE TO CAST BALLOTS AS A RESULT OF PHOTO IDENTIFICATION REQUIREMENT.—Not later than December 31 of each year during which a regularly scheduled general election for Federal office is held (beginning with 2008), each State shall submit a report to the Commission on the number of individuals in the State who were registered to vote with respect to the election but who were prohibited from casting a ballot in the election, or whose provisional ballots were not counted in the election, because they failed to meet the requirements of paragraph (1) or (2).".

Add at the end the following:

SEC. 4. ELECTION INTEGRITY AND VOTER ENFRANCHISEMENT.

(a) UNIFORM STANDARD FOR TREATMENT OF PROVISIONAL BALLOTS CAST AT INCORRECT POLLING PLACES.—Section 302(a)(4) of the Help America Vote Act of 2002 (42 U.S.C. 15482(a)(4)) is amended to read as follows:

"(4)(A) An individual's provisional ballot shall be counted as a vote in an election for Federal office if the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote in that election—

"(i) at the polling place at which the individual cast the provisional ballot; or

"(ii) at any other polling place in the State at which votes are cast in the same election for the same Federal office.

"(B) In determining whether an individual is eligible to vote at a polling place for purposes of subparagraph (A), the appropriate State or local election official shall review the computerized statewide voter registration list established and maintained under section 303(a).".

(b) CRIMINAL PENALTIES FOR VOTER SUPPRESSION.—Section 905 of such Act (42 U.S.C. 15544) is amended by adding at the end the following new subsection:

"(c) VOTER SUPPRESSION.—

"(1) IN GENERAL.—It is unlawful for any person—

"(A) to assert to any State election official that an individual is not eligible to vote in an election for Federal office, unless the assertion is made in good faith on the basis of facts known to the person making the assertion; or

"(B) to knowingly provide any person with false information regarding an individual's eligibility to vote in an election for Federal office or regarding the time, place, or manner of voting in such an election.

"(2) PENALTY.—A person who violates paragraph (1) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 1 year, or both, for each such violation.".

(c) CLARIFICATION OF USE OF INFORMATION PROVIDED IN VOTER REGISTRATION APPLICATIONS.—

(1) PROVISION OF DRIVER'S LICENSE OR LAST 4 DIGITS OF SOCIAL SECURITY NUMBER USED SOLELY FOR MANAGING OFFICIAL LIST OF REGISTERED VOTERS.—

(A) IN GENERAL.—Section 303(a)(5)(A) of such Act (42 U.S.C. 15483(a)(5)(A)) is amended—

(i) in clause (i), by striking "an application for voter registration" and all that follows through "includes—" and inserting the following: "an applicant for voter registration for an election for Federal office shall include in the application—"; and

(ii) by adding at the end the following new clause:

"(iv) PROVISION OF INFORMATION SOLELY FOR PURPOSES OF MANAGING OFFICIAL VOTER REGISTRATION LIST.—The requirement to provide or to assign information with respect to an applicant for voter registration under this subparagraph is solely for the purpose of establishing an administrative safeguard for storing and managing the computerized statewide voter registration list under paragraph (1), and the failure to provide such information by an applicant or the existence of an error in any of the information provided by an applicant may not serve as grounds for the rejection of an application or as grounds for prohibiting the applicant from voting in any election.".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of the Help America Vote Act of 2002.

(2) PERMITTING AFFIDAVIT TO SERVE AS ATTESTATION OF CITIZENSHIP.—Section 303(b)(4) of such Act (42 U.S.C. 15483(b)(4)) is amended by adding at the end the following new subparagraph:

"(C) USE OF AFFIDAVIT.—

"(i) AFFIDAVIT INCLUDED.—In addition to the question required under subparagraph (A)(i), such mail voter registration form shall include an affidavit which may be signed by the registrant attesting to United States citizenship.

"(ii) SIGNED AFFIDAVIT ACCEPTABLE DECLARATION OF CITIZENSHIP.—Notwithstanding subparagraph (B), the application of an applicant who does not answer the question included on the registration form pursuant to subparagraph (A)(i) but who signs the affidavit described in clause (i) shall not be treated as incomplete.".

(d) FRAUD PREVENTION METHODS.—Section 303(b)(2) of such Act (42 U.S.C. 15483(b)(2)) is amended by adding at the end the following new subparagraph:

"(C) ALTERNATIVE FRAUD PREVENTION METHODS.—At the option of the State, an individual who does not meet the requirements of subparagraph (A) may meet the requirements of this paragraph by meeting such other requirements as the State may establish to prevent vote fraud, such as reasonable methods to identify voters who have already voted, including but not limited to the use of indelible ink.".

(e) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall apply with respect to elections occurring after December 2006.

SEC. 5. REQUIREMENTS PRIOR TO IMPLEMENTATION OF NEW VOTER IDENTIFICATION REQUIREMENTS.

(a) AVAILABILITY OF FUNDING FOR STATES.—

(1) REQUIRING PAYMENT OF FUNDS FOR MEETING ELECTION ADMINISTRATION REQUIREMENTS.—The amendments made by this Act (other than section 4) shall not take effect unless—

(A) the amount provided to States pursuant to the authorization under section 297A of the Help America Vote Act of 2002 (as added by section 3(c)) is sufficient to cover the costs to the States of meeting the requirements of section 303(b)(4) of such Act (as added by section 3(a)); and

(B) the aggregate amount of funds appropriated for requirements payments to the States pursuant to the authorization under section 257(a) of such Act is equal to the aggregate amount authorized to be appropriated for such payments.

(2) CONFORMING AMENDMENT.—

(A) IN GENERAL.—Section 257(a) of the Help America Vote Act of 2002 (42 U.S.C. 15407(a)) is amended by striking "the following amounts:" and all that follows and inserting the following: "an aggregate amount of $2,000,000,000".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of the Help America Vote Act of 2002.

(b) REQUIRING ACCESS TO PHOTO IDENTIFICATIONS PRIOR TO IMPLEMENTATION OF NEW REQUIREMENTS.—The amendments made by this Act (other than section 4) shall not take effect unless the Election Assistance Commission reports to Congress that not less than 95 percent of the voting age population of the United States has obtained photo identification which meets the requirements of the Help America Vote Act of 2002 which are added by the amendments made by this Act, and that individuals who were not able to afford the fee imposed by a State for the identification were provided the identification free of charge by the State.

(c) REQUIRING CERTIFICATION BY ATTORNEY GENERAL, CHIEF STATE ELECTION OFFICIAL, AND GOVERNOR PRIOR TO IMPLEMENTATION OF NEW REQUIREMENTS IN STATE.—

(1) CERTIFICATION.—The amendments made by this Act (other than section 4) shall not apply with respect to elections held in a State unless the chief executive of the State, the chief State election official of the State, and the Attorney General certify to Congress that, on the basis of clear and convincing evidence—

(A) voting by noncitizens in the State is a persistent and significant problem; and

(B) the remedies and prohibitions applicable under the laws in effect prior to the implementation of the amendments made by this Act are insufficient to prevent and deter this problem.

(2) DEFINITIONS.—In this subsection—

(A) the term "chief State election official" has the meaning given such term in section 253(e) of the Help America Vote Act of 2002 (42 U.S.C. 15403(e)); and

(B) the term "State" has the meaning given such term in section 901 of such Act (42 U.S.C. 15541).

Mrs. CAPITO. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. PRICE of Georgia). Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 1015, if ordered, and suspending the rules on H. Res. 942.

The vote was taken by electronic device, and there were—yeas 222, nays 194, not voting 16, as follows:

[Roll No. 455]

YEAS—222

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher

Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—16

Beauprez
Berman
Case
Cole (OK)
Cubin
Evans
Harris
Hinojosa
Keller
Kennedy (RI)
Moore (KS)
Ney
Rangel
Shays
Strickland
Weldon (PA)

☐ 1302

Mr. LARSON of Connecticut, Mr. FARR, Ms. MCKINNEY, and Ms. HERSETH changed their vote from "yea" to "nay."

Mr. BUYER changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 455, had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 196, not voting 13, as follows:

[Roll No. 456]

AYES—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Conaway
Crenshaw
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Beauprez
Case
Cole (OK)
Cubin
Culberson
Evans
Harris
Keller
Kennedy (RI)
Moore (KS)
Ney
Slaughter
Strickland

☐ 1311

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 456, I was not recorded. Had I been present, I would have voted "no."

RECOGNIZING CENTENNIAL ANNIVERSARY OF IRANIAN CONSTITUTION OF 1906

The SPEAKER pro tempore (Mr. KIRK). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 942.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 942, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 2, answered "present" 2, not voting 15, as follows:

[Roll No. 457]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Kucinich
Paul

ANSWERED "PRESENT"—2

Capuano
Frank (MA)

NOT VOTING—15

Beauprez
Case
Cole (OK)
Cubin
Evans
Harris
Herseth
Keller
Kennedy (RI)
Moore (KS)
Ney
Sabo
Sanders
Strickland
Watson

☐ 1320

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. HARRIS. Mr. Speaker, on rollcall No. 455, on Ordering the Previous Question Providing for consideration of the bill (H.R. 4844) to amend the National Voter Registration Act of 1993 to require any individual who desires to register or re-register to vote in an election for Federal office to provide the appropriate State election official with proof that the individual is a citizen of the U.S., I am not recorded, due to travel delay. Had I been present, I would have voted "aye."

Mr. Speaker, on rollcall No. 456, on Agreeing to the Resolution providing for consideration of the bill (H.R. 4844), I am not recorded, due to travel delay. Had I been present, I would have voted "aye."

Mr. Speaker, on rollcall No. 457, on the Motion to Suspend the Rules and Agree to the Resolution Recognizing the centennial anniversary on August 5, 2006, of the Iranian constitution of 1906, I am not recorded, due to travel delay. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. COLE of Oklahoma. Mr. Speaker, I was unavoidably detained during three votes. Had I been present for rollcall vote No. 455, on ordering the previous question, I would have voted "aye";

Rollcall vote No. 456, on agreeing to H. Res. 1015, I would have voted "aye"; and rollcall vote No. 457, on agreeing to H. Res. 942, I would have voted "aye."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ACT

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5450) to provide for the National Oceanic and Atmospheric Administration, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Oceanic and Atmospheric Administration Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) The term "Administration" means the National Oceanic and Atmospheric Administration.

(2) The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(3) The term "Secretary" means the Secretary of Commerce.

SEC. 3. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) In General.—There shall be in the Department of Commerce an agency known as the National Oceanic and Atmospheric Administration.

(b) Mission.—The mission of the Administration is to understand the systems of the Earth's oceans and atmosphere and predict changes in the Earth's oceans and atmosphere and the effects of such changes on the land environment, to conserve and manage coastal, ocean, and Great Lakes ecosystems to meet national economic, social, and environmental needs, and to educate the public about these topics.

(c) Functions.—The functions of the Administration shall include—

(1) collecting, through observation and other means, communicating, analyzing, processing, and disseminating comprehensive scientific data and information about weather and climate, solar and geophysical events on the Sun and in the space environment, and about the coasts, oceans, Great Lakes, upper reaches of estuaries, and hydrologic systems;

(2) operating and maintaining a system for the storage, retrieval, and dissemination of data relating to weather and climate, solar and geophysical events on the Sun and in the space environment, and about the coasts, oceans, Great Lakes, upper reaches of estuaries, and hydrologic systems;

(3) using observational data and technologies developed by other Federal agencies to improve the Administration's operations;

(4) conducting and supporting basic and applied research, development, and technology transfer as may be necessary to carry out the mission described in subsection (b);

(5) issuing weather, water, climate, space weather, tsunami, and other forecasts and warnings related to Earth's oceans and atmosphere;

(6) coordinating efforts of Federal agencies with respect to meteorological services;

(7) understanding the science of Earth's climate and related systems, and undertaking research and development to enhance society's ability to plan for and respond to climate variability and change;

(8) protecting, restoring, and managing the use of, the coasts, oceans, and Great Lakes through ecosystem-based research, development, demonstration, and management;

(9) administering public outreach and education programs and services to increase scientific and environmental literacy about weather and climate, solar and geophysical events on the Sun and in the space environment, and the coasts, oceans, Great Lakes, upper reaches of estuaries, and hydrologic systems;

(10) providing, as appropriate and in cooperation with the Secretary of State, representation at all international meetings and conferences relating to the mission of the Administration, including meteorological, climate, and Earth and ocean observing issues;

(11) any other function assigned to the Administration by law; and

(12) such other functions as are necessary to accomplish the mission described in subsection (b).

SEC. 4. ADMINISTRATION LEADERSHIP.

(a) Administrator.—

(1) In general.—There shall be, as the Administrator of the Administration, an Under Secretary of Commerce for Oceans and Atmosphere. The Administrator shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall be paid at the rate of basic pay for level III of the Executive Schedule.

(2) Functions.—The Administrator shall be responsible for—

(A) general management;

(B) policy development and guidance;

(C) budget formulation, guidance, and execution;

(D) serving as the Department of Commerce official for all ocean and atmosphere issues with other elements of the Department of Commerce and with other Federal agencies, State, tribal, and local governments, and the public; and

(E) such other duties with respect to the Administration as the Secretary may prescribe.

(3) Delegation of authority.—The Administrator may, except as otherwise prohibited by law—

(A) delegate any functions, powers, or duties of the Administrator to such officers and employees of the Administration as the Administrator may designate; and

(B) authorize such successive redelegations of such functions, powers, or duties within the Administration as the Administrator considers necessary or appropriate.

(4) Authorities.—

(A) In general.—As may be necessary or proper to carry out the Administration's functions under this Act or as otherwise provided by law, the Administrator may—

(i) promulgate rules and regulations;

(ii) enter into and perform contracts, leases, grants, and cooperative agreements with Federal agencies, State and local governments, Indian tribes, international organizations, foreign governments, educational institutions, nonprofit organizations, and commercial organizations;

(iii) use, with their consent, and with or without reimbursement, the services, equipment, personnel, and facilities of other departments, agencies, and instrumentalities of the Federal Government; and

(iv) conduct education and outreach in direct support of the mission described in section 3(b).

(B) Exception.—The authorities conferred on the Administrator by this paragraph do not include the authority to contract for services that are an inherently governmental function as defined in section 5 of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

(b) Assistant Secretary for Oceans and Atmosphere.—

(1) In general.—There shall be, as Deputy Administrator of the Administration, an Assistant Secretary of Commerce for Oceans and Atmosphere. The Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary shall be the Administrator's first assistant for purposes of subchapter III of chapter 33 of title 5, United States Code. The Assistant Secretary shall be paid at the rate of basic pay for level IV of the Executive Schedule.

(2) Functions.—The Assistant Secretary shall perform such functions and exercise such powers as the Administrator may prescribe and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

(c) Deputy Under Secretary for Oceans and Atmosphere.—

(1) In general.—There shall, be as the Chief Operating Officer of the Administration, a Deputy Under Secretary of Commerce for Oceans and Atmosphere. The Deputy Under Secretary shall be appointed by the Secretary. The position of Deputy Under Secretary shall be a Senior Executive Service position authorized under section 3133 of title 5, United States Code.

(2) Functions.—The Deputy Under Secretary—

(A) shall ensure the timely and effective implementation of Administration policies and objectives;

(B) shall be responsible for all aspects of the Administration's operations and management, including budget, financial operations, information services, facilities, human resources, procurements, and associated services;

(C) in the absence or disability of the Assistant Secretary, or in the event of a vacancy in such position, shall act in that position; and

(D) shall perform such other duties as the Administrator shall prescribe.

(d) Deputy Assistant Secretary for Science and Education.—

(1) In general.—There shall be in the Administration a Deputy Assistant Secretary for Science and Education who shall coordinate and oversee the science and education activities of the Administration and their application to Administration decisions and operations. The Deputy Assistant Secretary for Science and Education shall be appointed by the Secretary. The position of Deputy Assistant Secretary for Science and Education shall be a Senior Executive Service career reserved position as defined in section 3132(a)(8) of title 5, United States Code.

(2) Functions.—The Deputy Assistant Secretary for Science and Education shall—

(A) coordinate research and development activities across the Administration;

(B) review the Administration's annual budget to ensure that funding for research and development is adequate, properly focused, and carried out by the appropriate entities across the Administration;

(C) advise the Administrator on how research results can be applied to operational use;

(D) advise the Administrator regarding science issues and their relationship to Administration policies, procedures, and decisions;

(E) participate in developing the Administration's strategic plans and policies and review the science and education aspects of those plans and policies;

(F) serve as liaison to the nongovernmental science community;

(G) develop and oversee guidelines for peer review of research sponsored or conducted by the Administration;

(H) oversee implementation of the strategic plan for research and development required under section 9(b);

(I) oversee management of laboratories in the Administration;

(J) oversee the research and education programs of the Administration; and

(K) perform such other duties as the Administrator shall prescribe.

(3) Qualifications.—An individual appointed under paragraph (1) shall be a person who has an outstanding science and education background, including research accomplishments, scientific reputation, and public policy experience.

(4) Consultation.—Before appointing an individual under paragraph (1), the Secretary shall consult with the National Academy of Sciences, the Science Advisory Board of the Administration, and other appropriate scientific organizations.

(e) Deputy Assistant Secretaries.—There may be in the Administration no more than two additional Deputy Assistant Secretaries whose duties may be designated by the Administrator. The Deputy Assistant Secretaries shall be appointed by the Secretary. The positions of Deputy Assistant Secretaries shall be Senior Executive Service positions authorized under section 3133 of title 5, United States Code.

(f) General Counsel.—

(1) In general.—There shall be in the Administration a General Counsel. The General Counsel shall be appointed by the Secretary. The General Counsel shall be paid at the rate of basic pay for level V of the Executive Schedule.

(2) Functions.—The General Counsel—

(A) shall serve as the chief legal officer of the Administration for all legal matters that arise in connection with the conduct of the functions of the Administration; and

(B) shall perform such other functions and exercise such powers as the Administrator may prescribe.

(g) Continuation of Service.—Any individual serving on the effective date of this Act in a position provided for in this Act may continue to serve in that position until a successor is appointed under this Act. Nothing in this Act shall be construed to require the appointment of a successor under this Act sooner than would have been required under law as in effect before the effective date of this Act.

SEC. 5. NATIONAL WEATHER SERVICE.

(a) In General.—The Secretary shall maintain within the Administration the National Weather Service.

(b) Mission.—The mission of the National Weather Service is to provide weather, water, climate, tsunami, and space weather forecasts and warnings for the United States, its territories, adjacent waters, and ocean areas for the protection of life and property and the enhancement of the national economy. In carrying out the mission of the National Weather Service, the Administrator shall ensure that the National Weather Service—

(1) provides timely and accurate weather, water, climate, tsunami, and space weather forecasts; and

(2) provides timely and accurate warnings of natural hazards related to weather, water, climate, and tsunamis, and of space weather hazards.

(c) Functions.—The functions of the National Weather Service shall include—

(1) maintaining a network of local weather forecast offices;

(2) maintaining a network of observation systems to collect weather and climate data;

(3) operating national centers to deliver guidance, forecasts, warnings, and analysis about weather, water, climate, tsunami, and space weather phenomena for the Administration and the public;

(4) providing information to Federal agencies and other organizations responsible for emergency preparedness and response as required by law;

(5) conducting and supporting applied research to facilitate the rapid incorporation of weather and climate science advances into operational tools; and

(6) other functions to serve the mission of the National Weather Service described in subsection (b).

SEC. 6. OPERATIONS AND SERVICES.

(a) In General.—The Secretary shall maintain within the Administration programs to support efforts, on a continuing basis, to collect data and provide information and products regarding satellites, observations, and coastal, ocean and Great Lakes information.

(b) Functions.—To accomplish the mission described in section 3(b), and in addition to the functions described in section 3(c), the operations and service aspects of the Administration shall include—

(1) acquiring, managing, and operating coastal, ocean, and Great Lakes observing systems;

(2) contributing to the operation of a global Earth-observing system;

(3) integrating Administration remote sensing and in situ assets that provide critical data needed to support the mission of the Administration, and providing that data to decisionmakers and the public;

(4) developing, acquiring, and managing operational environmental satellite programs and associated ground control and data acquisition and delivery facilities to support the mission of the Administration;

(5) managing and distributing atmospheric, geophysical, and marine data and data products for the Administration through national environmental data centers;

(6) providing for long-term stewardship of environmental data, products, and information via data processing, storage, reanalysis, reprocessing, and archive facilities;

(7) issuing licenses for private remote sensing space systems under the Land Remote Sensing Policy Act of 1992;

(8) administering a national water level observation network, which shall include monitoring of the Great Lakes;

(9) providing charts and other information for safe navigation of the oceans and inland waters, as provided by law;

(10) maintaining a fleet of ships and aircraft to support the mission of the Administration; and

(11) such other operations and services functions to serve the mission of the Administration as the Administrator may prescribe.

SEC. 7. RESEARCH AND EDUCATION.

(a) In General.—The Secretary shall maintain within the Administration programs to conduct and support research and education and the development of technologies relating to weather, climate, and the coasts, oceans, and Great Lakes.

(b) Functions.—To accomplish the mission described in section 3(b), and in addition to the functions described in section 3(c), the research and education aspects of the Administration shall include—

(1) conducting and supporting research and development to improve the Administration's capabilities to collect, through observation and otherwise, communicate, analyze, process, and disseminate comprehensive scientific data and information about weather, climate, and the coasts, oceans, and Great Lakes;

(2) improving ecological prediction and management capabilities through ecosystem-based research and development;

(3) contributing information on the Earth's climate and related systems, obtained through research and observation, that addresses questions confronting policymakers, resources managers, and other users;

(4) reducing uncertainty in projections of how the Earth's climate and related systems may change in the future;

(5) fostering the public's ability to understand and integrate scientific information into considerations of national environmental issues through education and public outreach activities;

(6) administering the National Sea Grant College Program Act;

(7) conducting and supporting research and development of technology for exploration of the oceans;

(8) maintaining a system of laboratories to perform the functions described in this subsection;

(9) supporting extramural peer-reviewed competitive grant programs to assist the Administration in performing the functions described in this subsection; and

(10) such other research, development, education, and outreach functions to serve the mission of the Administration as the Administrator may prescribe.

SEC. 8. SCIENCE ADVISORY BOARD.

(a) In General.—There shall be within the Administration a Science Advisory Board, which shall provide such scientific advice as may be requested by the Administrator, the Committee on Commerce, Science, and Transportation of the Senate, or the Committee on Science or on Resources of the House of Representatives.

(b) Purpose.—The purpose of the Science Advisory Board is to advise the Administrator and Congress on long-range and short-range strategies for research, education, and the application of science to resource management and environmental assessment and prediction.

(c) Members.—

(1) In general.—The Science Advisory Board shall be composed of at least 15 members appointed by the Administrator. Each member of the Board shall be qualified by education, training, and experience to evaluate scientific and technical information on matters referred to the Board under this section.

(2) Terms of service.—Members shall be appointed for 3-year terms, renewable once, and shall serve at the discretion of the Administrator. An individual serving a term as a member of the Science Advisory Board on the date of enactment of this Act may complete that term, and may be reappointed once for another term of 3 years unless the term being served on such date of enactment is the second term served by that individual. Vacancy appointments shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for 2 full 3-year terms if the remainder of the unexpired term is less than one year.

(3) Chairperson.—The Administrator shall designate a chairperson from among the members of the Board.

(4) Appointment.—Members of the Science Advisory Board shall be appointed as special Government employees, within the meaning given such term in section 202(a) of title 18, United States Code.

(d) Administrative Provisions.—

(1) Reporting.—The Science Advisory Board shall report to the Administrator and the appropriate requesting party.

(2) Administrative support.—The Administrator shall provide administrative support to the Science Advisory Board.

(3) Meetings.—The Science Advisory Board shall meet at least twice each year, and at other times at the call of the Administrator or the Chairperson.

(4) Compensation and expenses.—A member of the Science Advisory Board shall not be compensated for service on such board, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(5) Subcommittees.—The Science Advisory Board may establish such subcommittees of its members as may be necessary. The

Science Advisory Board may establish task forces and working groups consisting of Board members and outside experts as may be necessary.

(e) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Science Advisory Board.

SEC. 9. REPORTS.

(a) REPORT ON DATA MANAGEMENT, ARCHIVAL, AND DISTRIBUTION.—

(1) CONTENTS.—Not later than 1 year after the date of enactment of this Act, and once every 5 years thereafter, the Administrator shall do the following:

(A) Enter into an arrangement with the National Academy of Sciences to review the environmental data and information systems of the Administration and to provide recommendations to address any inadequacies identified by the review. The review shall assess the adequacy of the environmental data and information systems of the Administration to—

(i) provide adequate capacity to manage, archive and disseminate environmental information collected and processed, or expected to be collected and processed, by the Administration, including data gathered by other agencies that is processed or stored by the Administration;

(ii) establish, develop, and maintain information bases, including necessary management systems, which will provide for consistent, efficient, and compatible transfer and use of data;

(iii) develop effective interfaces among the environmental data and information systems of the Administration and other appropriate departments and agencies;

(iv) develop and use nationally accepted formats and standards for data collected by various national and international sources;

(v) integrate and interpret data from different sources to produce information that can be used by decisionmakers in developing policies that effectively respond to national and global environmental concerns; and

(vi) reanalyze and reprocess the archived data as better science is developed to integrate diverse data sources.

(B) Develop a strategic plan, with respect to the environmental data and information systems of the Administration, to—

(i) respond to each of the recommendations in the review conducted under subparagraph (A);

(ii) set forth modernization and improvement objectives for an integrated national environmental data access and archive system for the 10-year period beginning with the year in which the plan is transmitted, including facility requirements and critical new technology components that would be necessary to meet the objectives set forth;

(iii) propose specific Administration programs and activities for implementing the plan;

(iv) identify the data and information management, reanalysis, reprocessing, archival, and distribution responsibilities of the Administration with respect to other Federal departments and agencies and international organizations; and

(v) provide an implementation schedule and estimate funding levels necessary to achieve modernization and improvement objectives.

(2) TRANSMITTAL TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives the initial review and strategic plan developed under paragraph (1). Subsequent reviews and strategic plans developed under paragraph (1) shall also be transmitted to those committees upon completion.

(b) STRATEGIC PLAN FOR RESEARCH AND DEVELOPMENT.—

(1) CONTENTS.—Not later than 1 year after the date of enactment of this Act, and once every 5 years thereafter, the Administrator shall develop a strategic plan for research and development at the Administration. The plan shall include—

(A) an assessment of the science and technology needs of the Administration based on the Administration's operational requirements and on input provided by external stakeholders at the national, regional, State, and local levels; and

(B) a strategic plan that assigns specific programs within the administration the responsibility to meet each need identified under subparagraph (A) and that describes the extent to which each need identified in subparagraph (A) will be addressed through—

(i) intramural research;

(ii) extramural, peer-reviewed, competitive grant programs; and

(iii) work done in cooperation with other Federal agencies.

(2) NATIONAL ACADEMY OF SCIENCES REVIEW.—The Administrator shall enter into an arrangement with the National Academy of Sciences for a review of the plan developed under paragraph (1).

(3) TRANSMITTAL TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives the initial strategic plan developed under paragraph (1) and the review prepared pursuant to paragraph (2). Subsequent strategic plans developed under paragraph (1) shall also be transmitted to those committees upon completion.

SEC. 10. PUBLIC-PRIVATE PARTNERSHIPS.

Not less than once every 5 years, the Secretary shall develop and submit to Congress a policy that defines processes for making decisions about the roles of the Administration, the private sector, and the academic community in providing environmental information, products, technologies, and services. The first such submission shall be completed not less than 3 years after the date of enactment of this Act. At least 90 days before each submission of the policy to Congress, the Secretary shall publish the policy in the Federal Register for a public comment period of not less than 60 days. Nothing in this section shall be construed to require changes in the policy in effect on the date of enactment of this Act.

SEC. 11. EFFECT OF REORGANIZATION PLAN.

Reorganization Plan No. 4 of 1970 shall have no further force and effect.

SEC. 12. SAVINGS PROVISION.

All rules and regulations, determinations, standards, contracts, including collective bargaining agreements, certifications, authorizations, appointments, delegations, results and findings of investigations, and other actions duly issued, made, or taken by or pursuant to or under the authority of any statute or executive order which resulted in the assignment of functions or activities to the Secretary, the Department of Commerce, the Under Secretary of Commerce for Oceans and Atmosphere, the Administrator, or any other officer of the Administration, that is in effect immediately before the date of enactment of this Act, shall continue in full force and effect after the effective date of this Act until modified or rescinded. All suits, appeals, judgments, and proceedings pending on such effective date relating to responsibilities or functions transferred pursuant to this Act shall continue without regard to such transfers, except for the transfer of responsibilities or functions. Any reference in law to a responsibility, function, or office transferred pursuant to this Act shall be deemed to refer to the responsibility, function, or office as so transferred. Nothing in this Act shall be construed to limit the ability of an Administration employee to discuss scientific research performed by that employee. Nothing in this Act shall be construed to alter the responsibilities or authorities of any other Federal agency. Nothing in this Act shall be construed to authorize or prohibit the transfer of any program, function, or project from other Federal agencies to the Administration. Nothing in this Act shall be construed to expand, modify, or supersede the authority that the Administration has immediately before the date of enactment of this Act, nor to provide the Administration with any new regulatory authority. Nothing in this Act shall be construed to grant the Administrator any authority to construct, alter, repair, or acquire by any means a public building, as defined at section 3301 of title 40, United States Code, or to grant any authority to lease general purpose office or storage space in any building; and nothing in this Act shall be construed to diminish any authority the Administrator has immediately before the date of enactment of this Act to construct, alter, repair, or acquire by any means a public building, as defined at section 3301 of title 40, United States Code, or to diminish any authority the Administrator has immediately before the date of enactment of this Act to lease general purpose office or storage space in any building (regardless of whether those authorities are derived from laws, executive orders, rules, regulations, or delegations of authority from the Secretary of Commerce).

SEC. 13. REORGANIZATION PLAN.

(a) SCHEDULE.—(1) Not later than 18 months after the date of enactment of this Act, the Administrator shall develop a reorganization plan for the Administration in accordance with this section and shall publish the plan in the Federal Register. The Federal Register notice shall solicit comments for a period of 60 days.

(2) Not later than 90 days after the expiration date of the comment period described in paragraph (1), the Administrator shall transmit to Congress a revised version of the plan that takes into account the comments received. The Administrator shall also publish the revised plan in the Federal Register. The Administrator shall transmit and publish, along with the plan, an explanation of how the Administrator dealt with each issue raised by the comments received.

(3) The Administrator shall implement the plan 60 days after the plan has been transmitted to the Congress.

(b) CONTENT.—The plan, to the greatest extent practicable, shall—

(1) consistent with section 5 and the other provisions of this Act, maximize the efficiency with which the Administration carries out the functions of—

(A) operations and services;

(B) research and education; and

(C) resource management;

(2) improve the sharing of research and other information that is of use across programmatic themes; and

(3) eliminate duplication of effort or overlapping efforts among offices.

(c) CONSULTATION.—In developing the plan, the Administrator shall consult with interested parties, including the States, academia, industry, conservation organizations, and Administration employees.

SEC. 14. FACILITY EVALUATION PROCESS.

(a) PUBLIC NOTIFICATION AND ASSESSMENT PROCESS.—

(1) IN GENERAL.—The Administrator shall not close, consolidate, relocate, subdivide, or establish a facility of the Administration, unless and until the Administrator has followed the procedures required by this section.

(2) REVIEW PROCESS.—The Administrator shall not close, consolidate, relocate, subdivide, or establish a facility of the Administration with an annual operating budget of $5,000,000 or greater, or a National Weather Service field office, unless and until—

(A) the Administrator has published in the Federal Register the proposed action and a description of the offices, personnel, and activities of the Administration that would be affected by the proposed change, and has provided for a minimum of 60 days for public comment;

(B) if the proposed change involves a science facility of the Administration, the Science Advisory Board has reviewed the proposed change and provided to the Administrator written findings regarding the proposed change;

(C) if the proposed change involves a National Weather Service field office, the Administrator has prepared a report including—

(i) a description of local weather characteristics and weather-related concerns which affect the weather services provided within the service area;

(ii) a detailed comparison of the services provided within the service area and the services to be provided after the proposed change;

(iii) a description of any recent or expected modernization of National Weather Service operations which will enhance services in the service area;

(iv) an identification of any area within any State which would not receive coverage (at an elevation of 10,000 feet) due to the proposed change; and

(v) evidence, based on operational demonstration of National Weather Service operations, which was considered in reaching the conclusion that no degradation in service will result from the proposed change;

(D) the Administrator has prepared an analysis of the anticipated costs and savings associated with the proposed facility change, including both costs and savings in the first fiscal year following the change, and changes in operations and maintenance costs and savings over a ten-year period; and

(E) the Administrator has prepared an analysis of the effects of the facility change on operations and research of the Administration, and the potential impacts on cooperative institutes, other external Administration partnerships, partnerships with other Federal agencies, and any State and local partnerships.

(3) NOTICE TO CONGRESS.—(A) The Administrator shall provide to Congress, at least 90 days before any closure, consolidation, relocation, subdivision, or establishment of a facility of the Administration with an annual budget of $5,000,000 or greater, or any National Weather Service field office, a summary of the public comments received pursuant to paragraph (2)(A), any written findings prepared under paragraph (2)(B), any report prepared under paragraph (2)(C), and the analyses prepared under paragraph (2)(D) and (E).

(B) The Administrator shall provide to Congress, at least 90 days before any closure, consolidation, relocation, subdivision, or establishment of a facility of the Administration not described in subparagraph (A), written notification of the planned closure, consolidation, relocation, subdivision, or establishment.

(b) WEATHER SERVICE MODERNIZATION.—Nothing in this Act shall be construed to alter the Weather Service Modernization Act (15 U.S.C. 313 note).

(c) DEFINITION.—For purposes of this section—

(1) the term "facility" means a laboratory, operations office, administrative service center, or other establishment of the Administration; and

(2) the term "field office" has the same meaning given that term in section 702 of the Weather Service Modernization Act.

SEC. 15. BUDGET REPROGRAMMING.

Whenever the Administrator transmits a budget reprogramming request to the Appropriations Committees of the House of Representatives and the Senate, the Administrator shall simultaneously submit a copy of the request to the Committee on Science and the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 16. BASELINES AND COST CONTROLS.

(a) CONDITIONS FOR DEVELOPMENT.—

(1) IN GENERAL.—The Administration shall not enter into a contract for the development of a major program unless the Administrator determines that—

(A) the technical, cost, and schedule risks of the program are clearly identified and the program has developed a plan to manage those risks;

(B) the technologies required for the program have been demonstrated in a relevant laboratory or test environment; and

(C) the program complies with all relevant policies, regulations, and directives of the Administration.

(2) REPORT.—The Administrator shall transmit a report describing the basis for the determination required under paragraph (1) to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 30 days before entering into a contract for development under a major program.

(3) NONDELEGATION.—The Administrator may not delegate the determination requirement under this subsection, except in cases in which the Administrator has a conflict of interest.

(b) MAJOR PROGRAM ANNUAL REPORTS.—

(1) REQUIREMENT.—Annually, at the same time as the President's annual budget submission to the Congress, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes the information required by this section for each major program for which the Administration proposes to expend funds in the subsequent fiscal year. Reports under this paragraph shall be known as Major Program Annual Reports.

(2) BASELINE REPORT.—The first Major Program Annual Report for each major program shall include a Baseline Report that shall, at a minimum, include—

(A) the purposes of the program and key technical characteristics necessary to fulfill those purposes;

(B) an estimate of the life-cycle cost for the program, with a detailed breakout of the development cost, program reserves, and an estimate of the annual costs until development is completed;

(C) the schedule for development, including key program milestones;

(D) the plan for mitigating technical, cost, and schedule risks identified in accordance with subsection (a)(1)(A); and

(E) the name of the person responsible for making notifications under subsection (c), who shall be an individual whose primary responsibility is overseeing the program.

(3) INFORMATION UPDATES.—For major programs for which a Baseline Report has been submitted, each subsequent Major Program Annual Report shall describe any changes to the information that had been provided in the Baseline Report, and the reasons for those changes.

(c) NOTIFICATION.—

(1) REQUIREMENT.—The individual identified under subsection (b)(2)(E) shall immediately notify the Administrator any time that individual has reasonable cause to believe that, for the major program for which he or she is responsible—

(A) the development cost of the program is likely to exceed the estimate provided in the Baseline Report of the program by 15 percent or more; or

(B) a milestone of the program is likely to be delayed by 6 months or more from the date provided for it in the Baseline Report of the program.

(2) REASONS.—Not later than 30 days after the notification required under paragraph (1), the individual identified under subsection (b)(2)(E) shall transmit to the Administrator a written notification explaining the reasons for the change in the cost or milestone of the program for which notification was provided under paragraph (1).

(3) NOTIFICATION OF CONGRESS.—Not later than 15 days after the Administrator receives a written notification under paragraph (2), the Administrator shall transmit the notification to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) FIFTEEN PERCENT THRESHOLD.—Not later than 30 days after receiving a written notification under subsection (c)(2), the Administrator shall determine whether the development cost of the program is likely to exceed the estimate provided in the Baseline Report of the program by 15 percent or more, or whether a milestone is likely to be delayed by 6 months or more. If the determination is affirmative, the Administrator shall—

(1) transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than 15 days after making the determination, a report that includes—

(A) a description of the increase in cost or delay in schedule and a detailed explanation for the increase or delay;

(B) a description of actions taken or proposed to be taken in response to the cost increase or delay; and

(C) a description of any impacts the cost increase or schedule delay, or the actions described under subparagraph (B), will have on any other program within the Administration; and

(2) if the Administrator intends to continue with the program, promptly initiate an analysis of the program, which shall include, at a minimum—

(A) the projected cost and schedule for completing the program if current requirements of the program are not modified;

(B) the projected cost and the schedule for completing the program after instituting the actions described under paragraph (1)(B); and

(C) a description of, and the projected cost and schedule for, a broad range of alternatives to the program.

The Administration shall complete an analysis initiated under paragraph (2) not later than 6 months after the Administrator makes a determination under this subsection. The Administrator shall transmit the analysis to the Committee on Science of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate not later than 30 days after its completion.

(e) Thirty Percent Threshold.—If the Administrator determines under subsection (d) that the development cost of a program will exceed the estimate provided in the Baseline Report of the program by more than 30 percent, then, beginning 18 months after the date the Administrator transmits a report under subsection (d)(1), the Administrator shall not expend any additional funds on the program, other than termination costs, unless the Congress has subsequently authorized continuation of the program by law. An appropriation for the specific program enacted subsequent to a report being transmitted shall be considered an authorization for purposes of this subsection. If the program is continued, the Administrator shall submit a new Baseline Report for the program no later than 90 days after the date of enactment of the Act under which Congress has authorized continuation of the program.

(f) Definitions.—For the purposes of this section—

(1) the term "development" means the phase of a program following the formulation phase and beginning with the approval to proceed to implementation;

(2) the term "development cost" means the total of all costs, including construction of facilities and civil servant costs, from the period beginning with the approval to proceed to implementation through the achievement of operational readiness, without regard to funding source or management control, for the life of the program;

(3) the term "life-cycle cost" means the total of the direct, indirect, recurring, and nonrecurring costs, including the construction of facilities and civil servant costs, and other related expenses incurred or estimated to be incurred in the design, development, verification, production, operation, maintenance, support, and retirement of a program over its planned lifespan, without regard to funding source or management control; and

(4) the term "major program" means an activity approved to proceed to implementation that has an estimated life-cycle cost of more than $250,000,000.

SEC. 17. LIMITATIONS ON OFF-SHORE PERFORMANCE OF CONTRACTS FOR THE PROCUREMENT OF GOODS AND SERVICES.

(a) Conversions to Contractor Performance of Administration Activities.—Except as provided in subsection (c), an activity or function of the Administration that is converted to contractor performance under Office of Management and Budget Circular A-76 may not be performed by the contractor or any subcontractor at a location outside the United States.

(b) Contracts for the Procurement of Services.—(1) Except as provided in subsection (c), a contract for the procurement of goods or services that is entered into by the Administrator may not be performed outside the United States unless it is to meet a requirement of the Administration for goods or services specifically at a location outside the United States.

(2) The President may waive the prohibition in paragraph (1) in the case of any contract for which the President determines in writing that it is necessary in the national security interests of the United States for goods or services under the contract to be performed outside the United States.

(3) The Administrator may waive the prohibition in paragraph (1) in the case of any contract for which the Administrator determines in writing that essential goods or services under the contract are only available from a source outside the United States.

(c) Exception.—Subsections (a) and (b)(1) shall not apply to the extent that the activity or function under the contract was previously performed by Federal Government employees outside the United States.

(d) Consistency With International Agreements.—The provisions of this section shall not apply to the extent that they are inconsistent with obligations of the United States under international agreements.

SEC. 18. RECORDKEEPING AND REPORTING REQUIREMENT.

The Administrator shall transmit to Congress, not later than 120 days after the end of each fiscal year beginning with the first fiscal year after the date of enactment of this Act, a report on the contracts and subcontracts performed overseas and the amount of purchases directly or indirectly by the Administration from foreign entities in that fiscal year. The report shall separately indicate—

(1) the contracts and subcontracts and their dollar values for which the Administrator determines that essential goods or services under the contract are available only from a source outside the United States; and

(2) the items and their dollar values for which the Buy American Act was waived pursuant to obligations of the United States under international agreements.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. Ehlers) and the gentleman from Tennessee (Mr. Gordon) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 5450, as amended, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 5450, as amended by the Science Committee. H.R. 5450, the National Oceanic and Atmospheric Administration Act, is an organic act for NOAA. An organic act defines the overall mission and function of an agency.

In 1970, President Nixon established NOAA in the Department of Commerce by executive order. Since that time, Congress has not passed an organic act for NOAA, and today NOAA's authorities come from over three dozen issue-specific laws.

Some years ago I decided this was an intolerable situation, and we began work on an organic act. In 2004, the U.S. Commission on Ocean Policy, a nonpartisan group of the Nation's leading ocean experts, recognized this lack of congressional direction for NOAA as an impediment to the agency's vital legislative role.

The Commission strongly recommended that Congress pass a NOAA organic act. We in Congress need to provide NOAA and its employees clear direction and the tools they require to perform critical missions and functions that affect the everyday lives of all Americans, including weather forecasts and storm warnings from the National Weather Service and alerts from the National Ocean Service about dangerous conditions such as toxic algae blooms or even tsunamis.

In response to this need, I introduced the National Oceanic and Atmospheric Administration Act. My bill gives NOAA a clear mission so it can more effectively set program goals. For example, my bill states that the mission of NOAA is to first understand and predict changes in the Earth's oceans and atmospheres, conserve and manage coastal, ocean and Great Lakes ecosystems, and educate and inform our fellow citizens about these topics.

H.R. 5450 then directs NOAA to reorganize so it can more efficiently accomplish this mission. Based on recommendations of the U.S. Commission on Ocean Policy, my bill establishes NOAA within the Department of Commerce and requires NOAA to restructure so it may improve the way it carries out the critical functions of operations and services, research and education, and resource management.

In addition, H.R. 5450 strengthens science at NOAA by creating a new Deputy Assistant Secretary for Science and Education, authorizing a science advisory board, requiring a National Academies' assessment of the agency's data and information systems, and directing NOAA to develop a strategic plan for its research programs.

Valuable input from my colleagues on the Science Committee from both parties further strengthened congressional oversight provisions of H.R. 5450, and the bill now includes a provision to ensure that NOAA does not get in over its head with large programs such as building weather satellites.

This provision requires NOAA to use more streamlined and transparent cost baselines for major programs, and to notify Congress when there are significant cost increases or schedule delays in major procurement programs.

Passage of an organic act for NOAA is a top priority for both the U.S. Commission on Ocean Policy and the privately funded Pugh Ocean Commission.

The administration, States, and numerous advocacy groups have also expressed support for the NOAA organic act. H.R. 5450 has widespread and bipartisan support. The bill incorporates ideas from a range of experts and from Members on both sides of the aisle. Everyone recognizes this bill is not a complete organic act because it omits issues solely in the jurisdiction of the House Resources Committee.

Mr. Speaker, I believe we all share the goal of seeing a complete bill. I thank all of my colleagues who contributed to this bill as well as those who continue to express support. In particular I want to thank Mr. UDALL. He was a ranking member of my subcommittee when we first started working on this bill.

I also want to thank Mr. WU, the current ranking member of my subcommittee, and Mr. GORDON, the ranking member of the full committee, for their help and input throughout the process.

Additionally, I thank Mr. GILCHREST who has been an outstanding leader on ocean issues and an original cosponsor of this bill, and he has been invaluable with his input. Finally I would especially like to thank Chairman BOEHLERT, also an original cosponsor, for his unwavering support and commitment to moving this bill through the process. Chairman BOEHLERT has long been a strong champion for the sciences and science-based decision making envisioned in H.R. 5450, and we will greatly miss his leadership on these issues.

H.R. 5450 will make NOAA stronger and more capable of doing its job to keep us safe, understand our environment, and manage our coastal and marine resources.

This bill is an important step forward for ocean issues. And I look forward to continuing to work with my colleagues here in the House and in the Senate to get a final bill that is clear, well balanced and complete. I urge my colleagues to support H.R. 5450

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us today, the NOAA Organic Act, is a product of diligent work of the Science Committee and the gentleman from Michigan.

Representative EHLERS has been a tireless champion of this legislation. H.R. 5450 maintains the National Weather Service as a distinct office within NOAA. The National Weather Service, with its nationwide distribution of local forecast offices, is one of the best known and most trusted organizations within NOAA.

The public relies upon the weather service to provide the watches and warnings of severe storms that enable us to prepare for those events and reduce the loss of lives and property.

In the area of satellite acquisition, we are requiring the administrator of NOAA to notify Congress whenever a satellite acquisition deviates substantially from its projected cost and schedule.

H.R. 5450 establishes a process of review and revision for satellite acquisition programs to avoid future problems of runaway cost and schedule delays. Chairman BOEHLERT and Chairman EHLERS worked with us to produce this legislation. We did not always agree, but we often agreed, and the bipartisan cooperation between the members of this committee produced a good outcome for the program.

Unfortunately, the Resources Committee failed to conduct a similar process. H.R. 5450 provides virtually no direction for the ocean and coastal resources programs of the agency.

□ 1330

I know this is a disappointment to the many Members of Congress who were hoping to see some of the recommendations of the 2004 Ocean Commission's report incorporated into this legislation. This is truly a missed opportunity. We have little time left in this Congress. Perhaps the other body will be able to work cooperatively to fill in the gaps of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of H.R. 5450. Virtually every group that has looked at ocean issues has concluded that the National Oceanic and Atmospheric Administration would be able to function better if it had a clear basis in law. That is what this bill, an organic act, would provide. It would give this key science agency, which was created by executive order, a firm legal basis for its full range of activities and responsibilities. That is hard to argue with.

The bill, which was introduced by Dr. EHLERS, who has been its tireless champion, would also strengthen science at NOAA, pretty darn important, which makes sense, since NOAA is a major science agency. The bill also would greatly improve oversight of the agency by ensuring that Congress and the public get the information needed to evaluate NOAA's organizational structure, its facilities plan, its budgeting and its satellite programs.

As usual, this bill is the result of bipartisan cooperation on the Science Committee, and I am very proud of that. I commend my colleagues on both sides of the aisle for their hard work on this legislation.

We obviously have more work to do before this bill is enacted, including work with our colleagues who have jurisdiction over NOAA's resource management programs, such as fisheries. We want an organic act that covers all of NOAA's activities.

But this is a good start, a solid bill that will strengthen the agency, which will only improve the important services NOAA provides to our citizens. I urge my colleagues to support H.R. 5450. Once again, let me commend Dr. EHLERS for his leadership on this very important issue, and let me commend the minority side for their outstanding cooperation and, in many instances, their leadership too.

Mr. GORDON. Mr. Speaker, we are all part of our districts, and we all think that our districts are one of the prettiest places in the world. Just one of us represents a little prettier place than the rest of us.

Mr. Speaker, I yield 2 minutes from the man from Monterey, Big Sur, Pebble Beach, and a great deal of Highway No. 1, and that is the gentleman from California (Mr. FARR).

Mr. FARR. Thank you for that kind yielding.

Mr. Speaker, I rise for a good "half a bill." This deals with NOAA, also known as the National Oceanic and Atmospheric Administration. But this bill drops the "O" for oceanic and becomes a NAA bill. That is because the Resources Committee that has jurisdiction over oceans failed to deal with this bill. It has failed to deal with the President's Commission on Oceans, has failed to address any of this in the last years and has failed to address the need for oceans in this bill.

So the Science Committee had no choice but to bring you the NAA bill. I am going to vote "yea" on NAA because it has a good bipartisan leadership, and it comes from a Science Committee that understands that the Planet Earth needs oceans in order to create weather, and this bill on oceans becomes unadminsterable. Thank goodness for bipartisan, bicameral legislation, because this bill will not see the light of day without oceans having a great part of it.

The other side is that with NOAA, the problems that we see here in Congress, are created in the oceans, fisheries and so on, and we have not been funding the ocean side of it. There is international law of the sea, there are international oceans, years, there are all kinds of commissions and groups supporting oceans, yet Congress fails to address it. I commend the bipartisan leadership of getting NOAA in an organic act, but I wish they would include the oceans.

Mr. EHLERS. Mr. Speaker, I yield myself 30 seconds to respond to the gentleman from California.

I am in wholehearted agreement with his sentiments. I want to see a complete bill. The bill before us is a good bill. It deals with the physical sciences portion of NOAA. It has taken us almost 6 years to create this bill, work out all the details with all interested parties, including both political parties. It is a good bill, but it will be improved when we get the oceans portion.

I would hope that we can do it yet before the end of the year. If not, I will pledge to the gentleman from California, and anyone else, I will be happy to continue working on achieving that goal.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. GILCHREST), who has been invaluable in addressing oceans issues in this particular body.

Mr. GILCHREST. I thank the gentleman for yielding.

Mr. Speaker, I would like to speak to a couple of items here. One, to the gentleman from California, Mr. FARR, as far as who has the prettiest district in the country. I would like to invite Mr. FARR from California to ply the placid waters of the Sassafras River and enjoy either a dawn or sunset in a canoe as we go past the marsh and beautiful forested areas along the coastal Chesapeake Bay. He just accepted my invitation, so I appreciate that.

I also have some understanding of where Mr. FARR comes from, as far as dealing with the organic act and the National Oceanic and Atmospheric Administration, including what we can call the wet side and the dry side of NOAA. As we move forward with this legislative agenda and this process with the bill that Mr. VERN EHLERS brings to us today, I want to say two things as far as this bill is concerned.

Number one, Mr. EHLERS has not only worked for 6 years on this issue, Dr. EHLERS has worked 10 years on the idea that the National Oceanic and Atmospheric Administration that was created by executive order in 1970 by President Richard Nixon needs, as Mr. BOEHLERT defined, a specific direction and order prescribed by the U.S. Congress, so that it has a definitive, objective goal that Members of Congress can pursue a specific oversight agenda for. Dr. EHLERS has worked very strongly with both sides of the aisle to bring this bill before us today.

Now, there is a small piece that we can add to this as the process continues, as Dr. EHLERS said. We will add the fisheries and the oceans side of NOAA as we move along. But this bill before us today is a piece of legislation that provides the direction that Congress needs to set goals and be a part of the agenda of an administration to ensure that the Nation has the kind of satellites to give us the kind of weather reports that will enhance local reporting and save literally billions of dollars on our understanding of weather patterns, of hurricanes and things of that nature. It also has an understanding of the coastal ecology in this particular part of the bill.

What this bill does, and we will include as soon as we can the oceans part of this bill, but what this bill does is literally recognize that there are trillions of dollars tied up in satellite communication, in the private sector communication of satellites, and a whole host of other areas that will give us an understanding of marine research, of how the oceans affect the climates.

I urge my colleagues, as we move along in this process, this bill that Dr. EHLERS, in a bipartisan fashion, has brought to the House floor today be voted on.

Mr. GORDON. We have no speakers at this time. I don't yield back my time, but I yield to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman from Tennessee. I will, first of all, enter the sweepstakes for the most beautiful place in the United States and invite everyone to the western coast of Michigan on the Great Lakes of Lake Michigan.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I thought the chairman was going to speak about Florida when he spoke about the most beautiful place in the country.

Mr. Speaker, I rise in strong support of H.R. 5450 introduced by Chairman EHLERS, who has done a great deal in bringing this bill forward. I think we all know what this bill does: establishes under law NOAA, within the Department of Commerce, and provides a leadership structure and an organization for NOAA and establishes, obviously, NOAA's mission and functions.

I represent and live, am blessed to live and represent a peninsula, an area that is greatly affected by weather, whether it is in the oceans or whether it is by storms. NOAA, as we all know, includes many important agencies, including the National Weather Service, the National Marine Fisheries Service and also the National Hurricane Center. All of those areas are of great interest to the citizens of the State of Florida, and impact, their work impacts the economy and citizens of Florida.

South Floridians consistently rely on NOAA and on the National Hurricane Center for information, particularly, again, during this time of the year. Year after year the hurricane center has served as a trusted voice during a storm and maintains a continuous watch on the weather around the world. It issues warnings and watches and forecasts and analyzes the weather to make sure that it can stay in front of the technology so that it continuously does a better job in forecasting storms.

Very few agencies around the country can say that their work is indispensable in actually saving lives, and the weather center is one of those.

There are so many oceanic and academic and environmental groups that have expressed support for this legislation. I want to thank the chairman for bringing this bill forward. I want to thank him for his effort. I urge all of my colleagues to support this fine piece of legislation.

Mr. EHLERS. Mr. Speaker, if the other side has no further speakers, I am prepared to close.

Mr. GORDON. Mr. Speaker, we have no other speakers. We yield back the balance of our time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I want to note that NOAA reaches into the lives of nearly every citizen of this country, from the weather forecasts that people use to decide if they need an umbrella, or if they have to go to the basement to avoid a tornado, to the safety of our seafood and drought predictions of the way we grow our food and manage our reservoirs. This bill will give NOAA the tools and directions they need to continue to serve our Nation in the coming decades, and I look forward to their continued progress.

Very few people realize the importance of NOAA and how it affects their lives. They take the weather forecast for granted. In fact, many are unaware that the information that comes over the radio or as seen on television is provided by NOAA. I recall the famous case of someone who said we should stop funding NOAA because they get more information from their TV broadcast than they do from the National Weather Service, failing to recognize the important work that NOAA does.

This bill will give NOAA the tools and direction they need to continue to serve our Nation in the coming decades and to meet the challenges of the future. I look forward to the continued progress in NOAA.

Let me mention one other side issue. Just last week we had the Mark Trail program in the Cannon Office Building where awards were given for people who are making use of the automatic weather warning system. I don't know if Members are aware of it, but you can buy a simple little radio to keep at your bedside, as I do. If there are any weather alerts during the night when we are sleeping and don't hear the sirens, the radio will wake us up and give us the alert. Every American should have that, just as every American should have a fire alarm or smoke detector in their home.

Let me take just a moment to thank the Science Committee staff who worked so hard over an almost 6-year period to make this bill possible. David Goldston, chief of staff of the Science Committee; Amy Carroll, staff director for the subcommittee I chair; Chad English, heavily involved in this issue; Sara Gray and Jason Patlis, as well as Eric Webster. Sara is present here also.

She provided legal services. Jason is one of the new leaders of the Science Committee staff. Eric Webster, was invaluable in starting the research on and writing of this bill; unfortunately, he did it so well and learned so much about NOAA that they hired him, and we lost him.

Without the hard work of all of these staff members, their selfless dedication, and many long hours, we would not be here considering this bill.

Finally, I would also like to recognize Mr. GORDON's staff, who worked so closely with us throughout the process. They were invaluable in helping us perfect the bill, and we all worked with a good spirit of cooperation, and even the committee action on this bill was marked by agreement on the importance of the issue.

I urge all of my colleagues to vote for H.R. 5450, as amended.

Mr. PALLONE. Mr. Speaker, I rise to express my serious concerns about the process and manner by which this legislation has arrived on the House floor today.

The fact of the matter is that despite the laudable work that the Science Committee has done to develop legislation codifying the National Oceanic and Atmospheric Administration, this bill represents only half of what we need to develop a real organic act for the agency.

The Republican leadership has chosen to bring H.R. 5450 to the floor without the Resources Committee taking any action on its sequential referral. While the Science Committee's bill deals with the atmospheric or so-called "dry" side of NOAA, the Resources Committee has jurisdiction over ocean and coastal programs, known as the "wet" side.

This inaction is further evidence that when it comes to protecting our oceans, the House Republican leadership and the Resources Committee majority have nothing to show for themselves.

Mr. Speaker, in 2003 the Pew Oceans Commission put out a comprehensive report telling us that our oceans were in serious trouble. Many on the other side of the aisle disparaged the report. But a year later, the Congressionally chartered U.S. Commission on Ocean Policy released a separate report and came to the same basic conclusion—that our oceans are in peril from degraded waters, compromised resources, and conflicts between man and nature—and that immediate action is needed to restore the environment and protect our ocean and coastal related economy. They laid out some pretty pointed and thoughtful recommendations for Congress.

Two years later, however, the House and the Resources Committee have done virtually nothing in response to these recommendations. Rather than developing a cohesive, bipartisan strategy to evaluate the Commission's recommendations, they have effectively blocked meaningful oversight on oceans issues.

The Subcommittee on Fisheries and Oceans has held exactly one hearing on the US Ocean Commission's recommendations. Neither the Subcommittee nor the full Resources Committee have done anything to take serious action on the report's findings despite repeated requests from myself and others.

Today, in the face of the Resources Committee's disinterest in oceans issues and its inability to report its own version of H.R. 5450, we are now forced to consider a bill that may be well intentioned, but is nonetheless seriously flawed.

The truth is we have wasted the past two years when we should have taken action. Our oceans are a tremendous resource for this nation. Fishermen, beachgoers, coastal business owners, and many others in my district know this. They expect me and other members of Congress to be working on the problems facing our oceans, and I agree. Rather than passing half a bill, we should be taking serious action in response to ocean commission recommendations.

Mr. Speaker, members might vote for this bill because they support NOAA and want to move forward on an organic act. But no one should be fooled into thinking that the House has properly done its work to address the recommendations of the Ocean Commission.

Mr. SAXTON. Mr. Speaker, I rise today in support of H.R. 5450—the National Oceanic and Atmospheric Administration Act.

During the more than 20 years I have been in Congress, I have made it a priority to promote the protection of our oceans and effective conservation and management of our living marine resources. From protecting coastal wetlands to cleaning up our estuaries to promoting sustainable fisheries to preventing ocean pollution—all have been priorities during my tenure in Congress. We have accomplished a great deal but, as highlighted by the more than 200 reconmendations contained in the U.S. Commission on Ocean Policy report, much remains to be done.

NOAA was created by an Executive Order in 1970, but has never been formally authorized. Both the U.S. and Pew Ocean Commissions argued strongly for an organic statute for NOAA. A comprehensive organic act will significantly strengthen the agency by providing a clear mandate from Congress to the nation's lead civilian agency for oceans and atmosphere.

An organic statute is needed to codify and strengthen NOAA and thereby enhance its mission, improve its structure, and better enable it to carry out existing and new responsibilities in a manner that is consistent with ecosystem-based management.

H.R. 5450 represents real progress toward strengthening NOAA and is an important first step in developing the comprehensive mandate NOAA requires.

I look forward to working with Chairman EHLERS and colleagues to develop the additional provisions needed to incorporate guidance on fishery management, coastal zone management, ocean imapping and charting, and other resources-related issues. Such provisions are essential if NOAA is to effectively carry out the host of ocean-related activities essential to our nation's economic and environmental interests. Nevertheless, the bill in its current form represents a welcome effort to address a major hurdle that impedes the federal government's ability to effectively govern our oceans, coasts, and Great Lakes.

Passage of H.R. 5450 will send a clear signal that the health and productivity of our nation's oceans are a priority to the U.S. House of Representatives. I commend Chairman EHLERS for his leadership on this issue and I urge mny colleagues to support H.R. 5450.

Mr. CALVERT. Mr. Speaker, I want to commend Mr. EHLERS and his Subcommittee for its excellent oversight of the National Oceanic and Atmospheric Administration, NOAA, Within the Department of Commerce. The agency was established originally as a part of the Department of Commerce by Executive Order in 1970. NOAA has operated under Executive Order for 36 years now. However, with no legislative "organic act" NOAA was restrained from taking a real leadership role in national oceanic and atmospheric policy.

This legislation sets up guidelines and oversight of programs as any authorizing legislation should do for a Federal agency. NOAA now will: have a defined leadership structure and organization; defined missions and authorities; provide strategic plans to the Congress; and be able preserve current NOAA rules and regulations within its legal structure.

I realize that the legislation has been 2 years in the making and that the other body has yet to act, but this is exactly what an authorizing committee ought to be doing exercising its oversight powers. I commend Chairman EHLERS, and Ranking Democrat WU your persistence in pursuing the goal of passing the legislation.

Mr. ALLEN. Mr. Speaker, I rise in support of H.R. 5450 and applaud Representative EHLERS, Chairman BOEHLERT and the members of the House Science committee for their work on this bill. However, I am also deeply concerned with H.R. 5450. My concern, however, is not what is actually in this bill, but what is missing. Because the House Resources Committee refused to consider this important legislation, we are now debating a bill that does not include authorization for the oceanic component of NOAA.

This greatly disappoints me. As a co-chair of the bipartisan House Oceans Caucus, I have worked closely with the line offices of NOAA that handle ocean stewardship, and I have always been amazed at the size and importance of their mission considering what little Congress gives them in the way of guidance or funds. Funding that should go to NOAA to bolster ocean research and management already pales in comparison to other natural resource programs, and now, we are about to authorize only the atmospheric component of NOAA. This is just another example of the failure of this Congress to make the management of our oceans a priority. This amazes me, considering the size and economic value of our oceans.

We have been called to make our oceans a greater priority for more than 6 years now. When are we going to act? After our fish stocks are fully depleted? After global warming have caused rising sea levels to erode our beaches and the oceans to become so acidic that coral reefs have wasted away? In 2000, with the passage of the Oceans Act, Congress called for a National Commission on Ocean Policy to conduct a nationwide fact-finding mission on the state of our oceans. The goal was to develop policy recommendations that would lead to a coordinated and comprehensive national ocean policy. The independent Pew Oceans Commission underwent a similar process to identify the root problems threatening our nations' oceans. The products of these two commissions are nothing short of remarkable. Both commissions independently came to the same clear message: our oceans are in peril.

It is NOAA that must tackle these challenges. As the lead agency on ocean management, both commissions acknowledged the size of the task that NOAA faces. Americans are facing declining fish stocks, beach closures due to poor water quality, and laws that are inadequate to protect America's oceans. Both commissions have called on Congress repeatedly to provide NOAA with an organic act. In fact, both have listed an organic act as one of the highest priorities in taking steps towards better management of our oceans.

NOAA already administers the core programs that manage our ocean resources, and again, does so under an ever tightening budget. For example, National Marine Fisheries Service manages all Federal fisheries under the Magnuson-Stevens Act. The Office of Ocean and Coastal Resource Management administers the Coastal Zone Management Act that protects our coasts from pollution and erosion. Congress sure likes to give NOAA a lot to do, but nothing to do it with.

Furthermore, NOAA also administers a number of completely unauthorized programs that Americans depend on. The Ocean and Atmospheric Research office played a lead role in helping institute an integrated ocean observation system based on what we already have in the Gulf of Maine. Analogous to the routine monitoring of weather and climate, ocean observation collects a myriad of temperature and current data that enhances the prediction of hurricanes and storms, the impacts of global warming, and is used by search and rescue teams and shipping fleets for navigation. Despite the multiple uses of ocean observation, the regional associations are now at risk of shutting down because as an unauthorized program, they are unable to find a sustainable funding path. It is ridiculous. In essence, this innovative program may have to shut down for being too ahead of its time.

The challenges NOAA faces are only going to increase over the next century. More than 50 percent of the population already lives in coastal counties, and the numbers are rising. To support NOAA in their task, Congress must provide it with a full organic act. With an organic act, the offices that run the core programs that Americans nation-wide depend on would be provided with an established mission. A clear mission would help NOAA prioritize and justify itself during appropriations, perhaps heading off the crippling cuts that are leveled against it each year. Guidance from Congress would also help NOAA reorganize and enhance inter-office and inter-agency communication, thus making NOAA operations more efficient and streamlined.

While I support H.R. 5450 for taking us toward the goal of authorizing NOAA, we must remember it only takes us halfway. By authorizing only the atmospheric and educational components of NOAA, we fail half of this vital agency, and I urge Congress to make a full organic act for NOAA a priority.

Mr. EHLERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1345

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and pass the bill, H.R. 5450, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEDERAL ELECTION INTEGRITY ACT OF 2006

Mr. EHLERS. Mr. Speaker, pursuant to House Resolution 1015, I call up the bill (H.R. 4844) to amend the National Voter Registration Act of 1993 to require any individual who desires to register or re-register to vote in an election for Federal office to provide the appropriate State election official with proof that the individual is a citizen of the United States to prevent fraud in Federal elections, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1015, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 4844

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Election Integrity Act of 2006".

SEC. 2. REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION.

(a) REQUIREMENT TO PROVIDE PHOTO IDENTIFICATION AS CONDITION OF RECEIVING BALLOT.—Section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)) is amended—

(1) in the heading, by striking "FOR VOTERS WHO REGISTER BY MAIL" and inserting "FOR PROVIDING PHOTO IDENTIFICATION"; and

(2) by striking paragraphs (1) through (3) and inserting the following:

"(1) INDIVIDUALS VOTING IN PERSON.—

"(A) REQUIREMENT TO PROVIDE IDENTIFICATION.—Notwithstanding any other provision of law and except as provided in subparagraph (B), the appropriate State or local election official may not provide a ballot for an election for Federal office to an individual who desires to vote in person unless the individual presents to the official—

"(i) a government-issued, current, and valid photo identification; or

"(ii) in the case of the regularly scheduled general election for Federal office held in November 2010 and each subsequent election for Federal office, a government-issued, current, and valid photo identification for which the individual was required to provide proof of United States citizenship as a condition for the issuance of the identification.

"(B) AVAILABILITY OF PROVISIONAL BALLOT.—If an individual does not present the identification required under subparagraph (A), the individual shall be permitted to cast a provisional ballot with respect to the election under section 302(a), except that the appropriate State or local election official may not make a determination under section 302(a)(4) that the individual is eligible under State law to vote in the election unless the individual presents the identification required under subparagraph (A) to the official not later than 48 hours after casting the provisional ballot.

"(2) INDIVIDUALS VOTING OTHER THAN IN PERSON.—

"(A) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subparagraph (B), the appropriate State or local election official may not accept any ballot for an election for Federal office provided by an individual who votes other than in person unless the individual submits with the ballot—

"(i) a copy of a government-issued, current, and valid photo identification; or

"(ii) in the case of the regularly scheduled general election for Federal office held in November 2010 and each subsequent election for Federal office, a copy of a government-issued, current, and valid photo identification for which the individual was required to provide proof of United States citizenship as a condition for the issuance of the identification.

"(B) EXCEPTION FOR OVERSEAS MILITARY VOTERS.—Subparagraph (A) does not apply with respect to a ballot provided by an absent uniformed services voter who, by reason of active duty or service, is absent from the United States on the date of the election involved. In this subparagraph, the term 'absent uniformed services voter' has the meaning given such term in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff—6(1)), other than an individual described in section 107(1)(C) of such Act.

"(3) SPECIFIC REQUIREMENTS FOR IDENTIFICATIONS.—For purposes of paragraphs (1) and (2)—

"(A) an identification is 'government-issued' if it is issued by the Federal Government or by the government of a State; and

"(B) an identification is one for which an individual was required to provide proof of United States citizenship as a condition for issuance if the identification displays an official marking or other indication that the individual is a United States citizen.".

(b) CONFORMING AMENDMENTS.—Section 303 of such Act (42 U.S.C. 15483) is amended—

*(1) in the heading, by striking "**FOR VOTERS WHO REGISTER BY MAIL**" and inserting "**FOR PROVIDING PHOTO IDENTIFICATION**"; and*

(2) in subsection (c), by striking "subsections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II)" and inserting "subsection (a)(5)(A)(i)(II)".

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by amending the item relating to section 303 to read as follows:

"Sec. 303. Computerized statewide voter registration list requirements and requirements for providing photo identification.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2008 and each subsequent election for Federal office.

(2) CONFORMING AMENDMENT.—Section 303(d)(2) of such Act (42 U.S.C. 15483(d)(2)) is amended to read as follows:

"(2) REQUIREMENT TO PROVIDE PHOTO IDENTIFICATION.—Paragraphs (1) and (2) of subsection

(b) shall apply with respect to the regularly scheduled general election for Federal office held in November 2008 and each subsequent election for Federal office.''.

SEC. 3. MAKING PHOTO IDENTIFICATIONS AVAILABLE.

(a) REQUIRING STATES TO MAKE IDENTIFICATION AVAILABLE.—Section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)), as amended by section 2(a)(2), is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6); and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) MAKING PHOTO IDENTIFICATIONS AVAILABLE.—

''(A) IN GENERAL.—During fiscal year 2008 and each succeeding fiscal year, each State shall establish a program to provide photo identifications which may be used to meet the requirements of paragraphs (1) and (2) by individuals who desire to vote in elections held in the State but who do not otherwise possess a government-issued photo identification.

''(B) IDENTIFICATIONS PROVIDED AT NO COST TO INDIGENT INDIVIDUALS.—If a State charges an individual a fee for providing a photo identification under the program established under subparagraph (A)—

''(i) the fee charged may not exceed the reasonable cost to the State of providing the identification to the individual; and

''(ii) the State may not charge a fee to any individual who provides an attestation that the individual is unable to afford the fee.

''(C) IDENTIFICATIONS NOT TO BE USED FOR OTHER PURPOSES.—Any photo identification provided under the program established under subparagraph (A) may not serve as a government-issued photo identification for purposes of any program or function of a State or local government other than the administration of elections.''.

(b) PAYMENTS TO STATES TO COVER COSTS.—Subtitle D of title II of such Act (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new part:

"PART 7—PAYMENTS TO COVER COSTS OF PROVIDING PHOTO IDENTIFICATIONS TO INDIGENT INDIVIDUALS

"SEC. 297. PAYMENTS TO COVER COSTS TO STATES OF PROVIDING PHOTO IDENTIFICATIONS FOR VOTING TO INDIGENT INDIVIDUALS.

''(a) PAYMENTS TO STATES.—The Commission shall make payments to States to cover the costs incurred in providing photo identifications under the program established under section 303(b)(4) to individuals who are unable to afford the fee that would otherwise be charged under the program.

''(b) AMOUNT OF PAYMENT.—The amount of the payment made to a State under this part for any year shall be equal to the amount of fees which would have been collected by the State during the year under the program established under section 303(b)(4) but for the application of section 303(b)(4)(B)(ii), as determined on the basis of information furnished to the Commission by the State at such time and in such form as the Commission may require.

"SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for payments under this part such sums as may be necessary for fiscal year 2008 and each succeeding fiscal year.''.

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the item relating to subtitle D of title II the following:

''PART 7—PAYMENTS TO COVER COSTS OF PROVIDING PHOTO IDENTIFICATIONS TO INDIGENT INDIVIDUALS

''Sec. 297. Payments to cover costs to States of providing photo identifications for voting to indigent individuals.

''Sec. 297A. Authorization of appropriations.''.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect October 1, 2007.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. EHLERS) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4484, the Federal Election Integrity Act of 2006, and ask all my colleagues to support this important bill.

This bill will require presentation of a government-issued photo ID to vote in Federal elections, effective November 2008. Though most of the voting public already has an ID that can meet this requirement, there is a percentage of eligible voters who do not have an ID, so these extra 2 years will give them time to acquire it.

To ensure that only citizens are voting, the amendment will require presentation by 2010 of an ID that could not have been obtained without providing proof of citizenship. Once obtained, this ID can be used to prove both citizenship and identity when voting.

This Congress has previously enacted the REAL ID Act which will require people to prove their legal status in the country to get a REAL ID. That act has to be implemented by May 2008. Citizens will be able to use the IDs they obtain under this process to vote in elections starting in 2010 and for all elections thereafter. H.R. 4844 will require the ID to include some indicia of citizenship, so poll workers and other election officials will be able to tell that the bearer is a citizen.

Those who arrive at the polls without an ID will be permitted to cast a provisional ballot. These ballots will be counted if the person returns and presents to an election official a qualifying ID within 48 hours. To help those who need but cannot afford the ID to vote, the amendment requires States to provide them free of cost to the indigent and authorizes funds to reimburse States for the cost of doing so.

To most people this proposal is a simple, commonsense proposal and a necessary safeguard against vote fraud. To others it represents a dangerous threat to some citizens' ability to access the polls. While this debate may be heated in Washington, D.C., it seems the American people have made up their mind. A recent NBC-Wall Street Journal poll showed that 81 percent of those surveyed favored an ID requirement for voting. A Rasmussen poll during that same time period showed a similar result. Seventy-seven percent surveyed favored an ID requirement for voting.

Likewise, the bipartisan Carter-Baker Commission on Federal Election Reform recommended a national voter ID requirement in the report they issued last year. While the division on this issue may be partisan here in Congress, it certainly was not on this bipartisan commission. It seems a large bipartisan majority there concluded by an 18-3 vote that requiring ID is a necessary reform.

Once implemented, H.R. 4844 will put an important safeguard in place that will enhance the integrity of our system and help restore confidence in it. By putting in place procedures that ensure voting is limited to eligible citizens, we can encourage participation and increase turnout.

The experience in Arizona is instructive here. Despite all the claims that disenfranchisement would ensue after the enactment of the proof of citizenship and ID requirements in Proposition 200, testimony in Phoenix revealed that registration went up 15 percent after the requirement to prove citizenship went into effect. The fact is, people are encouraged to vote when they believe their vote will count and know that their vote will not be canceled out by an illegal vote.

I know there will be some who oppose the action we will take today, and there will be some controversy generated by the proposal. I wish it were not so. It seems we should all be able to agree that voting should be limited to citizens of the United States, because that has been the law for years. If we can agree on that, we should be able to agree that our voting systems must have procedures in place to ensure that.

We should all be able to agree that every eligible citizen should be able to vote, should be encouraged to vote, to vote only once, and to be assured that their vote will not be diluted by an illegal vote. If we agree on that, we should be able to agree that making people identify themselves when they vote is a simple and necessary safeguard.

It was not always so. I grew up in a small town, Edgerton, Minnesota, with 800 people. They did not need photo IDs. They knew everyone in town. If a stranger had showed up to vote, he would have been ushered out of the hall. But today we live in urban cities, by and large. We do not know each other well, and we need some means of foolproof identification.

I am sure that we will hear from the other side of the aisle today that an ID requirement is not necessary and is too much trouble. But every day millions of Americans show a photo ID to pay by check, board a plane or buy alcohol or tobacco. Surely the sanctity of the ballot warrants as much protection as these other activities.

In too many States, lax identification requirements mean people can cast votes without ever having to prove their eligibility. Our voting rights are too important to rely on an honor system. We need to make sure we have procedures in place that protect the right to vote and make sure only eligible citizens are able to do so.

I hope all Members will recognize the need for these necessary reforms. They will advance the security of our electoral systems, increase confidence in their integrity and reduce the opportunities for fraud. I ask all Members to support this important bill.

Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I never thought as a girl growing up in Birmingham, Alabama, that I would meet, again, a present-day poll tax. My goodness. My father would be really amazed.

Therefore, I rise today in strong opposition to H.R. 4844, the so-called Federal Election Integrity Act of 2006, which requires all States to demand that voters provide government-issued identification in order to vote in the 2008 election and proof of citizenship in order to vote in the 2010 election.

The Republican Party has acted without expressing any concern for the millions of American citizens who currently do not have the necessary documentation and consequently will be denied their right to vote. Further, the majority has not been moved by the realization that the burden of this legislation falls disproportionately on the elderly, the disabled, and ethnic minorities. Unfortunately, the Republicans made no effort to determine how many would be affected and be disenfranchised by this legislation.

Mr. Speaker, with H.R. 4844, this Republican legislation devises a modern-day poll tax in the form of a proof of citizenship requirement that will keep some eligible voters from voting and make it harder for all American citizens to vote. No citizen should have to pay in order to exercise his or her constitutional right to vote.

I have heard today on this Floor that President Carter's and Secretary of State Baker's reference to IDs fit within the intent of this bill. Allow me to clarify this assertion. Their ID proposal does not have requirements for citizenship, and they wish that everyone, not just those who can not afford IDs, possess them free of charge. They have not endorsed this piece of legislation.

Proof of citizenship requirements place on the voter the difficult, time-consuming and costly burden of obtaining the necessary documentation to prove citizenship or identity in order to cast a vote. For example, our State Department reports that only 23 percent of all Americans possess a passport, and the cost of obtaining one exceeds $100. A majority of Americans do not currently possess the identification required by H.R. 4844, and requiring them to obtain one imposes an unconstitutional burden on their right to vote.

Additionally, some Americans may be unable to acquire the necessary documents at any cost because they lack a birth certificate. We recognize that there are many minorities, especially African Americans, who were delivered by midwives, who did not have and do not have a birth certificate. There are some rural Americans who do not have birth certificates. We recognize that the State of Georgia indicates that 40 percent of their seniors would be denied their right to vote if this piece of legislation passes.

I believe, Mr. Speaker, that the Help America Vote Act, HAVA, strikes the appropriate balance between voter-ballot access and system-ballot integrity, and it was accomplished with bipartisan effort. The Committee on House Administration worked tirelessly to enact HAVA as a solution to the problems associated with the November 2000 general election. As a result of HAVA, $3.1 billion was appropriated to the States to improve the voting process. My alternative calls for the $800 million in shortfall funding to ensure full funding of HAVA.

The question of citizenship was directly addressed head on in HAVA whereby Congress mandated that the mail-in registration form includes a box that asks the question, "Are you a citizen of the United States of America?" If you answer no, your form is rejected automatically. If you answer yes, and you are discovered not to be a citizen, you are subject to Federal prosecution.

Mr. Speaker, we have laws on the books that if someone votes illegally, he or she will be prosecuted to the fullest extent of the law. The penalties are stiff and have successfully served as a deterrent to misrepresentation.

The voter ID question was asked and answered by HAVA. HAVA provided a broad range of ID options for the narrow circumstances of first-time voters who register by mail or appear in person at the polls to cast their vote. A photo ID is only one option. All the other options include employment ID, student ID, a current utility bill, bank statement, paychecks, or a government document showing the name and address of the voter.

□ 1400

Neither voters nor States are required to comply with a one-size-fit-all Federal mandate. The unavoidable consequence of enacting H.R. 4844 will be the decrease in the number of American citizens who are able to vote. H.R. 4844 will do far more to suppress turnout and intimidate voters than to prevent voter fraud, the purported objective of the majority.

Now, we say to all of us here in Congress, if we know of fraud and of persons voting illegally, we should tell our district attorneys. We should not tarry on this type of thing, and I suggest to the majority, if they know of any fraud, please call their district attorneys. We do not need this type of bill to accomplish this task.

We should be, as Members of Congress, representing the people and this people's House to do just that. For all the concern that the majority expresses about protecting the right to vote, this bill does nothing to stop voter suppression or correct the numerous administrative problems that are plaguing our elections and robbing our citizens of their right to vote.

I also previously heard that Andrew Young is in support of this bill. In fact, we understand that Andrew Young is not in support of this bill and that his remarks have been taken out of context. He is opposed to this bill.

H.R. 4844, as amended, will do nothing to stop the intentional forms of voter suppression such as the instances in 2004 when unsuspecting voters were misinformed about the time or place of the election or about the qualifications for voting. This bill will not remedy the long lines, misallocation of voting equipment, voting registration rules, or other election procedures that deny citizens their very critical opportunity to vote.

These are the real issues that this Congress should be addressing. To that end, I have offered a substitute piece of legislation that addresses some of the problems of voter suppression and voter fraud that are not addressed in H.R. 4844. Our Congress should be improving voter access to the polls, preventing election fraud, paying for and supporting election integrity, but it was not made in order. In fact, this is a closed rule, which is what happens when the majority does not want us to bring real legislation to the floor.

Mr. Speaker, because of the critical adverse impact of this bill and the affect it will have on our citizens' constitutional right to vote, I urge my colleagues to join me in opposing H.R. 4844. Instead of making it difficult to vote, our job should be, in the people's House, to promote civic participation more broadly.

There are 40 percent of registered voters who are not voting in our elections. This issue is what we should be addressing. Instead of erecting new barriers to voting participation, we should be devoting our resources to prosecuting the illegal intimidation tactics and solving the election irregularities which continue to surface with each election cycle.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Illinois (Mr. HYDE) one of the most honorable persons in the Chamber, one who has served well for so many years, the sponsor of this bill, who has worked tirelessly for this Congress and for the people of the United States, including on this bill.

Mr. HYDE. Mr. Speaker, I thank Mr. EHLERS. I appreciate your warm, gracious words.

There is a story that goes around in my hometown, Chicago. It says, Bury me when I die in Chicago because I want to stay active in politics after I am gone. This is not the problem we face here, but I thought I would mention that anyway.

I rise in support of H.R. 4844, the Federal Election Integrity Act of 2006, because the election system is the bedrock that our Republic is built on and its security and oversight is of paramount concern. The Constitution places the responsibility within this House to certify Federal elections, and we "may at any time by law make or alter such regulations."

It is the law that only U.S. citizens have the right to vote in Federal elections, but our current system does not give State election officials the tools they need to ensure that this requirement is being met, which is why I have introduced this bill.

This bill will help election officials ensure accuracy at the polls on election day. It amends Public Law 103–31, popularly known as the "motor-voter bill," to require voters to show a current official photo ID obtained with proof of their U.S. citizenship before voting. This bill's requirements will extend nationwide for all Federal elections.

H.R. 4844's provisions take effect gradually, allowing voters time to adjust. In 2008, voters will have to show a current official photo ID, and in 2010, they will have to display a photo ID that was obtained by providing proof of their U.S. citizenship. A voter who forgets his ID on election day will be allowed to cast a provisional ballot and will have 48 hours to present an ID to an election official to validate the ballot. Furthermore, and this is so important, voters who cannot afford an ID will be issued a free ID at no cost. That is some kind of poll tax when somebody else pays for it. That is my kind of tax. Funds will be appropriated, they are contemplated by this legislation, to assist States in implementing the providing of a free ID.

Opponents argue requiring a photo ID backed by proof of citizenship erects obstacles to citizen participation. That is certainly not true. This bill is designed to increase participation by ensuring that each legitimate vote will be counted and not be diluted by fraud.

There are many elections in this country every cycle that are decided by just a handful of votes. How can we be certain that these elections, without measures to certify the identity of voters, are not being decided by fraudulent votes?

Opponents often claim that requiring a photo ID is a solution in search of a problem. This argument is erroneous because election officials cannot determine if a problem exists because they do not have the tools to verify voters' identities on election day, nor when they register.

Our laws operate largely on trust, trust that voters are truthful in checking a box certifying that they are U.S. citizens. No documentation is required. Under the current law, all you need to establish your identity when registering to vote by mail is a utility bill or bank statement, documents easily forged and which do not give any indication of citizenship.

Our election system is too important to be safeguarded by mere honesty alone. We must have verification.

Opponents claim that there are strict punishments already in place to deter voter fraud. I agree there are sanctions in place, but they are toothless measures when election officials do not have the tools they need to concretely establish a voter's identity on election day.

Broad popular support exists for this bill. Photo IDs were called for in the 2005 report issued by the bipartisan Commission on Federal Election Reform.

Many States have recognized voter fraud is a problem and passed photo ID laws as protective measures. Arizona voters recently passed a law requiring valid photo IDs for elections, and 22 States have implemented laws that require all voters to show identification when casting a ballot.

Let me summarize by saying our voting rights were won by Americans who were willing to lay down their lives for the freedom to elect our representatives, and it is our duty to safeguard that freedom. If we do not, our elections become meaningless.

This bill upholds the integrity of this election system for everybody.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ZOE LOFGREN), a distinguished and outstanding member of the Committee on House Administration.

Ms. ZOE LOFGREN of California. Mr. Speaker, there is something we can all agree on in this Chamber and that is that only Americans get to vote, and they only get to vote once. But what we are talking about in this bill is disenfranchising many of those Americans. It is already a felony for a non-American to vote.

Now, when this bill was introduced, the committee made it part of Immigration August. We had hearings around the country, and what we found out was that the issue of so-called illegal aliens voting basically does not occur.

As the League of Women Voters has said, the voter fraud addressed by this bill is a rare problem, and the witness in New Mexico said she had never seen it in her entire professional career. And if you think about it, it makes sense. Illegal aliens are sneaking across the border for a job, not to vote.

We also got testimony that the impact of this will disproportionately affect poor people and African Americans. In fact, in a Milwaukee study, they found that 78 percent of the African American men aged 18 to 24 had no driver's license. Why? Because they are too poor to have a car and they do not have a license.

In New Mexico, we heard from Mr. Yahzee, a Navajo, who told us that the Navajos basically do not have this ID and they cannot get it either because they do not have birth certificates, they do not have electricity, they do not have phones. They do not have the document, but they are the original Americans. They were the code talkers. They are entitled to vote, but under this bill they would not be able to vote. I do not know about this poll, but I think if you ask 81 percent of Americans whether the Navajo should not be allowed to vote, they would say, well, of course not.

Now, recently there was a measure put into place to have Medicaid recipients have a photo ID, and we had to repeal that rule. And you know why? Because we would have had to see old people evicted from nursing homes because they could not come up with that photo ID. Well, I tell you, if you cannot come up with a photo ID to save your life, you are not going to be able to come up with a photo ID to vote either. That must be why the AARP is against this measure.

So why is this before us today? We have no evidence there is a problem. We have ample evidence in the testimony that this will disenfranchise many Americans.

I must say that the Republican Party is doing this throughout the United States. This is the measure to disenfranchise African Americans, Native Americans. It is wrong and we will not stand for it.

Mr. EHLERS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank very much the chairman for the time. I appreciate that.

Mr. Speaker, we deal with an issue today that could likely determine the long-term fate of our Republic. As Mr. HYDE just pointed out, voting is the bedrock of our Republic, and today we deal with voter fraud.

The U.S. Constitution and the constituents of several States clearly define the legal requirements to vote. A voter must be of minimum age. They must be a citizen of the United States, and each voter must vote only once. I do not think anybody in this body would disagree with that.

What we discuss today or debate is over how do we enforce the voter laws we have on the books.

A tamper-proof photo ID is the only practical way to prevent the mass input of fraudulent voters into our system. Some say, oh, we do not have any. How the heck do we know we do not have any? We do not check anybody to see if they are fraudulent or not.

That was the recommendation of the nonpartisan Federal Election Reform Commission, headed by former Democratic President Jimmy Carter and former Republican Secretary of State James Baker.

□ 1415

It is also the opinion, by the way, if anybody is interested, of 80 to 90 percent of the American public. It happens in every poll that is taken on this issue. My State of Georgia, in fact, has already passed such a requirement. They have even gone back and amended the law to include free State-issued photo IDs for anyone who needs one.

But that is not good enough for some. Yesterday, the State Superior Court Judge T. Jackson Bedford, Jr., legislated on the court and ruled that requiring a photo ID, in his opinion, is unconstitutional because it imposes a duty on the voter not specifically required in our State constitution. I feel very certain our Supreme Court will satisfy this problem within the next couple of weeks. He did not address, however, Legislator Judge Jackson Bedford, Jr., the fact that, without the photo ID, the legal votes of hundreds of thousands of illegal aliens could negate the legal ballots of hundreds of thousands of our citizens around the country. He did not address the fact that, without a photo ID, tens of thousands of partisans could fraudulently vote in another person's name and cast multiple ballots, negating the legal ballots of our citizens. He did not address the fact that legal voters of Georgia have spoken loud and clear over and over through their lawfully elected representatives that this measure is needed, and it is desired.

He did not, meaning the legislative judge, address that the Constitution of the United States guarantees to each State a republican form of government, and this ruling directly conflicts with the perfect right of the citizens of Georgia. Our Governor and State legislature must fight this tyrant in Georgia.

But we can speak loud and clear against those who show their contempt against the right of the American voters across our Nation. We can stop election fraud today by voting for this magnificent restoration of our constitutional rights by my friend and my colleague Chairman HYDE.

Defend the Republic. Support this bill.

Ms. MILLENDER-McDONALD. The gentleman from Georgia is absolutely right. If we need to go after fraud, we need to get some quantitative information before we bring this bill to the floor.

Mr. Speaker, I now would like to yield 1 minute to our distinguished minority leader.

Ms. PELOSI. I thank the gentlewoman for yielding.

"This cannot be." With those words, State Judge Jackson Bedford yesterday struck down the infamous Georgia photo ID law. Let me repeat. "This cannot be." Let these words guide us here, because right here in this House of Representatives we take an oath of office to uphold the Constitution of the United States. That Constitution guarantees all American citizens the right to vote and the right for their vote to be counted.

I want to thank the distinguished gentlewoman from California, the ranking Democrat on the House Administration Committee, for her leadership on this issue. She has been an important force in protecting the integrity of elections. And that is why it is so sad to see this bill come here to the floor today, especially named the Federal Election Integrity Act.

Integrity? It is not about integrity. It is about a tawdry attempt by Republicans to suppress the votes of millions of Americans. That is not integrity.

America is a beacon of democracy to the world. We must continue to send a message to the world that we honor the oath of office that we take to protect and defend the Constitution. Every eligible citizen must be able to vote, to exercise his or her right to vote, and those votes must be counted.

Only a short month ago, many of us stood here, stood proudly on the White House lawn as the Voting Rights Act reauthorization was signed into law. We overcame many obstacles even for the reauthorization of that legislation to affirm the most precious right of our democracy, the right to vote.

Today, however, we are undermining that right to vote, and we are undermining the reauthorization of the Voting Rights Act, and, in doing so, we are undermining our democracy. Though the right to vote is the foundation of our democracy, the bill we debate today is indeed a disenfranchisement of millions of American voters, the elderly, African Americans, Asian Americans, Latino Americans, and, get this, Native Americans. Native Americans, people here longer than any of our families, unless we can proudly boast of being Native American. People with disabilities. The list goes on.

As the NAACP has said, this bill would disenfranchise many of the very citizens that the Voting Rights Act is designed to protect. And the Republicans call that integrity. I don't think so.

A few weeks ago President Bush spoke before the NAACP in the first time in his Presidency. He quoted President Lyndon Johnson in saying that voting rights are the lifeblood of a democracy. And yet, here today, after making that great statement, quoting that great civil rights and voting rights President, President Bush is here today in a transparent, it is obvious to all, attempt to suppress the votes of millions of American citizens, cutting off the lifeblood of democracy. Is that integrity? I don't think so.

Supporters of this Republican voter suppression bill would claim that this bill is about preventing noncitizens from voting. It is just the opposite; it is a bill designed to prevent citizens from voting. Noncitizens are strictly prohibited under law from voting and face tough penalties for breaking these laws. And that is right. No one condones fraud. There is little evidence anywhere in the country of a significant problem with noncitizen voters. As our distinguished ranking member pointed out, if you want to make a case, document it, just don't claim it and then come through with a clear and transparent attempt to cut off the votes of those who do not share your political point of view. You didn't take an oath of office to do that.

This bill is not about noncitizens as its supporters claim. Rather, it affects all American citizens by making them prove that they are, in fact, citizens even if they have voted for years. By forcing voters to undergo time-consuming, burdensome, and expensive attempts to secure documents, this Republican voter suppression bill is a modern-day poll tax. It would especially impact our elderly citizens and low-income citizens, and disproportionately affect minority individuals and individuals with disabilities, many of whom do not drive and cannot afford passports. This bill suspiciously appears to target and disenfranchise American voters who might not be sympathetic to Republican policy goals. Again, a modern-day poll tax. And the Republicans call this modern-day poll tax integrity. I don't think so.

We have a responsibility to remove all obstacles to participation to the right of all American citizens to participate in the electoral process. And yet, the AARP has said that the obstacles this bill throws up to voting, that they are particularly concerned about that such rules will prevent many eligible older voters from exercising their right to vote. That is why they join the NAACP, the League of Women Voters, and this long list of over 110 organizations, civil liberties, civil rights groups opposing this legislation.

It even goes into health, United Church of Christ, the United Methodist

Church, United States Steelworkers, United States Student Association. How about this. The list goes on. But it even talks about some of the groups that deal with the disabilities community in our country. The Navajo Nation. I will put it in the RECORD for all to see. The League of Women Voters, the NAACP, AARP. The list goes on.

GROUPS OPPOSED TO VOTER ID BILL—SEPTEMBER 20, 2006

African American Ministers in Action
ACORN
Advancement Project
Aguila Youth Leadership Institute
Alliance for Retired Americans
American Association of People with Disabilities
American Association of Retired Persons (AARP)
American Association of University Women
American Civil Liberties Union
American Civil Liberties Union of Arizona
American Federation of Labor—Congress of Industrial Organizations (AFL–CIO)
American Federation of State, County and Municipal Employees
American Immigration Lawyers Association
American Jewish Committee
American Policy Center
Americans for Democratic Action
Anti-Defamation League
Arizona Advocacy Network
Arizona Consumers Council
Arizona Hispanic Community Forum
Arizona Students' Association
Asian American Justice Center
Asian American Legal Defense and Education Fund
Asian and Pacific Islander American Vote (APIA Vote)
Asian Pacific American Labor Alliance, AFL–CIO
Brennan Center for Justice
Brennan Center for Justice at NYU School of Law
Center for Digital Democracy
Common Cause
Computer Professionals for Social Responsibility
Concerned Foreign Service Officers
Congressional Hispanic Caucus
Consumer Action
Cyber Privacy Project
Democratic Women's Working Group
Demos
Demos: A Network for Ideas & Action
Electronic Frontier Foundation
Electronic Privacy Information Center
Emigrantes Sin Fronteras
Fairfax County Privacy Council
FairVote
Friends Committee on National Legislation
Hispanic Federation
Hispanic National Bar Association
Interfaith Worker Justice of Arizona
Intertribal Council of Arizona
Japanese American Citizens League (JACL)
Jewish Council for Public Affairs
La Union Del Pueblo Entero (LUPE)
Labor Council for Latin American Advancement
Laborers International
Lawyers' Committee for Civil Rights Under Law
Leadership Conference on Civil Rights
League of United Latin American Citizens
League of Women Voters of Greater Tucson
League of Women Voters of the United States
League of Young Voters Education Fund
Legal Momentum
Mexican-American Legal Defense and Educational Fund
National Association for the Advancement of Colored People (NAACP)
National Association of Latino Elected and Appointed Officials Educational Fund
National Center for Transgender Equality
National Conference of State Legislatures (NCSL)
National Congress of American Indians
National Council of Jewish Women
National Council of La Raza
National Disability Rights Network
National Education Association
National Immigration Forum
National Korean American Service & Education Consortium
National Urban League
National Voting Rights Institute
Navajo Nation
New York Public Interest Research Group, Inc./NYPIRG
Ohio Taxpayers Association & OTA Foundation
Philip Randolph Institute
People for the American Way Foundation
Project for Arizona's Future
Project Vote
Protection and Advocacy System
Rainbow PUSH Coalition
Republican Liberty Caucus
Rock the Vote
SEIU Local 5 Arizona
Service Employees International Union (SEIU)
Sikh American Legal Defense and Education Fund (SALDEF)
Somos America/We Are America
Southwest Voter Registration Education Project
The Arc of the United States
The Multiracial Activist
The Rutherford Institute
Tohono O'odham Nation
Transgender Law Center
U.S. Hispanic Chamber of Commerce
U.S. PIRG
Union for Reform Judaism
Unitarian Universalist Association of Congregations
United Auto Workers
United Cerebral Palsy
United Church of Christ Justice & Witness Ministries
United Methodist Church, General Board of Church and Society
United States Student Association
United Steelworkers
United Workers of America
UNITE-HERE
Velvet Revolution
William C. Velasquez Institute
YWCA USA

Mr. Speaker, the general public should understand what this bill means to them. This doesn't mean that you don't have to prove your identity at the polls. Many States permit forms of identification such as Social Security cards and utility bills when voting. What this bill does do, though, is starting in 2008, voters would have to present a government-issued photo ID that many do not have. Or, if you are voting by mail, you have to send in your picture. I mean, what is this? Submit it before getting a ballot. And, starting in 2010, that ID would also have to show proof of U.S. citizenship. This cannot be.

But just if you are a person out there listening to this debate, and you think, my Social Security card is not enough? The fact that I have voted in this community over time is not enough? Where is the basis of our democracy, which is truth and trust? It is completely lacking in this bill. And they call it integrity.

As we know from experience, Republican promises to authorize funds for identification are meaningless. They say, oh, we are going to authorize. We are supposed to have had $800 million allocated to remove obstacles of participation and to facilitate voting, but because that would expand the universe of people who have access to the right to vote, the Republicans have rejected it for fear of the result of that turnout. Republicans have a history of underfunding electoral reform. Again, they have underfunded the Help America Vote Act by $800 million. How they can explain that, I don't know. I know one thing, it is not about integrity.

Mr. Speaker, problems with voting that were apparent in the elections of 2000 and 2004 are well-known to the American people, and they are of great concern to the American people. Those elections have uncomfortable echoes to a past that had been long left behind. In the 2004 elections, voters in predominantly minority districts reported higher rates of inactive voter registrations, a greater percentage of inadequately staffed and equipped polling places, inconsistent treatment of provisional ballots, many of which were never counted, and sometimes even a lack of an adequate number of ballots.

Even with the best intentions, it is challenging, as we saw in the State of Maryland last week. But if the design is to thwart voter participation, how much of a disadvantage is the average voter?

Mr. Speaker, 40 years ago, in one of our Nation's finest hours, our country came together as a Nation to overcome bigotry and injustice and to secure the fundamental right to vote. With the passage of the Voting Rights Act, we said that we would no longer tolerate the many nefarious methods, poll taxes, literacy tax, grandfather clauses, and, as our colleague JOHN LEWIS can attest, brutal violence that had been used to deny African Americans and other minority citizens the right to vote. Today this legislation seeks to turn back the clock. And they call it integrity.

Those of us who take an oath of office, I go back to that oath over and over again, promise to uphold the Constitution. We are committing ourselves to ensuring that everyone who is eligible to vote is able to vote, and that every vote will be counted. Any diminishment, any diminishment of America's citizens voting is a diminishment of our democracy. This cannot be.

□ 1430

Mr. EHLERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Wisconsin (Mr. GREEN), the future Governor of Wisconsin.

Mr. GREEN of Wisconsin. Mr. Speaker, I rise in support of H.R. 4844, the Federal Election Integrity Act.

Mr. Speaker, our democracy can withstand many things and that is what our history shows. But one thing it cannot withstand is doubt over the outcome of elections. We have to know whoever wins, your guy, my guy, conservative, liberal, Republican or Democrat, he or she really won. Won, in fact. It is the only way our leaders have the moral authority they need to take on the great challenges of our times.

As others have noted, we have had far too many elections in recent years where serious questions have emerged over irregularities and even fraud. During the last Federal election in 2004 in my home State, Wisconsin, Wisconsin found itself mired with out-of-date voter lists, fake names, invalid addresses, double and triple voting, and ballots cast by convicted felons. Our State's largest newspaper found almost 300 cases of felons voting illegally, at least 100 cases of double voting, and 1,200 votes from invalid addresses. And the list goes on and on and on.

Every one of those illegal votes cancels out a vote legally cast, cancels out a vote from a citizen for whom that right is so precious and so fundamental to our Nation's future.

A photo ID will not solve all of these problem, not by a long shot. But it is definitely a step in the right direction, a step that I believe most Americans support, a step that I know most Wisconsinites support. That is why last year I introduced comprehensive election reform legislation that would have required a valid photo ID to vote in any Federal election.

It is also why I am proud to support this legislation from Chairman HYDE. It is legislation whose time has come. It is a way of ensuring integrity in elections.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield 2 minutes to a great civil rights leader and icon from the great State of Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend, my colleague, the gentlewoman from California for yielding and for all of her great work.

Mr. Speaker, just 3 months ago this body passed the reauthorization of the Voting Rights Act of 1965, admitting the sad fact that voter discrimination is still a reality in this great Nation. This Congress decided we could do better, that history required us to protect the right of all Americans to vote.

Today this bill moves us in a different direction, the wrong direction. This bill, like the unconstitutional Georgia photo ID bill and so many other photo ID schemes throughout the country, is an attack on the voting rights of millions of American citizens.

I am beyond disgusted. I am shocked. I find it hard to believe that the Republican leaders in Congress will put election year games ahead of the voting rights of American citizens. We fought too long, fought too hard, and suffered too long for the right to vote. People died to participate in the democratic process. We must not turn back the clock. We must not go back. We must go forward and open up the political process and let all American citizens come in.

Call it what you may, this bill is a modern-day poll tax; $10 or $15 for a birth certificate, $100 for a passport, this is a poll tax. There is no other way to say it. It costs money to get a birth certificate. It costs money to get a passport. Why put an extra burden on American citizens to exercise their most precious right, their right to vote? There is no reason.

Citizens will be denied the right to vote. This is no less than voter suppression. We should open up the process to each and every American citizen. Instead, this bill returns us to our dark past. Vote "no" on this photo ID bill.

Mr. EHLERS. Mr. Speaker, I would just like to observe for a moment there will be no expense to any voter. It will be paid by the Federal Government if the voter has to pay money to get a birth certificate or a photo ID.

Mr. Speaker, I am pleased to yield 2 minutes to another member of the House Administration Committee, Mr. JOHN MICA of Florida.

Mr. MICA. Mr. Speaker, I thank Chairman EHLERS for yielding me this time, and I thank him for bringing out a bill that is both a reasonable bill, a bill that looks out for the interests of the poor and those that could be deprived of the right to vote.

I have the greatest respect for the gentleman from Georgia (Mr. LEWIS). He is a hero among heroes, and I am here to tell you if this bill in any way infringed on anyone's ability to vote or discriminated on any basis of allowing them to have access to the polls, I would not support it.

But what we have in this legislation which has been so ably crafted is legislation by a bipartisan commission, 21 members led by two very distinguished individuals, the gentleman from Georgia, the former President Carter, and the gentleman from Texas, former Secretary of State Jim Baker, a 21-member commission, and by a vote of 18–21, only three dissenters, they asked for and recommend this for protection of the ballot.

Now we have been discussing here, day after day, border security. And we want our borders safe. This issue is what Americans want. They want safe borders and they want safe ballots.

I come from the State of Florida where we had the question of who voted. This gives us protection because it asks for minimal identification. So it is a good recommendation and it is a recommendation because we don't want 50 States and some States with different levels of requirements. We have a national standard, and that is what was recommended by the commission to ensure that we have a safe and secure ballot, ensure that we not only are protecting our borders but we are protecting our ballots.

In Florida you can have a requirement for identification to buy a six-pack or a pack of cigarettes. The very least we can ask is for someone who is going to cast a ballot that is so precious in our democratic process to show some identification, and I think this is a good measure. I urge its passage.

Ms. MILLENDER-McDONALD. Mr. MICA, perhaps you do want to consider not voting for the bill because 60 percent of new registrants in Pima County, AZ who are all eligible voters, were initially rejected. And for every 1 percent of individuals who do not have the necessary documentation of citizenship, 2 million voters are disenfranchised.

Mr. Speaker, at this time I would like to yield 1½ minutes to a man who does know about all of this, a former Secretary of State, the Honorable JIM LANGEVIN from Rhode Island.

Mr. LANGEVIN. Mr. Speaker, today I rise in strong opposition to H.R. 4844 because of the dangerous impact it would have on voter participation in the United States. When I was Secretary of State, I led an effort to reform our elections. We replaced our outdated voting equipment, made polling places accessible, and significantly reduced error rates.

My job was to make voting open and accessible to eligible citizens, and to encourage people to participate in the process. From that experience, I know this legislation would practically do nothing to reduce fraud, while creating new barriers for Americans to vote.

Should H.R. 4844 become law, fewer eligible citizens will be able to vote because they lack proper identification or documentation. Maybe it is an elderly woman who leaves her home of 50 years to enter an assisted-living facility. It could be a resident of New Orleans whose public records were lost in Hurricane Katrina. The list goes on and on. However, these people have one thing in common: Once they are turned away from voting, it is unlikely they will return. They may not return that day because of a lack of time or transportation; or they may not return in future elections because of the hassle they experienced. New obstacles to voting will cause many to drop out of the Nation's election system because it failed them.

Not only would the bill make it harder for every American to vote, but it would also add massive new compliance requirements for election officials. It also unnecessarily duplicates current law, which requires that voters in Federal elections be U.S. citizens.

Fraudulent voter registration is a felony punishable by 5 years in prison. Furthermore, the bill does not address other, more prevalent forms of voter fraud and additional problems that we have witnessed in recent elections.

Mr. Speaker, Congress has a proud record of removing barriers and increasing the opportunity of all Americans to vote. It guaranteed the right to vote to citizens whose only disqualification was the color of their skin. It opened polling places to the disabled. It extended the franchise to Americans living overseas. It did all of this on a bipartisan basis and while maintaining the integrity of our elections.

H.R. 4844 is a step away from that proud tradition because it would erect new barriers for eligible citizens and disenfranchise many Americans. I urge my colleagues to vote against H.R. 4844 so that we may preserve the most precious right, the right to vote.

Mr. EHLERS. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE) who was kind enough to host us when we held a hearing in his State.

Mr. PEARCE. Mr. Speaker, I heartily support H.R. 4844. On election day in 2000, President Bush was ahead by 31,000 votes. Before the Secretary of State of New Mexico certified the election 23 days later, the last State to certify, that gap had been closed to just 5,000 votes, and the voting was about 80-20 the reverse direction. The estimate of fraud in that particular election was 7 percent in statewide fraud.

One of the greatest frauds that is perpetrated in New Mexico is that voting workers, campaign workers, come in and read over the shoulder of the poll workers and find out names that have not been signed in. And magically, that is the next name that appears. That is the next person in line that comes up and signs his name, and it works over and over again through the day.

It was against the law, and when candidates began to enforce the law, in 2004 the New Mexico legislature went in and cured the problem. They went in and said it is okay, it is okay for that worker to come in, look over the shoulder and find a blank line and sign in. In fact, in New Mexico it is against the law, it is against the law to check for photo ID or any kind of registration even if you know that the person is not the right person that is signing.

So that is the reason that I think a bipartisan commission supported this bill. At the end of the day, the integrity of the election process is the confidence in the process.

This is not about who gets elected. This is about making sure that each person gets one vote and one vote only. For those who would say call the district attorney, I would tell you when the college students signed in and called us at 8, saying someone had already voted in their place, I am here with my picture ID and they say I am already signed in and it was someone else, the district attorney says if you can't find a warm body signing the line at the time, then you have no case.

The county clerk in the county where these problems occurred was convicted of four counts of felony fraud on election day; yet the Secretary of State would not pursue the case. I support this bill because it begins to restore some integrity to the election process. We on this side will not allow disenfranchisement. We will not allow votes to be suppressed, but we do need to clean up the mess that exists in many States. I thank the gentleman for bringing this bill to the floor.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield 1½ minutes to the gentleman from the great State of Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, I thank the gentlewoman from California (Ms. MILLENDER-McDONALD) for yielding me this time.

We have had eloquent testimony and speeches dealing with the practicality of why this bill is unconstitutional. But more than that, let it be clear, let's pull the covers off of this, this is nothing but a bold attempt, a shameless attempt by the Republican Party to target those types of voters that they believe will not vote for them but would vote for Democrats. That is exactly what it is.

I am here to tell you the truth about this because I am from Georgia where this very same bill has been ruled not unconstitutional once, not unconstitutional twice, three times it has been ruled unconstitutional by a Federal judge, and just yesterday by the Superior Court of Fulton County, the largest county in my State.

☐ 1445

It has been ruled unconstitutional. And the reason is this: The Constitution and the Framers of the Constitution made it very clear. They said that the right to vote shall not be abridged, shall not be infringed upon. That is the anchor. That is the basic thrust.

You come here and talk about needing a picture ID to get on a plane, to get on a bus. Well, the right to get on a plane must not be infringed was not written into the Constitution, but the right to vote was. And if Alexander Hamilton was right, if Thomas Jefferson was right, ought not we be right? If Madison was right, shouldn't we be right? If Abraham Lincoln was right, shouldn't we be right? If Martin Luther King, Jr., was right, shouldn't we be right? When Lyndon Baines Johnson signed the Voting Rights Act, he said the same thing. All throughout our history, and why?

Here are you, the Republicans, doing this dastardly un-American act. And if John Lewis, who got his head bloodied on Edmund Pettus Bridge, says it is right, then it should be right. And the right thing to do is to vote down this dastardly un-American bill.

Mr. EHLERS. Mr. Speaker, I am pleased to yield such time as he may consume to Mr. WALDEN for purpose of a colloquy.

Mr. WALDEN of Oregon. Mr. Speaker, I thank the chairman for yielding.

As the chairman knows, I support the fact that citizens should have the right to vote and that the citizens' vote should be counted, and the way to do that is to prove your citizenship. That is what American elections are all about, so we do not have people here illegally who are voting.

My concern with this legislation applies specifically to my State of Oregon, which is entirely vote by mail, and the provisions contained in this bill before us today give me some pause. And I would like to know that I have the chairman's support in working with us in a conference to address these issues.

In my district, 70,000 square miles, if every voter every time has to photocopy their ID and put it with a ballot that they send in, it raises some issues. I think there are other ways to guarantee that only citizens get ballots to vote, and I would appreciate your support in trying to address that issue in conference.

Mr. EHLERS. Mr. Speaker, if the gentleman will yield, I recognize the concern of the gentleman from Oregon, and we will certainly try to work with him. We will solicit ideas not only from his State, but also from the State of Washington, which has a considerable amount of mail-in voting. And I would certainly like also to hear from the secretary of state of both States and several county clerks from each State for ways that we can accomplish the goal of the bill, which is to ensure that every citizen has the right to vote, and only those who have the right to vote will be allowed to vote. There may be more than one way to accomplish that.

We will be happy to work with you when the bill reaches conference with the Senate.

Mr. WALDEN of Oregon. I appreciate that commitment, Mr. Chairman.

Mr. EHLERS. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS) for another colloquy.

Mr. PITTS. Mr. Speaker, I would like to ask my colleague from Michigan how this bill will impact those whose religious convictions prevent them from having their photo taken for government ID. I represent some 25,000 members of the Amish community. Many of them do vote, but, because of their religious beliefs, will not allow their photo to be taken. They wouldn't object to a fingerprint or biometrics. But I would respectfully ask the gentleman to explain how the bill deals with this issue, given our Nation's long tradition of protecting freedom of religion, and if this matter could be addressed as the bill moves along.

Mr. EHLERS. Mr. Speaker, if the gentleman will yield, I thank the gentleman for raising the question. This is not the first time it has come up. There are other groups. Many of the American Indians have raised a similar objection, and I am quite sure that once we get in conference with the Senate, we will be able to hear from that group and all the other groups, the Amish, the Native Americans, and find another method to ensure identity.

Clearly biometrics would be equally acceptable as a photo ID. Thumbprints are generally not reproducible for other fraud; so I believe this will help deal with the issue.

Mr. PITTS. I thank the gentleman.

Ms. MILLENDER-McDONALD. Mr. Speaker, this just shows you how flawed this bill is. This bill should have remained in committee so we could really crank out and clear up some of these problems. We have heard two colloquies from the majority on issues that are not a part of this bill, for heaven's sake.

At this time I would like to yield 1 minute to the gentleman whose State has thrown out a similar type of law, the gentleman from Missouri, the Honorable WILLIAM CLAY.

Mr. CLAY. Mr. Speaker, I thank the gentlewoman for yielding.

With little to no evidence of past fraud, it is outrageous that my Republican colleagues are going to extraordinary lengths to suppress Democratic votes.

H.R. 4844 would impose undue hardship on seniors, women, minorities, the disabled, and lower-income voters, who are all less likely to have proof of citizenship. This bill qualifies as nothing more than a 21st century poll tax, which is unconstitutional.

The malicious intent of this law was recently acknowledged in Missouri when a State judge ruled it an impermissible additional qualification to vote and in violation of the State constitution. It would have disenfranchised over 170,000 voters.

Mr. Speaker, it is clear that this bill is nothing more than a sham and fraudulent. In Missouri, for instance, we were not able to find any cases of vote fraud over the last 50 years. So would the proponents tell me where the fraud comes in?

Mr. EHLERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding.

I have great respect for my colleagues on the other side of the aisle, but I can't for the life of me figure out why they oppose making sure that the people who vote in this country are American citizens.

We have 12 million illegal aliens in this country, and we all know that there have been phony Social Security cards purchased and other documents purchased, and, as a result, these people have been getting benefits from this country, and many of them, we believe, have been voting illegally.

The Constitution, as the minority leader said a while ago, guarantees the rights of American citizens to be able to vote, and the Constitution is supposed to protect the rights of American citizens. She talked about the oath of office that we took to protect the rights of the citizens of this country, and one of those rights is the right to make sure that their vote counts. And if you have illegal voting taking place, then every illegal vote takes away the right of one American's vote to count in that election. And you have to guarantee that right, that the American's vote is going to count. Now, how do you do that?

We know that there has been fraudulent voting in the past. I know some of my colleagues have said that hasn't taken place, but we know it has happened. So with all the illegal aliens coming into this country, all the border security problems that we have had, how do you guarantee that only Americans have the right to vote? You have to have some kind of an identification mechanism.

Now, one of the arguments that was made a while ago was that, well, some people cannot afford it. This bill provides that anybody who cannot afford this documentation, the government will pay for it. The State and the Federal Government will pay for it. So the fact of the matter is there are guarantees that people's right to vote, even if they cannot afford an ID card, will be taken care of.

Now, I have listened to all the arguments. I have heard of all the things that were said by my colleagues on the other side, and I have great respect for them and their opinions. But the fact of the matter is this boils down to whether or not Americans should have their vote counted and not negated by an illegal alien or somebody else who comes into this country who has phony documentation. And that is why a photo ID is very, very important, and other documentation, which will be worked out by my chairman here when it goes to conference.

This is very important for every American citizen, especially if they are concerned about the problem of illegal aliens and border security and their right to vote.

Ms. MILLENDER-McDONALD. Mr. BURTON, you are speaking about an immigration bill at this point; so perhaps you should get that bill out.

Mr. Speaker, at this time I would like to yield 1 minute to the great gentleman who walks in the footsteps of his great father, the Honorable CHARLES GONZALEZ.

Mr. GONZALEZ. Mr. Speaker, I thank my colleague for giving me 1 minute.

The only thing phony about documentation, it is not the documentation, it is the phony argument that is being advanced today.

And I am going to ask the authors, the sponsors, and those individuals that espouse and support this bill to please stand at this time if you were asked at any time in seeking your office that you hold today for documentation such as a passport or a birth certificate to seek this office.

The answer is no. All you did was what we all do. We attest that we are citizens of this great Nation. And guess what? You get your name on the ballot. But when it comes to the voters, we are going to say that is not enough. Give us a passport. Give us a birth certificate. Prove it to us. We may hold the office. You can vote for us. But lo and behold, you cannot vote.

Think of the pure idiocy of the law that is being proposed today. And the reason that it fails on logic, it was never meant to be logical. It was meant to be political. And that is what we have here today.

And I am asking you to give up this charade. Give up November 7, 2006, politics and do the right thing and vote this down.

Mr. EHLERS. Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Speaker, at this time I would like to yield 1 minute to a great leader from the great State of California, the Honorable SAM FARR.

Mr. FARR. Mr. Speaker, I thank the ranking member for yielding.

The first thing you learn when you are elected to be a lawmaker is not to pass laws that you can't enforce.

Why is this a bad bill? Because it cannot be enforced. What is in your wallet that shows you are a citizen? None of the people sitting here watching, listening has anything in their wallet that shows they are a citizen of the United States.

This bill requires proof of United States citizenship. How are you going to prove it? Your driver's license? You don't have to be a citizen to have a driver's license. Your Social Security card? You don't have to be a citizen to have a Social Security card. What is in your wallet that shows you are a citizen? You don't have it. You don't have it. So what this bill says is we distrust most the people we asked to create a government.

Members of Congress couldn't even qualify because they do not have cards in their wallet that shows they are a citizen. They can say, "I have got my voting card." Yes. Well, there are 435 of those. How many people in the United States recognize a congressional voting card? You can't even show it in the airport and get by.

So this bill is not enforceable because there is no proof of citizenship card in the United States, which this bill requires. You shouldn't enact a bad bill.

Mr. EHLERS. Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Speaker, at this time I would like to yield 1 minute to another great leader out of the State of Texas, the Honorable SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me offer my great appreciation to JUANITA MILLENDER-McDONALD. I cannot think of a Member of this House who has been so persistent on these issues.

But I do want to say to the American people that we understand that we want to secure the vote, but you might note and might want to understand that out of 197 million people that have voted since 2002, there have only been 52 voter fraud cases.

I want to join you in stamping out voter fraud. I want to make sure that we have one vote/one person. But I do not want to step on the Constitution.

This legislation steps on your rights, one vote/one person. And for every 1 percent of the electorate who does not have the necessary documentation, where you were born with a midwife, you have lost your documents, you were in Hurricane Katrina or a volcano or an earthquake or a mudslide, 2 million voters will be disenfranchised. And, my good friends, this is a 21st century poll tax.

I will include in the RECORD "The Long Shadows of Jim Crow" because this is voter intimidation.

THE LONG SHADOW OF JIM CROW: VOTER INTIMIDATION AND SUPPRESSION IN AMERICA TODAY

OVERVIEW

In a nation where children are taught in grade school that every citizen has the right to vote, it would be comforting to think that the last vestiges of voter intimidation, oppression and suppression were swept away by the passage and subsequent enforcement of the historic Voting Rights Act of 1965. It would be good to know that voters are no longer turned away from the polls based on their race, never knowingly misdirected, misinformed, deceived or threatened.

Unfortunately, it would be a grave mistake to believe it.

In every national American election since Reconstruction, every election since the Voting Rights Act passed in 1965, voters—particularly African American voters and other minorities—have faced calculated and determined efforts at intimidation and suppression. The bloody days of violence and retribution following the Civil War and Reconstruction are gone. The poll taxes, literacy tests and physical violence of the Jim Crow era have disappeared. Today, more subtle, cynical and creative tactics have taken their place.

RACE-BASED TARGETING

Here are a few examples of recent incidents in which groups of voters have been singled out on the basis of race:

Most recently, controversy has erupted over the use in the Orlando area of armed, plainclothes officers from the Florida Department of Law Enforcement (FDLE) to question elderly black voters in their homes. The incidents were part of a state investigation of voting irregularities in the city's March 2003 mayoral election. Critics have charged that the tactics used by the FDLE have intimidated black voters, which could suppress their turnout in this year's elections. Six members of Congress recently called on Attorney General John Ashcroft to investigate potential civil rights violations in the matter.

This year in Florida, the state ordered the implementation of a "potential felon" purge list to remove voters from the rolls, in a disturbing echo of the infamous 2000 purge, which removed thousands of eligible voters, primarily African-Americans, from the rolls. The state abandoned the plan after news media investigations revealed that the 2004 list also included thousands of people who were eligible to vote, and heavily targeted African-Americans while virtually ignoring Hispanic voters.

This summer, Michigan State Representative John Pappageorge (R-Troy) was quoted in the Detroit Free Press as saying, "If we do not suppress the Detroit vote, we're going to have a tough time in this election." African Americans comprise 83 percent of Detroit's population.

In South Dakota's June 2004 primary, Native American voters were prevented from voting after they were challenged to provide photo IDs, which they were not required to present under State or Federal law.

In Kentucky in July 2004, Black Republican officials joined to ask their State GOP party chairman to renounce plans to place "vote challengers" in African-American precincts during the coming elections.

Earlier this year in Texas, a local district attorney claimed that students at a majority Black college were not eligible to vote in the county where the school is located. It happened in Waller County—the same county where 26 years earlier, a Federal court order was required to prevent discrimination against the students.

In 2003 in Philadelphia, voters in African-American areas were systematically challenged by men carrying clipboards, driving a fleet of some 300 sedans with magnetic signs designed to look like law enforcement insignia.

In 2002 in Louisiana, flyers were distributed in African-American communities telling voters they could go to the polls on Tuesday, December 10—three days after a Senate runoff election was actually held.

In 1998 in South Carolina, a State representative mailed 3,000 brochures to African-American neighborhoods, claiming that law enforcement agents would be "working" the election, and warning voters that "this election is not worth going to jail."

RECENT STRATEGIES

As this report details, voter intimidation and suppression is not a problem limited to the southern United States. It takes place from California to New York, Texas to Illinois. It is not the province of a single political party, although patterns of intimidation have changed as the party allegiances of minority communities have changed over the years.

In recent years, many minority communities have tended to align with the Democratic Party. Over the past two decades, the Republican Party has launched a series of "ballot security" and "voter integrity" initiatives which have targeted minority communities. At least three times, these initiatives were successfully challenged in Federal courts as illegal attempts to suppress voter participation based on race.

The first was a 1981 case in New Jersey which protested the use of armed guards to challenge Hispanic and African-American voters, and exposed a scheme to disqualify voters using mass mailings of outdated voter lists. The case resulted in a consent decree prohibiting efforts to target voters by race.

Six years later, similar "ballot security" efforts were launched against minority voters in Louisiana, Georgia, Missouri, Pennsylvania, Michigan and Indiana. Republican National Committee documents said the Louisiana program alone would "eliminate at least 60–80,000 folks from the rolls," again drawing a court settlement.

And just three years later in North Carolina, the State Republican Party, the Helms for Senate Committee and others sent postcards to 125,000 voters, 97 percent of whom were African-American, giving them false information about voter eligibility and warning of criminal penalties for voter fraud—again resulting in a decree against the use of race to target voters.

HISTORICAL PERSPECTIVE

This report includes detailed accounts of the recent incidents listed above, and additional incidents from the past few decades. The report also lays out a historical review of more than 100 years of efforts to suppress and intimidate minority voters following emancipation, through Reconstruction and the "Second Reconstruction," the years immediately following the passage of the Voting Rights Act.

The 1965 Voting Rights Act was among the crowning achievements of the civil rights era, and a defining moment for social justice and equality. The stories of the men and women who were willing to lay down their lives for the full rights of citizenship, including first and foremost the right to vote, are the stuff of history.

Their accomplishments can never be erased. Yet as this report details, attempts to erode and undermine those victories have never ceased. Voter intimidation is not a relic of the past, but a pervasive strategy used with disturbing frequency in recent years. Sustaining the bright promise of the civil rights era, and maintaining the dream of equal voting rights for every citizen requires constant vigilance, courageous leadership, and an active, committed and well-informed citizenry.

THE CHALLENGES OF THE 2004 ELECTION AND BEYOND

The election problems in Florida and elsewhere that led to the disenfranchisement of some four million American voters in the 2000 elections cast a harsh spotlight on flaws in our voting system, problems that involved both illegal actions and incompetence by public officials, as well as outdated machines and inadequate voter education. As election officials nationwide struggle to put new voting technology into place, redesign confusing ballots and educate voters, the opportunities for voter intimidation and suppression have proliferated along with opportunities for disenfranchisement caused by voter confusion and technical problems.

With widespread predictions of a close national election, and an unprecedented wave of new voter registration, unscrupulous political operatives will look for any advantage, including suppression and intimidation efforts. As in the past, minority voters and low-income populations will be the most likely targets of dirty tricks at the polls.

Voter Intimidation in Recent Years

Voter intimidation and suppression efforts have not been limited to a single party, but have in fact shifted over time as voting allegiances have shifted. In recent decades, African American voters have largely been loyal to the Democratic Party, resulting in the prevalence of Republican efforts to suppress minority turnout. Those efforts have also been extended in recent years to Latino communities.

During the 2003 mayoral election in Philadelphia, fully seven percent of a poll of 1000 African American voters described troubling experiences at the polls. Men with clipboards bearing official-looking insignia were reported at many precincts in African American neighborhoods.

Tom Lindenfeld, who ran the counter-intimidation campaign for Democratic candidate John Street, said this deployment included a fleet of 300 cars that featured decals closely resembling those of federal law enforcement agencies, such as the Drug Enforcement Agency and the Bureau of Alcohol, Tobacco and Firearms. Many prospective voters reported being challenged for identification by such workers. Lindenfeld told reporters from the American Prospect that "What occurred in Philadelphia was much more expansive and expensive than anything I'd seen before, and I'd seen a lot."

In fact, the scope of such efforts during the past two decades is startling. Based primarily on reports gleaned from newspapers across the nation, there have been documented instances of the following:

Challenges and threats against individual voters at the polls by armed private guards, off-duty law enforcement officers, local creditors, fake poll monitors, and poll workers and managers.

Signs posted at the polling place warning of penalties for "voter fraud" or "noncitizen" voting, or illegally urging support for a candidate.

Poll workers "helping" voters fill out their ballots, and instructing them on how to vote.

Criminal tampering with voter registration rolls and records.

Flyers and radio ads containing false information about where, when and how to vote, voter eligibility, and the false threat of penalties.

Internal memos from party officials in which the explicit goal of suppressing black voter turnout is outlined.

A Republican effort in New Jersey in 1981 provided a model that was repeated across the country in the last two decades. The Republican National Committee and the New Jersey Republican State Committee engaged in a "concerted effort to threaten and harass black and Hispanic voters" via a "ballot security" effort. It involved widespread challenging of individual voters and an Election Day presence at African American and Latino precincts featuring armed guards and dire warnings of criminal penalties for voting offenses. A legal challenge eventually led to a court order and an agreement by the GOP groups not to employ such intimidation tactics.

But such tactics persist.

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This is voter intimidation. And this intimidation cannot stand. This is a bad bill. It is not about those who are not documented, it is about you, America. You will be prevented from the right to vote with this bill. We should defeat it.

Mr. EHLERS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I am the person from Florida where in the 2000 election, 27,000 votes was thrown out in my precincts, 7, 8, 9 and 10, that are 95 percent Democratic. And they say that President Bush won by 527 votes. But the unique thing is in the primary recently, in every single African American precinct, they sent thousands of Republican ballots, and only hundreds of Democratic ballots.

That is unheard of. In every single precinct they sent thousands of Republican ballots and not sufficient Democratic ballots. Now, that is the stupid, incompetent right trying to disenfranchise those same voters. Let me just say that in the supervisor's office, they carried the equipment home the night before the election.

Where our men and women are dying in Iraq for the right for them to vote, we do not have the right right here in the United States of America. It is a crying shame. Shame on them. Vote down this terrible bill.

Mr. EHLERS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I thank Ms. MILLENDER-McDONALD for yielding me time and her leadership on the issue.

Mr. Speaker, I rise in opposition to H.R. 4844. It is a shame that this Congress, who just months earlier joined together in a bipartisan effort to renew the Voting Rights Act, would now propose such a divisive piece of legislation that has the potential to disenfranchise millions of Americans.

Mr. Speaker, I witnessed firsthand in my home State, Ohio, the great lengths that people have gone to in order to suppress votes. Now Congress is trying to implement its own brand of voter suppression. I have heard them argue that funds will be provided to allow people to get ID cards. Funds were provided in HAVA to allow the Secretary of State to educate voters, but instead our Secretary of State took $2.5 million, put his own face on TV in order to lead his own gubernatorial race.

Similar legislation was enacted in Ohio. On September 1, Judge Kathleen O'Malley granted a preliminary injunction that prohibits the enforcement of parts of that Ohio bill that would have allowed poll workers to inquire if a voter is a naturalized citizen and ask for proof. In her ruling, Judge O'Malley stated it was inconsistent with and undermined the purpose of the National Voting Rights Act. I ask each of my colleagues to vote against this legislation.

Mr. EHLERS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Speaker, I would like to ask the chairman how many more speakers he does have.

Mr. EHLERS. Mr. Speaker, I have one more speaker, then I will close.

Ms. MILLENDER-McDONALD. Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I think the question is should we put forward a modicum of effort to keep political machines from stealing elections? Do they? Yes. Yes, they do. Just last year, a judge in the State of Washington ruled that 1,678 fraudulent votes were cast in that election.

As we look at the work of the FBI, we see that their investigation in the city of Milwaukee found 4,500 more votes cast in that election than there were people on the rolls. They found evidence of people voting multiple times, people voting for the deceased, people voting illegally. And we have the example in the State of Georgia where an audit showed that 5,412 votes had been cast by deceased voters. Personally I am tired of constituents of mine telling me that someone else voted for them at the polls. It seems to me that an ID system or showing an identification, a photo ID, will take care of this problem.

How do the American public, how do they react to this? Well, an NBC-Wall Street Journal poll recently found that 81 percent of the American people support requiring a photo ID to vote.

By requiring voters to provide a valid form of identification, we can handicap those trying to undermine the process. We can ensure the sanctity of one person-one vote. And we should not have to deal with a situation where our voters go to the polls and repeatedly tell us, somebody else already voted for me.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have heard many folks on the floor talking about fraud in our election process. We have heard various speakers talking about getting rid of this alleged fraud. There is no Member on this floor who does not want to get rid of fraud. But, Mr. Speaker, this bill does not address real fraud. This is not a good bill.

We have heard many speakers on the floor today delivering colloquies, trying to see whether or not this will fit or that will fit, when, in essence, this legislation merely does not get to the bottom of the real fraud, the problem of voter suppression.

Mr. Speaker, I will be submitting for the RECORD letters from the National Association of Counties and local election administrators who are objecting to this piece of legislation because they say it imposes a fee on themselves and voters all of whom assert that they cannot afford to comply with this legislation is mandate.

We have heard from the chairman and others on the other side who say that if one cannot pay for the ID, it will be paid for. But what they are doing is establishing an unfunded mandate with this piece of legislation, which is why NACO is objecting to this bill.

We also have heard from the election commissioner and county clerk out of Fairbury, Nebraska and the administrator of elections from Anderson County, TN. I will submit these letters opposing H.R. 4844 for the RECORD.

Mr. SPEAKER, the proponents of H.R. 4844 characterize this legislation merely as an administrative protection that it is simple to implement and necessary to prevent fraud. The truth is, H.R. 4844 is a misguided measure that will suppress voter turnout and undermine laws that Congress has already passed to assure all citizens will have a full and equal right to participate.

We know, Mr. Speaker, that HAVA is in place now, which is a bipartisan bill that was passed out of this House with bipartisan support.

To enact this law would be an affront to that bill, to all Americans who take pride in the progress our country has made in extending the franchise to all of its citizens, and to all individuals who take offense to the political manipulation of the majority.

Partisan attempts to burden our Nation with troublesome proof of citizenship requirements are not the direction this Congress or this country should be taking. We know that the States of Georgia and Washington, have already thrown out legislation similar to this one.

Democrats, along with well-intended Republicans, have fought for and won the extension of the Voting Rights Act for eligible Americans. During the last century, our country has expanded the right to vote to millions of Americans with the passage of the 19th amendment, gives which women the right to vote. The Voting Rights Act (VRA) was reauthorized on this floor just a couple of months ago, and we know that the VRA prevented institutional voter suppression. The 26th amendment, which gives 18-years-old the right to vote, is another bill that we have passed. Why should we consider a bill like this that does nothing to address voter suppression? This is an intimidation-type bill. It is a partisan attempt to allow the Republicans to maintain the majority.

I tell you, this bill violates State constitutions and the U.S. Constitution because it disenfranchises citizens who are otherwise qualified to vote. The Democrats will not shirk our responsibility to defend the gains put forth by the bills already on the books. We will not shirk our responsibility to ensure that every eligible American has the right to vote. And we will not let these gains be lost to undocumented allegations of fraud that have not been quantitatively proven and have not proven by any empirical data that reveals this so-called type of fraud is widespread.

The right to vote, Mr. Speaker, is too precious to allow any citizen's vote to be sacrificed by those who would treat it carelessly. I would hope that the other side thinks about this and not vote for this bad bill. This is not a good bill. It does nothing but hamper the American people.

This bill creates a poll tax. I want the American people to know that Democrats are against all types of voter fraud and we are against your paying a poll tax to be able to vote. So I say to the other side that if you really want integrity, then let's look at these electronic voting machines that voters are worried stiff about because they do not know whether their votes will be counted.

Mr. Speaker, I would ask that every Member who really has good intentions of trying protect the laws that are on the books will vote this legislation down.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, September 19, 2006.

Re H.R. 4844, the "Federal Election Integrity Act of 2006"

Hon. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives, Washington, DC.

DEAR SPEAKER HASTERT AND MINORITY LEADER PELOSI: On behalf of county governments across the nation, I am writing to urge a "NO" vote on H.R. 4844, the "Federal Election Integrity Act of 2006".

This bill would impose a staggering unfunded mandate on states and counties. We fear that it could require county clerks and registrars across the country to take on the major new responsibility and expense of issuing photo voter registration cards that would duplicate the Real ID and existing state driver licenses. These cards would have to be issued to every voter in the nation who does not possess a current U.S. passport. Further, we fear that counties would likely have to issue these cards entirely at their own or at state expense.

While regulations have not yet been issued by the Department of Homeland Security, we are given to understand that federal structures will likely not be in place before the statutory deadline for states to be prepared to issue the Real ID. Even if states do have the capacity by 2010 to issue a Real ID to and confirm the citizenship of every voter, H.R. 4844 creates an incentive for states to separate this function from driver licensing and place it within the existing apparatus of voter registration. States that incorporate the requirements of this law into their Real ID for voter identification purposes would be ineligible for even the weak commitment of funding in H.R. 4844.

H.R. 4844 bars counties from imposing a fee on voters who assert that they cannot pay it. States and/or counties may or may not receive sufficient federal funds to pay these costs depending on annual federal appropriations. Furthermore, we fear that any fee imposed on other voters could be characterized as a poll tax and be subject to challenge in court.

If you have any questions about our position on this or any related issue, please feel free to contact me or Alysoun McLaughlin at amclaughlin@naco.org. Thank you for your attention to this urgent matter.

Sincerely,

LARRY E. NAAKE,
Executive Director.

REPRESENTATIVES EHLERS AND MILLENDER-MCDONALD: I wish to express my concern about the voter IDs where we are to provide at no cost to indigent voters. We live in a rural area that a lot of the voters are under poverty level. I do not think the county should have to pay for these. You may be going to reimburse the state for the program, but you know it will come back down to the counties to do the IDs. If you will fund this for the counties I probably wouldn't have any problem with this, but the way the election is going now it has cost the county more over $6,500.00 for the primary election than ever before for an election. This is all because of the HAVA regulations. This was not to cost the counties anything. I hate to see what this general election is going to cost me. I did not have any rotations in the primary, but with the general I have a bunch. Just got my proofs for the ballots and had 256 pages for 10 precincts. This is because of all the splits I now need to have because of the consolidations everyone wanted also. I'm sure this election will more than cost me all of the budget of $26,000.00. You may think this is a drop in the bucket, but for our small area it isn't, since I have never spent more than $12,800 in any other budget year.

Our county is up against the levy limit now so don't know where this money is going to come from.

Please provide for all of the funding, not just to the state, for these IDs.

Thank you

SANDRA STELLING,
Jefferson County Clerk,
Register of Deeds.

DEAR REPRESENTATIVE MILLENDER-MCDONALD: I am vehemently opposed to H.R. 4844. As an election official in Anderson County, TN, I can assure you that the provisions of this legislation will have an adverse affect on many of the people I serve every day.

During my tenure as an election administrator, the trend has been to remove barriers to voting, this bill throws logs in the roadway to exercising the right to vote. The need to prove citizenship has never been required and doing so now will deny voting rights to many who have voted all their adult lives.

Many individuals in our east Tennessee county do not have birth certificates let alone passports—furthermore they do not have the money or the wherewithal to secure either.

You need to know that our voter registration forms require that an individual registering to vote attests to their citizenship when they register and to answer untruthfully subjects that person to prosecution.

What bothers me as much as anything is that the bill has a disproportionate impact on the elderly, the disabled, the poor and ethnic minorities in our county.

Our constitution guarantees the right to vote and this law can potentially affect that basic right.

I urge you to vote against this legislation when it comes before your committee.

JO ANN GARRETT,
Administrator of Elections,
Anderson County, TN.

Mr. EHLERS. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I wish I had more time to respond to all of the erroneous comments that have been made. Some of them may have been pertinent as relating to the original bill as introduced. But I wish all those commenting would have read the amended bill that we have before us now.

There has been much discussion about poll taxes. Absolute nonsense. I would never stand for putting a poll tax on any citizen of this country. There is no poll tax. We specifically provided that the State and the Federal Government will pay for any cost. There is no poll tax in this bill.

Furthermore, it is said the burden falls on the poor. Again, nonsense. We help the poor. There is no burden on the poor. We assist them by helping them prove citizenship and paying for it. So when they apply for Social Security, when they apply for Medicare, when they apply for prescription drug coverage, they will have proof of citizenship in hand.

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This benefits the poor. It benefits those who do not have citizenship, because we help them to prove citizenship and we pay for it.

This bill is designed to cut down fraud. I put the question, Where is the fraud? Several have said, there is no fraud. There is fraud.

In the 2000 election in Philadelphia, they had 103 percent of the voter turnout in one precinct. That is fraud. When you have the number of voters who appeared was greater than the number registered for a district, that is fraud.

Then there is the gubernatorial race in the State of Washington. The final result that judges certified, was that the number of illegal votes cast was over 1,000 percent greater than the margin of victory for the winner of that race. That is fraud. Conclusioin: There is fraud in voting in this Nation.

It is time for us to get rid of fraud in voting in this Nation. This bill will make a big step towards doing it. It will not endanger anyone's right to vote. It is not a poll tax. It helps citizens to vote legally.

Mr. DEFAZIO. Mr. Speaker, I want to take a minute to explain my opposion to H.R. 4844, the so-called Federal Election Integrity Act. Proponents of this legislation claim to be ensuring the integrity of our election system against voter fraud and voting by noncitizens. That is a goal I share. However, the hastily written legislation threatens the privacy of Oregonians due to the unique nature of our full vote-by-mail system.

I do strongly support the goal of establishing more secure identification for American citizens. That is why I voted in favor of the REAL ID Act. The legislation fulfilled a recommendation made by the bipartisan 9/11 Commission that the federal government set standards for the issuance of driver's licenses. The REAL ID Act established minimum document standards for issuing drivers licenses and limited the issuance of licenses only to those who can prove they are American citizens or are migrants who are legally in the United States. This bill, when fully implemented by 2008, will address many of the concerns about proving citizenship that H.R. 4844 raises.

The problem with H.R. 4844 is not its requirement of proof of citizenship when registering to vote, but its continual requirement to present such proof every time a citizen votes.

In my state we conduct all elections by vote-by-mail. This bill requires citizens voting by mail to submit photocopies of documents proving their citizenship along with their ballot every single time they vote. That means, at least twice a year, the 2.1 million Oregonians registered to vote will have to provide the same photocopied birth certificate, passport, driver's license etc. along with their ballot to election officials. This extra paperwork creates a big burden for citizens and election officials alike in Oregon. Under the current system in Oregon, election officials match the signature on your ballot with our signature that's on file. That should be sufficient to confirm your identity. Repeatedly submitting photocopied proof of sensitive documents is not necessary.

I also have serious privacy concerns about what is done with the sensitive, personally identifiable information that will be required to be submitted by millions of Oregonians. How long must election officials keep these sensitive documents on file? How should they be disposed of? Who has access to the documents and under what circumstances? How can the information in the documents be used? The bill is silent on these issues.

Further, this bill requires Oregonians to repeatedly submit this personal information despite the lack of evidence of a voting fraud problem in Oregon. According to the Oregon Secretary of State, since 1991, over 10 million votes have been cast in Oregon. Of those 10 million votes, only 10 people have met the criteria that would want an investigation into their citizenship. Of those ten, two have been prosecuted. So the level of fraud in Oregon over the last 15 years has been 1 in 5 million votes, and these two instances were prosecuted. It is important to keep in mind that the penalties for voting fraud are already severe. Immigrants who try to vote are automatically given a one-way ticket home, no criminal conviction is necessary.

If the majority was truly concerned about guaranteeing the integrity of federal elections, we should be focusing on widespread concerns about new electronic voting technology. Concerns and questions over the integrity of these machines have been proven in recent elections. Machines fail, votes are lost, hard drives are damaged. Secure and auditable electronic voting machines that provide a paper ballot for verification should be the focus of Congress, not this hastily written bill.

Mr. CARDIN. Mr. Speaker, I rise in opposition to H.R. 4844, the Federal Election Integrity Act.

This legislation would require individuals voting in federal elections to provide photo identification that also shows proof of citizenship in order to vote.

I am extremely concerned that this legislation would disenfranchise many eligible voters and depress voter turnout. Congress and the states should pass measures to increase, not decrease, voter turnout, and to encourage eligible voters to go to the polls.

Studies indicate that illegal voting or voter fraud is extremely rare, and such behavior is already punishable by law. However, we have numerous documented instances of actual problems in our electoral systems which are not addressed by this legislation, such as improper purging of voters from the rolls and distributing false information about when and where to vote. In my own state of Maryland in last Tuesday's primary election, we experienced numerous problems with voters being turned away because of malfunctioning computer voting machines, a lack of provisional paper ballots, and poorly trained or absent poll workers.

This legislation would have a disproportionate impact on economically disadvantaged persons—such as the homeless, the elderly, persons with disabilities, frequent movers, and other minority groups and persons of color—who are far less likely to have current state-issued identification. Requiring voters to bring identification to the polls will serve as a poll tax for some eligible voters, who can afford neither the cost nor time to obtain a new or duplicate drivers' license, passport, or birth certificate. The bill contains weak provisions to reimburse states that cover the cost of issuing identifications to indigent individuals. Indeed, Congress has yet to fully fund implementation of the Help America Vote Act (HAVA) of 2002, passed after the 2000 presidential election which disenfranchised many eligible voters.

Finally, proof of citizenship requirements will severely hamper the ability of nonpartisan organizations to conduct voter registration campaigns within minority communities, by limiting what documents can be accepted as valid identification for the purpose of registration.

I note that several leading voting rights groups have opposed this legislation, including the NAACP, League of Women Voters, and the U.S. Public Research Interest Group. The AARP has also opposed this legislation, which may disenfranchise older Americans.

The National Conference of State Legislatures (NCSL) and the National Association of Counties (NACO) also oppose this legislation. NCSL wrote that this "ill-advised bill . . . places a potentially huge unfunded mandate on states . . . and would preempt current states' voter identification requirements."

Just a few months ago I was pleased to cosponsor and vote for legislation to reauthorize the historic Voting Rights Act of 1965 for another 25 years. Discrimination and prejudice still exist against minority voters, in addition to disenfranchisement at the polls caused by faulty equipment or poorly trained poll workers. We must redouble our efforts to make sure that every eligible vote is counted, and that this democracy does not continue to shamefully turn away eligible voters at the polls.

Mr. DOOLITTLE. Mr. Speaker, I rise in support of H.R. 4844, the Federal Election Integrity Act.

Since the passage of the Help America Vote Act, this body—led by the Committee on House Administration on which I proudly serve—has paid careful attention to our electoral process and has considered several recommendations on how we can improve the way we vote.

One such recommendation came from the bipartisan Commission on Federal Election Reform which was headed by Former President Jimmy Carter and Former Secretary of State James Baker and recommended that in order to deter and detect voter fraud, we should require photo IDs at the polls.

In this day and age, it is shocking that we still do not verify U.S. citizenship when people vote. Motor-voter laws have allowed driver's license applicants to simply check a box to register to vote regardless of whether they are a U.S. citizen.

This loophole has facilitated the many instances of non-citizen voting that I we have heard about today.

While there may be disputes about the nature and extent of voter fraud, there can be no dispute that it occurs. In close elections even a small amount of fraud can affect the outcome. Do we really want foreigners to cast the deciding votes in our elections?

When an illegal immigrant casts an illegal vote he does more than break the law. He is canceling out a legal vote and robbing Americans of our constitutional right to be heard in an election.

The Federal Election Integrity Act that we are debating today can help restore integrity to our elections.

Requiring individuals who vote in a Federal election to provide proof that they are a United States citizen will help prevent voter fraud—plain and simple. It is the best way to ensure the utmost accuracy in realizing the will of the American people.

In short, requiring a photo ID is the best way to make sure that only U.S. citizens are casting ballots.

Contrary to what the critics would have you believe, this isn't a radical idea. Showing proof of identification and citizenship is warranted and commonplace in today's society.

Individuals are required to have photo identification to engage in routine activities such as boarding an airplane, entering a government building, purchasing cigarettes and cashing a check. Our voting system deserves at least as much protection as these other activities.

Democrats have argued that this bill will disproportionately affect racial minorities and have even alleged that this is one of the motives behind our Republican Leadership bringing this bill to the floor today. These claims are outrageous and unsubstantiated—voter fraud affects us all.

In fact, under this bill states must provide the necessary photo ID free of charge to individuals who cannot afford to pay. This bill is simply about protecting the will of all Americans.

When an illegal vote is cast, an American citizen with the constitutional right to have his vote counted becomes disenfranchised, regardless of race.

When voting, our citizens should be able to trust that the system will honor their voice and reveal the will of the American people. I urge all my colleagues to join me in protecting the rights of every American by supporting the Federal Election Integrity Act.

Mr. HOLT. Mr. Speaker, today I rise to object strongly to the voter disenfranchisement proposal before us.

According to the Election Assistance Commission's comprehensive Survey of the 2004 election, there were more than 197 million voting-age American citizens at that time. According to the Brennan Center for Justice in its September 2006 voter identification study, as many as 10% of eligible voters do not have, and maybe will not get, the documents required by strict voter ID laws. Thus, the very first thing this bill will do is disenfranchise as many as 20 million eligible voters.

Who are these 20 million voters? The poor. The elderly. The disabled. Persons of color. Native Americans. Students. Why would anyone vote in favor of disenfranchising these citizens?

The Help America Vote Act (HAVA) was an imperfect bill, but it did reach a bipartisan compromise on voter identification. HAVA's already-existing requirements for voter identification and the integrity of voter registration rolls go on for pages. Among the requirements:

States must make "a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters;"

Voter registration applications may not be "accepted or processed" unless they include an applicants driver's license number or, in the case of voters who don't have one, "the last 4 digits of the applicants Social Security number;" or, in the case of voters with neither, a "unique identifying number" assigned by election officials;

First time voters who registered by mail and did not present ID must show photo ID at the polls when they vote.

Voters can't get around that requirement by voting absentee—first time voters who registered by mail and did not present ID must send a copy of a photo ID with their mail-in ballot.

And HAVA provides for criminal penalties for violations for the foregoing—"any individual who knowingly commits fraud or knowingly makes a false statement with respect to the naturalization, citizenry, or alien registry of such citizen . . . shall be fined, imprisoned [for up to five years], or both."

The measure before us is a solution in search of a problem. The Department of Justice (DOJ), in its "Report to Congress on the Activities and Operations of the Public Integrity for 2004," reported that at the end of 2004, the Public Integrity Section had approximately 133 election crime matters pending nationwide. That is an average of just over two cases per state for the entire year—hardly an avalanche. In addition, most of the cases described in the report concerned campaign finance violations, not voter fraud. Only one described a vote-buying scheme, and none referred specifically to non-citizen or double voting. On the other hand, the same Report noted that a total of 1,213 public officials had been charged with corruption in 2004, that 1,020 of them had been convicted of corruption, and that 419 cases remained pending. In other words, according to the DOJ's own findings, the problem of corruption among public official is at the very least ten times worse than the problem of citizens cheating in elections.

Meanwhile, other studies have found that instances of double voting and voting using another's identity are virtually non-existent.

Washington State—a study of 2.8 million ballots cast in 2004 showed that only 0.0009 percent of them reflected double voting or voting in the name of deceased individuals.

Ohio—a statewide survey found a mere four instances out of more than 9 million votes cast where ineligible persons voted or attempting to vote in 2002 and 2004—a rate of 0.00004%.

Georgia—(which recently passed one of the strictest voter ID laws, which was subsequently struck down); Secretary of State Cathy Cox stated that in her ten-year tenure, she could not recall one documented case of voter fraud involving the impersonation of a registered voter at the polls.

I have introduced legislation, the Electoral Fairness Act of 2006 (H.R. 4989), that would require that all voters, upon being duly registered, be issued a durable voter registration card at no cost to the voter, "which shall serve as proof that the individual is duly registered to vote" at the polling place which services the individual's address. The bill would preserve HAVA's existing voter ID requirements, but add no more, an the voter registration cards would serve strictly to protect voters who are removed from the voter rolls wrongfully or erroneously.

My legislation would protect the 1.2 million voters who were, in fact, wrongfully denied access to a regular ballot in 2004 when they showed up at polling places. The legislation before us, in the absence of meaningful or documented justification, would leave those 1.2 million voters in jeopardy of wrongful disenfranchisement and add 20 million more to the pile. In the name of solving a problem that is evidently a tiny problem these legislators—at great expense to individuals and to states—would add requirements that will turn away legitimate, deserving, honest voters. This is poll tax, pure and simple, and I urge my colleagues to vote it down.

Groups Opposing H.R. 4844

A. Philip Randolph Institute; ACORN; Advancement Project; Aguila Youth Leadership Institute; Alliance for Retired Americans; American Association of People with Disabilities; American Association of Retired Persons (AARP); American Civil Liberties Union; American Civil Liberties Union of Arizona; American Federation of Labor—Congress of Industrial Organizations (AFL–CIO); American Federation of State, County and Municipal Employees; American Immigration Lawyers Association; American Policy Center; Americans for Democratic Action; Arizona Advocacy Network; Arizona Consumers Council; Arizona Hispanic Community Forum; Arizona Students' Association;

Asian American Justice Center; Asian American Legal Defense and Education Fund; Asian and Pacific Islander American Vote (APIAVote); and Asian Pacific American Labor Alliance, AFL–CIO.

Brennan Center for Justice at NYU School of Law; Center for Digital Democracy; Common Cause; Computer Professionals for Social Responsibility; Concerned Foreign Service Officers; Congressional Hispanic Caucus; Consumer Action; Cyber Privacy Project; Democratic Women's Working Group; Dēmos : A Network for Ideas & Action; Electronic Privacy Information Center; Emigrantes Sin Fronteras; Fairfax County Privacy Council; Friends Committee on National Legislation; Hispanic Federation; Hispanic National Bar Association; Interfaith Worker Justice of Arizona; Intertribal Council of Arizona; Japanese American Citizens League (JACL); La Union Del Pueblo Entero (LUPE); Labor Council for Latin American Advancement; and Lawyers' Committee for Civil Rights Under Law.

Leadership Conference on Civil Rights; League of United Latin American Citizens; League of Women Voters of Greater Tucson; League of Women Voters of the United States; Legal Momentum; Mexican-American Legal Defense and Educational Fund; National Association for the Advancement of Colored People (NAACP); National Association of Latino Elected and Appointed Officials Educational Fund; National Center for Transgender Equality; National Congress of American Indians; National Council of Jewish Women; National Council of La Raza; National Disability Rights Network; National Education Association; National Korean American Service & Education Consortium; National Urban League; National Voting Rights Institute; Navajo Nation; New York Public Interest Research Group, Inc./NYPIRG; Ohio Taxpayers Association & OTA Foundation; People for the American Way Foundation; and Project for Arizona's Future.

Protection and Advocacy System; RainbowPUSH Coalition; Republican Liberty Caucus; SEIU Local 5 Arizona; Service Employees International Union (SEIU); Sikh American Legal Defense and Education Fund (SALDEF); Somos America/We Are America; Southwest Voter Registration Education Project; The Multiracial Activist; The Rutherford Institute; Tohono O'odham Nation; Transgender Law Center; U.S. PIRG; Unitarian Universalist Association of Congregations; United Auto Workers; United Church of Christ Justice & Witness Ministries; United Methodist Church, General Board of Church and Society; United States Student Association; United Steelworkers; UNITE–HERE; Velvet Revolution; William C. Velasquez Institute; and YWCA USA.

Mr. HASTINGS of Washington. Mr. Speaker, I strongly support ensuring that only American citizens vote in our Nation's elections. The right to vote of all Americans is diminished if ineligible and illegal votes are cast. That is the goal and intent of this bill, which is why I vote to move this bill forward today.

There are provisions of the bill, however, that have me greatly concerned about the impact it would have on Washington state voters who are required to vote by mail. The bill would mandate that voters photocopy their driver's license and mail that copy in with their ballot. This places a heavier burden on mail voters than poll voters. It creates a higher hurdle for mail voters to get their vote counted. And it raises serious questions about personal privacy and the potential for identity theft. These requirements are not acceptable and must be addressed during any conference committee talks with the Senate.

Chairman EHLERS has given his assurance that the mail voting provisions will be addressed in a conference, and specifically that the views of Washington's Secretary of State will be heard. I appreciate this commitment and believe there are certainly far less burdensome ways to ensure only citizens are casting mail-in ballots.

Clearly, Washington and Oregon stand out among other states when it comes to voting by mail and federal law must respect differences among the fifty states.

Action needs to be taken to ensure only citizens are casting ballots in elections and that is why I vote to move this bill forward today, but I will oppose and vote against any final bill or conference report if my concerns on the mail voting requirements are not addressed.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong opposition to H.R. 4844, the so-called Federal Election Integrity Act of 2006. Beginning in 2008, this bill imposes a requirement that eligible voters must present a government-issued photo identification and beginning in 2010, eligible voters must present a government-issued photo identification that would prove they are a citizen.

Proponents of this bill claim that requiring a photo identification and proof of citizenship to vote will combat voter fraud. But, too often, anecdotal stories are put forth as evidence to prove the claim they are using to make the case for this bill. However, there is no concrete evidence to back up the need for this proposal. According to Demos and People for the American Way, to date there have been no major studies to document actual election fraud in the United States. Furthermore, according to the Leadership Conference on Civil Rights, nationally since October 2002, only "86 individuals have been convicted of federal crimes relating to election fraud, while 196,139,871 ballots have been cast in federal general elections." There needs to be more safeguards to protect the integrity of the electoral process, but this can only be done by addressing actual problems that are currently undermining voting rights, almost all of which have the effect of disenfranchising eligible voters. The bill doesn't address voter intimidation and discrimination at the polls and it doesn't take into account the costs to states to implement the requirements of H.R. 4844, making it an unfunded mandate.

This bill is not just guilty of being a solution in search of problem. It actually will create a problem. The real impact of this bill will undoubtedly be an increase in voter disenfranchisement, because the burden and cost involved in obtaining the identification required would likely discourage many Americans from voting, an essential Constitutional right. Also, even though H.R. 4844 has a provision that requires states to give free photo identification to those who cannot afford them, it does not take into account the time and cost that eligible voters would incur to get the supporting documents needed to obtain this required identification. Essentially this forces people to pay for their Constitutionally guaranteed right to vote.

Mr. Speaker, the burden that this legislation creates falls squarely on the shoulders of seniors, and the disabled. The AARP is strongly opposed to this bill because of the disproportionate impact it has on seniors. Many seniors no longer drive and therefore do not have a driver's license, many were born at home by midwives and do not have a birth certificate, and have limited mobility, making it extremely difficult for them to obtain a government-issued identification to meet this bill's requirements. Even those who wish to vote by provisional ballot are required to present the required identification for their vote to be counted.

Elections should be open to all eligible voters and as Members of Congress we should be enacting legislation that encourages more Americans to vote, not erecting new barriers to voting. Laws such as the groundbreaking Voting Rights Act of 1965 were enacted to create a more inclusive democracy by making voting easier. H.R. 4844 will seriously undermine that goal and will be a disservice to the memories of those courageous civil rights heroes who fought for its implementation.

I urge all of my colleagues to oppose H.R. 4844.

Mr. BLUMENAUER. Mr. Speaker, three months ago we stood on this floor debating the reauthorization of the Voting Rights Act (H.R. 9) in an effort to make sure elections are fair, that every vote is counted, and that people have equal access to the polls. Yet today we are faced with the Federal Election Integrity Act of 2006 (HR 4844) which would directly disenfranchise people of color, rural voters, young people, low-income people, the elderly, and individuals with disabilities.

At a time of decreased voter participation, it seems unwarranted to impose extraneous burdens on eligible citizens who want to participate in the democratic process. The identification requirements imposed by this legislation serve as a strong reminder of the poll taxes imposed by many Southern states in the 1950s to prevent poor and black Americans from voting.

According to the Department of Transportation, currently 6–12 percent of eligible voters do not have the proper identification mandated by this legislation. Acquiring the required documents places a huge time and financial burden on those least able to afford. For instance, a U.S. passport costs approximately $85, while replacing naturalization documents can cost up to $210.

This legislation creates an outrageous burden on my state of Oregon. In 1998, Oregon voters passed an initiative requiring that all elections be conducted by mail. Should this bill pass, our voters would be required to photocopy their identification every time they wanted to vote which further hampers the accessibility to vote by mail. As for voter fraud, during the last 15 years of general elections over 10 million votes have been cast by Oregon voters and yet only 10 people have met the criteria to warrant an investigation.

This legislation discourages voter participation, many who continue to lose confidence in our electoral system, while enabling voter discrimination in select communities. Overall, this legislation tries to create a solution to a voter fraud problem regarding voter identification that does not exist, while overlooking obvious and real problems.

Just last week during Maryland's primary elections many voters were delayed or turned away. In one county computer cards were not delivered to precinct workers while in another computers incorrectly read party affiliation and could not be tabulated.

Anyone who examined what happened in Ohio last election cycle, including voting problems and potential abuse due to the under funded and ill-thought-out congressional meddling, must wonder what will happen in the 2008 election.

Every American should be alarmed and outraged by Congress indulging in partisan political shenanigans regarding elections rather than implementing long overdue protections for the integrity of the ballot box.

Mr. CROWLEY. Mr. Speaker, I rise in strong opposition to this so-called Voter ID Act.

Sensing electoral defeat in the fall, the Republicans have done what they always do—act desperate and deflect attention.

Mandating voter IDs to prove citizenship will do nothing to protect our homeland security, make the voting process more secure, insure every vote is counted or keep non-citizens from voting.

News flash to my colleagues, the fear that non-citizens may vote is not what is keeping my constituents up at night.

Completing the war on terror, finding Osama bin Laden, bringing our troops home, and figuring out how to pay for their kids college education are the issues my constituents care about.

Not passing a not-needed bill for a total non issue.

Today, we are mandating citizenship IDs at the polling places, in a voter disenfranchisement act that would make Bull Connor smile from below.

The Republicans continue to place all the blame on immigrants instead of accepting the blame themselves that they dropped the ball on comprehensive immigration reform, they dropped the ball on homeland security by underfunding our ports and border security and they dropped the ball on the war on terror.

There is a problem at the ballot box, but it isn't illegal immigrants voting, The problem is that American citizens aren't voting.

Instead of promoting voter participation, this bill creates disincentives.

Instead of encouraging voter participation by all Americans, we are adding roadblocks.

Instead of building one America, we are creating a divisive America.

This is a solution in search of a problem.

I urge my colleagues to oppose this legislation.

Ms. MATSUI. Mr. Speaker, while this bill is entitled the Federal Election Integrity Act, that is highly deceptive. Make no mistake; there is no integrity in trying to deny thousands of legal voters their right to vote.

Voting is a sacred right. A right that, unfortunately, seems to be under attack in this Congress. It was barely two months ago that this body voted on a bipartisan basis to reauthorize crucial provisions of the Voting Rights Act—the nation's most effective mechanism for protecting minority voting rights. But now, as we debate H.R. 4844, that vote seems disingenuous. H.R. 4844 is a misguided approach that would add unnecessary obstacles to the voting process. Congress should not be in the practice of disenfranchising voters under the guise of protecting the right to vote. Unfortunately, that's precisely what this bill would do.

This legislation is quite likely to be struck down by the Supreme Court. As recently as yesterday, state photo ID laws were found to be unconstitutional. This is because photo ID laws disproportionately affect racial and ethnic minorities, the elderly, people with disabilities, rural voters, students, the homeless, low-income people, and frequent movers.

Many of our constituents would be at risk of not being able to vote because they do not have the time, money or ability to obtain their birth certificates or their passports. And let us not forget the hundreds of thousands of Hurricane Katrina victims, now dispersed across the country, who lost their birth certificates in the muddy waters left by the hurricane.

Since consideration of this bill began, many of our colleagues have shared their own personal stories of not being able to obtain their birth certificates, or being turned away at the voting booth. The same is true for one of my constituents in Sacramento who contacted me because he was experiencing difficulty proving he was an American citizen. Adopted as a child by a member of the Armed Forces, the crux of the problem centered around the fact that his adopted father was born in the south and did not have a birth certificate. If this legislation were in place, my constituent may have been turned away at the polls. That is unforgivable and it is unconstitutional. I am sure this is just one example of many.

What's even more alarming is that we are debating a bill that seeks to rectify a problem that hardly exists. Worse still, there are already laws on the books to address this very issue. Instead of just enforcing those laws, this bill is an attempt to scare voters by inferring that illegal immigrants and others in our country are misrepresenting their identity when they go to vote. The truth is that there is little proof of that.

What we do have proof of are the problems with our voting system. That's what Congress should be working on now. We need to be working on laws that ensure that our voting machines are not susceptible to tampering and that those machines have a paper trail—laws that ensure every vote is counted.

That is what my constituents are writing to me in the hundreds about. They are distrustful of the voting machines and with good reason. Just last week, a professor at Princeton hacked into a Diebold e-voting machine. Clearly our voting machines are vulnerable to malicious attacks and potential voter fraud.

Rather than address these serious concerns before a major election, this Congress has decided to take up a bill that seeks to limit the rights of legal voters. Congress must work on ways to encourage voter participation, not create undue obstacles to vote. I urge Members to vote against this denial of voting rights.

Mr. GREEN of Texas. Mr. Speaker, I rise today to oppose H.R. 4844.

I am a strong supporter of re-establishing the integrity of our elections. The last 6 years have exposed serious flaws in the way we conduct elections.

We use electronic forms of voting that cannot be audited, there is no verification system in place and we all remember the month that this country stood still while we tried to figure out who won the Presidential election in 2000.

In the countless election problems this country has seen recently, none of them were because of voting by non-citizens.

H.R. 4844 would require voters to present government-issued I.D. in order to vote. Currently, that document is a U.S. Passport. Aside from the impact this would have on minority voters, this will also impact the elderly.

Under the bill, mail-in ballots would have to include a photo copy of an ID proving that you are a citizen. Currently, that document is a U.S. passport.

Seventy-five percent of Americans don't have a passport and many of the senior citizens in my district don't have the resources to pay $97 dollars to get a passport.

Forcing Americans to spend their hard earned money to get a passport or some other form of identification in order to vote sounds a lot like a poll-tax.

Finally, it is already illegal to vote if you are not a citizen. State and local officials are already able to enforce these laws. Secretaries of State and County Clerks have the authority to remove ineligible voters from the rolls to prevent voter fraud.

This system works and there is no need for this legislation.

If we want to address election integrity, let's talk about providing a paper-trail and having audits of election returns so we can ensure every vote is counted come election day.

I urge my colleagues to vote against H.R. 484.

Mr. CONYERS. Mr. Speaker, it is amazing to me that during the 40th Anniversary of the historic passage of the Voting Rights Act, that anyone could propose mandating nationwide photo ID requirements. Given the cost, difficulty and bureaucracy involved in obtaining photo ID for many minorities, elderly, and indigent, the idea of a national voter ID and proof of citizenship requirement amounts to nothing less than a 21st Century Poll Tax, that could disenfranchise as many as 20 million American voters.

A NATIONAL VOTER ID REQUIREMENT WILL OPERATE AS A POLL TAX

We all know that the States will never fund an unfunded mandate, and even if they do, for many Americans it will be quite difficult, extensive, and time consuming to obtain the requisite ID cards. Georgia, which just enacted a new voter ID requirement did not even bother to provide an office in Atlanta.

Data developed during the debate over the Georgia voter ID bill indicated that 36 percent of Georgians over the age of 75 do not have a driver's license and that African-Americans in Georgia are nearly five times less likely than whites to have access to a motor vehicle and thus even to need a driver's license.

Moreover, in Georgia, residents who do not have a driver's license must buy a State ID card to vote, at a cost of $20 for a five-year card or $35 for 10 years. For many living on a fixed or low income, $20 to $35 is cost-prohibitive. People should not be forced to choose between a bag of groceries, needed medications, or the right to vote.

In addition, the proof of citizenship requirements that are outlined in this bill will place on the voter the difficult, time consuming, and costly burden of obtaining the necessary documentation to prove citizenship in order to cast a ballot.

A NATIONAL VOTER ID AND PROOF OF CITIZENSHIP REQUIREMENT WILL LEAD TO DISCRIMINATORY IMPLEMENTATION AND WILL DISPROPORTIONATELY BURDEN PEOPLE OF COLOR

There is strong empirical evidence that photo ID requirements disproportionately burden people of color.

In 1994, the Justice Department found that African-Americans in Louisiana were 4 to 5 times less likely to have government-sanctioned photo ID than white residents. As a result, the DoJ denied pre-clearance for that State's proposed photo ID requirement because they found that "it would lead to retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise."

Moreover, in 2001, the Carter-Ford National Commission on Election Reform found that identification provisions at the polls are selectively enforced. Even in places that do not require voters to show ID, poll workers are known to ask certain voters to prove their identity, in many cases demanding ID from minority voters, but not whites.

MANY AMERICANS DO NOT AND WILL NOT HAVE THE REQUISITE STATE-ISSUED PHOTO ID OR PROOF OF CITIZENSHIP REQUIREMENTS

In 2005, the Carter-Baker Commission on Federal Election Reform estimated that 10 percent of voting-age Americans do not have a drive's license or a state-issued non-driver's photo ID. That translates into as many as 20 million eligible voters who will not be allowed to vote on Election Day.

Moreover, proof of citizenship requirements, such as the one proposed in this bill, are impossible for members of some communities to acquire and very hard for others. It is widely known that in certain parts of the country, elderly African-Americans and many Native Americans were born at home, under the care of midwives, and do not possess birth certificates. People of color, people with disabilities, the elderly, and low-income citizens are among the demographic groups least likely to have documents in their possession to prove citizenship.

Further, for victims of natural disasters like hurricanes Katrina and Rita, it may be impossible to obtain birth certificates or other documents because they have been destroyed.

AN ID CARD SYSTEM WILL LEAD TO A SLIPPERY SLOPE OF SURVEILLANCE AND CITIZEN MONITORING

A national voter ID card system would significantly diminish freedom and privacy in the U.S. because once put in place, it is unlikely that such a system would be restricted to its original purpose. A national voter ID system would threaten the privacy that Americans have always enjoyed and will gradually increase the control that government and business wields over everyday citizens.

CONCLUSION

We all want clean elections. But that is not what legislation like H.R. 4844 will accomplish. A federally mandated voter ID and proof of citizenship requirement will make it harder for people to vote, and not just people generally, but lawfully registered voters who happen to be seniors, young people, living in cities, lower-income and minorities. That is an effect clearly at odds with our most fundamental values as Americans.

Voting is an invaluable right—the one that guards all of our other rights and ensures every American an opportunity to participate in our democracy. We must do everything in our power to make voting easier, not harder, and to resist the imposition of new requirements to vote that do not serve a fair and compelling purpose that actually promotes our democracy.

I urge my colleagues to vote "no" on H.R. 4844—the so-called "Federal Election Integrity Act of 2006".

Mr. ORTIZ. Mr. Speaker, it almost seems that each day that goes by, this Congress stands idly by while we lose more and more of our fundamental rights.

When there is voter fraud—anywhere, anytime election officials must react immediately to right the problem.

And at every turn in this democracy, we must work to increase what is still an anemic voter turnout in the world's leading democracy.

Where's the problem to solve?

The voting problems in recent mid-Atlantic areas were related to the new electronic devices that neither voters—nor poll workers—were familiar with using.

This bill is not about integrity or reducing voter fraud—it is all about depressing the number of voters in U.S. elections by requiring all citizens to show proof of citizenship in order to vote.

This Congress would have voters show both a drivers license and a birth certificate in order to cast a vote.

Where's your birth certificate?

Ask those you know born in this country—do you know how to put your hands on your birth certificate?

Imagine the difficulty for the elderly, students, the disabled, Native Americans and other minorities in finding that document . . . or perhaps that was imagined when this scheme was conceived.

Members of this House should not fear great numbers of voters in elections—we must encourage it.

Hispanics in South Texas will be profoundly impacted by this legislation.

This bill will suppress turnout and intimidate voters—which is a slap in the face of democracy and our Constitution.

Millions of Americans will be denied their right to vote because this Congress is so determined to address a problem that does not really exist.

This bill imposes the 2nd poll tax on voters—through this 2nd unfunded mandate for voting requirements on the states.

Let us not move backwards on this matter.

In my very first election—as Constable in Nueces County, Texas, in 1964—the poll tax was in its final throws . . . but was still the law in Texas.

My mother borrowed against her house to help offset my filing fee . . . and to help my voters pay the poll tax.

Let's not ever see that day again where citizens are taxed in order to vote . . . let's stop putting unfunded mandate on our states . . . and let's seek more ways to increase voting, not suppress it.

We've come too far on civil rights in this Nation to move backwards.

Let us act boldly . . . let us find ways to increase voting in the United States, not suppress it, or tax voters to DE-crease voter turnout.

Mr. STARK. Mr. Speaker, I rise in opposition to H.R. 4844, the wrongly entitled Federal Election Integrity Act. Like so many Republican window dressings, this bill might seem like a no-brainer to some. Only citizens can vote, so why not have them show their ID and prove their address and citizenship to reduce fraud? If only the real world were as simple as country club Republicans imagine.

What about students whose driver's licenses show their home address but who register to vote on campus? Nursing home residents who have been voting for over 50 years but whose documents are nowhere to be found? Low-income Americans who don't drive and have never had a state-issued identification? It's no coincidence that the people who will be disenfranchised by this bill are core Democratic constituencies. Powerful interests have figured out that there are lots of ways to institute a poll tax by another name.

What about reducing voter fraud, something we all support? It will come as no surprise to anyone who has run for office or worked in campaigns that there is little evidence of fraudulent voting. It's hard enough to convince most registered voters to go to the polls. What is the incentive to engage in voter fraud, a felony offense? In particular, there is little incentive for immigrants—against whom this legislation is targeted—to vote illegally. Voter fraud by immigrants is subject to immediate deportation without appeal. Do the sponsors of this bill really believe that thousands, or even tens, of immigrants would risk deportation to cast a single vote?

If anything shatters confidence in our election system, it is the thousands of votes that are not counted because of dimpled chads, electronic voting breakdowns, provisional ballot mishaps, three-hour lines at polling places, and the like. The Help America Vote Act, which was supposed to address some of these problems, has never been fully funded or enforced, and yet the Republican Majority wants to further restrict voting and create a new administrative nightmare for our states and localities.

I urge my colleagues to vote no on this bill, so that all Americans might have the opportunity to cast their vote in November against this desperate cling to power.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in opposition to H.R. 4484, the Federal Election Integrity Act of 2006, because it will sacrifice the most fundamental right guaranteed to all American citizens by the Constitution—the right to vote. Contrary to its title, the bill will undermine the integrity of our electoral process by imposing unnecessary barriers to full participation in federal elections. The bill's requirements of proof of citizenship and photo identification as a prerequisite to voting may appear innocuous, but in reality they will create an unprecedented regime of disenfranchisement aimed at seniors, minority voters, low income voters, students and voters with disabilities.

Mr. Speaker, this bill imposes an undue burden on eligible voters. As the United States District Court found last year in Common Cause v. Billups, 406 F.Supp.2d 1326 (N.D. Ga. 2005), when considering a Georgia law requiring ID at the polls, "photo identification requirements unconstitutionally burden the fundamental right to vote of eligible American citizens." The district judge issued an immediate injunction against the law, likening it to a segregation-era poll tax because the digital picture ID would cost voters $20. The court found that these provisions disproportionately affect traditionally disenfranchised voters, including senior citizens, minority voters, poor voters, disabled voters and young voters.

And the decisions keep coming. A state judge yesterday again rejected the Georgia law requiring voters to show government-issued photo identification, writing in his decision, "This cannot be." In his ruling, the judge said that the law places too much of a burden on voters, and "Any attempt by the legislature to require more than what is required by the express language of our Constitution cannot withstand judicial scrutiny". Lake v. Perdue, No. CV 119207 (Ga. Super. Ct. Sept. 19, 2006) In Michigan, the photo ID requirement was declared unconstitutional by the State's attorney general and his decision is now being reviewed by the State Supreme Court. In Pennsylvania, a similar voter ID bill was vetoed by the governor.

Proponents of this bill claim that these draconian constraints are necessary to guard against identity fraud at the Nation's polling places. The truth, however tells a far different story. According to the United States Department of Justice, out of 196,139,871 votes cast since 2002, only about 80 voters were convicted of federal election fraud. Mr. Speaker, when we compare the number of eligible voters that will be disenfranchised because of this bill to the number of documented cases of fraud, it's clear that this bill will do more harm than good—the cure is clearly worse than the disease.

Mr. Speaker, it's hard to believe that the same Congress that reauthorized the Voting Rights Act two months ago could now seriously contemplate passage of this bill. There is plenty that needs to be done to fix our electoral system, but instead of addressing problems that don't exist, it is our responsibility to ensure that we have a model system of choosing our elected officials—one that exemplifies the true principle of democracy and serves as an example to other nations around the world. I urge my colleagues to oppose this bill.

Mr. ETHERIDGE. Mr. Speaker, I rise today in opposition to the Republicans' National Voter ID act. This bill imposes new Federal ID requirements on all voters in Federal elections and would have the effect of disenfranchising millions of American citizens. H.R. 4844 requires all States to demand that voters provide government-issued identification in order to vote in the 2008 election, and a copy when voting absentee or by mail, and proof of citizenship in order to vote in the 2010 election.

Unfortunately, H.R. 4844 undoes the progress of the Voting Rights Act Reauthorization enacted just 2 months ago by imposing a 21st century poll tax. This bill would disenfranchise the elderly, people with disabilities, and minorities. The costs of obtaining the documents needed to prove you are citizen are high. A birth certificate usually costs $1– $15; and according to the State Department only 27 percent of eligible Americans have passports, which cost $97. Naturalization papers, if they need to be replaced, cost $210. While supporters of H.R. 4844 promise to help some citizens who don't have money to pay for these documents, we cannot bank on the promise from the Republican majority who have refused to honor their commitment to the Help America Vote Act.

Mr. Speaker, let me state clearly that I oppose voter fraud. Currently, there are very strong federal statues on the books to penalize voter fraud and I support their vigorous enforcement. The Help American Vote Act, which I supported, gave States resources to both expand access and prevent voter fraud. Yet, the Republican majority has under-funded the Help American Vote Act by $800 million. I oppose this legislation, and urge my colleagues to reject this 21st Century poll tax.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I oppose H.R. 4844, and express my dismay with this distraction. I fear that actions taken today will sear doubt and weakness into one of our treasured and fundamental rights as a democratic Nation.

Not 3 months ago, we dedicated significant amounts of time land resources to reauthorize the Voting Rights Act. We celebrated the fact that these rights will be secure for another generation. And yet, with this bill, we are reminded that these rights are fleeting, and must continually be protected.

This bill undermines the very provisions we have been fighting for—and clearly have not yet won—for over 40 years. This bill compounds the disproportionate discrimination that persists across this Nation.

This bill attempts to address a problem that does not exist, and this is crucial to understand. There is no voter fraud problem. It is simply not a documented issue. Suggesting that it may be plays into bigotry and xenophobia.

Data from the U.S. Department of Justice shows that while 196,139,871 votes have been cast in Federal elections since October 2002, only 52 individuals have been convicted of Federal voter fraud. Most of these convictions were for vote buying or for voter registration fraud, neither of which would be prevented by restrictive ill requirements at the polls.

If convicted of voter fraud, an individual can be given up to 5 years in prison and a $10,000 fine: The Department of Justice and the Federal Bureau of Investigation has an active—and fully funded—prosecution team to enforce Federal and State election laws.

In reality, the bill is a 21st century poll tax. Instead of money collected at the poll door, however, the tax will now be collected at the Department of Motor Vehicles. Congress cannot place itself on the wrong side of this debate—history will see this clearly.

The crux of discriminatory measures in this bill rests with the fact that the right to vote is tied to documents that are not readily available. The burden of obtaining these documents—whether the cost of obtaining supporting documentation, investing the time to navigate bureaucracy or the waiting period to receive the documents in the mail—is prohibitive, and yet familiar. Anyone who has waited in line at the DMV must understand what a mistake this is.

I do not argue with the notion that we must prevent individuals from voting who are not allowed to vote. Yet a hidden argument in this bill is that immigrants may "infiltrate" our voting system. Legal immigrants who have successfully navigated the citizenship maze are unlikely to draw the attention of the authorities by attempting to register incorrectly. Similarly, undocumented immigrants are even less likely to risk deportation just to influence an election.

If for no other reason than Hurricane Katrina, we must all understand how vulnerable our system is. Families fleeing the hurricanes last summer suffered loss of property that included lost documents. Compounding this was the devastation of the region, which virtually shut down civil services in the area. New Orleans residents were scattered across 44 States. And had difficulty registering and voting both with absentee ballots and at satellite voting stations for the April 22 city elections this year. Those elections took place fully 8 months after the disaster, and it required the efforts of non-profits, such as the NAACP, to ensure that voters had the access they are constitutionally guaranteed.

In addition, this bill hands State governments yet another unfunded mandate. By 2010, we must all submit photo IDs with proof of citizenship in order to vote. Currently, no more than 4 States have driver's licenses or IDs that match these requirements. The only other document that does satisfy this requirement is a passport. Therefore, every State that does not have this kind of photo ID must restructure and create the ID system to provide adequate voting permits for everyone who does not have an updated passport with a current address. This would involve reissuing driver's licenses or identification cards in almost every State.

The Congressional Budget Office estimates that implementing H.R. 4844 would cost about $1 million in 2007 and $77 million over the 2007–2011 period, assuming appropriation of the necessary amounts. This exceeds the allowed amounts in the Unfunded Mandates Reform Act. In addition, CBO estimates that the cost of providing photo identification for voters who cannot afford them would be about $45 million in 2008.

This is simply ludicrous. We need to address the election fraud that we know is occurring, such as voting machine integrity and poll volunteer training and competence. After every election that occurs in this country, we have documented evidence of voting inconsistencies and errors. In 2004, in New Mexico, malfunctioning machines mysteriously failed to properly register a presidential vote on more than 20,000 ballots. One million ballots nationwide were spoiled by faulty voting equipment—roughly one for every 100 cast.

Those who face the most significant barriers are not only the poor, minorities, and rural populations. 1.5 million college students, whose addresses change often, and the elderly, will also have difficulty providing documentation.

In fact, newly married individuals face significant barriers to completing a change in surname. For instance, it can take 6–8 weeks to receive the marriage certificate in the mail, another 2 weeks (and a full day waiting in line) to get the new Social Security card, and finally, 3–4 weeks to get the new driver's license. There is a significant possibility that this bill will also prohibit newlyweds from voting if they are married within 3 months of election day.

An election with integrity is one that is open to every eligible voter. Restrictive voter ID requirements degrade the integrity of our elections by systematically excluding large numbers of eligible Americans.

The right to vote is a critical and sacred constitutionally protected civil right. To challenge this is to erode our democracy, challenge justice, and mock our moral standing. I urge my colleagues to join me in dismissing this crippling legislation, and pursue effective solutions to the real problems of election fraud and error. We cannot let the rhetoric of an election year destroy a fundamental right upon which we have established liberty and freedom.

Mr. UDALL of Colorado. Mr. Speaker, I cannot support this bill in its present form.

Having taken an oath to uphold the Constitution, I have a solemn responsibility to vote against even the most politically popular proposals when there are serious doubts about the constitutionality of the legislation. And this bill, transparently brought forward to help the Republican majority whip up public emotions on the eve of a tough election, poses serious constitutional problems—in short, I think it violates the 24th Amendment.

That amendment, added to the Constitution in 1964, says that the rights of Americans to vote in federal elections "shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax" and that Congress "shall have the power to enforce" that part of the Constitution.

But instead of enforcing that constitutional bar on making voting a taxable event, this bill would require states to choose between making some people pay to vote and paying to provide them with the identification that the bill says will be required if they want to exercise that right.

The bill's supporters say the bill is constitutional because it says that states cannot make everyone pay for identification—they have to provide it free to people who cannot afford the "reasonable cost" of providing it.

But the 24th Amendment is not ambiguous on whether it is permissible to make some people pay to vote, so long as they can afford it. Instead, it makes clear that no Americans—regardless of their income—can be forced to pay "any . . . tax" in order to vote.

And while some may argue that paying for a government-issued ID is not a tax, but just some kind of "user fee," I am not persuaded—and I would remind them of the words of Richard Darman, OMB Director under President Reagan, who said that "if it looks like a duck and walks like a duck and quacks like duck, it is a duck, [and] euphemisms like user fees will not fool the public."

That's one of the reasons the National Association of Counties (NACO) opposes the bill—because, as they say in their letter to the Speaker and Minority Leader, "we fear that any fee imposed on other voters [besides those claiming to be too poor to afford an ID] could be characterized as a poll tax and be subject to challenge in court."

Further, aside from the constitutional questions, both NACO and the National Conference of State Legislatures oppose the bill because it would impose a burdensome unfunded mandate on every state and every local government. And, as the Conference points out, the bill "is duplicative" and "adds bureaucratic burdens that are completely unnecessary. The REAL ID Act, flawed though it is, already requires a new state identification system based on legal presence . . . This second identification system would be used only for voting [but the Help America Vote Act] . . . and state and local election procedures already address identification needs [while] . . . This legislation contains only a vague promise to reimburse states for the cost of providing voter ID's to indigent individuals. There is no specific appropriation for this . . . and little likelihood for one."

If the Republican leadership had been willing to allow the House to consider amendments, changes could have been made to remove any doubts about its constitutionality and to avoid burdening the state and local governments with unnecessary burdens. However, instead the leadership insisted on bringing the bill to the floor under a procedure that prevented that—one of the reasons that many have questioned whether the real purpose of the bill is less to respond to potential election fraud and more to make it harder for some citizens to vote.

I am not opposed to a carefully constructed and constitutional bill that would enhance workplace identity, which is why I support H.R. 98. Nor am I opposed to legislating in order to ensure that non-citizens and others ineligible to vote are prevented from voting fraudulently. And I am hopeful that once the heat of this election season passes, the House will return to a more deliberative and bipartisan way of doing business on this issue and others.

But, in the meantime, I think this bill does not merit enactment as it stands because its defects outweigh whatever value it may have as a supplement to the existing state and federal laws against election fraud.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today to strongly oppose H.R. 4844, Republican legislation that would suppress voter participation by mandating burdensome new voter identification requirements. This bill is similar to State laws that have recently been struck down as unconstitutional conditions to voting.

H.R. 4844 is a discriminatory political ploy. No empirical data of voter fraud exists that justifies such onerous new mandates. The bill requires individuals to have a State or Federally approved photo identification in order to vote in federal elections in 2008 and to provide documented proof of citizenship by 2010. For those voting by mail, H.R. 4844 requires a photocopy of identification to be sent with the absentee ballot. In reality, the legislation would disenfranchise millions of American citizens who do not possess the required identification.

Not surprisingly, those who will struggle most to comply with this bill are the same citizens the Voting Rights Act is designed to protect: racial and ethnic minorities, students, the elderly, individuals with disabilities, Americans living in rural areas, the homeless and low-income citizens. This burden will be overwhelming for many Native Americans, particularly elders and those living in remote areas, or those that use primarily tribal identification. In addition, a study conducted at the University of Wisconsin-Milwaukee found that only 50 percent of African American and Latino men in Milwaukee had government issued photo identification that would allow them to vote in 2008. To obtain a drivers' license, birth certificate, passport or naturalization papers to meet the bill's requirements low-income citizens will face financial burdens and lost time from work while the elderly may struggle to make a trip to the local DMV. And citizens who lost their vital documents in the aftermath of Hurricane's Katrina and Rita should expect to face one final insult from Washington when they lose their right to vote.

In addition, H.R. 4844 fails to specify how disputes over identification would be handled by poll workers. Consequently, the bill places an undue and irresponsible amount of discretion in the hands of overworked poll workers, which opens the door to widespread racial and ethnic discrimination at polling places. Imposing new barriers to the right of Americans to vote is simply unnecessary. Existing federal laws impose strict penalties on non-citizens who attempt to vote illegally. The success of existing federal laws is underscored by the fact that supporters of H.R. 4844 were unable to offer data to establish a need for this bill.

The Help America Vote Act, HAVA, that Congress passed with bipartisan support in 2002 proved that securing the integrity of our elections process need not come at the cost of voter access. Congress should reject H.R. 4844 and instead, fulfill promises made in HAVA by providing States with the $800 million they need to expand access and prevent voter fraud. The Republican Majority should be held accountable for championing H.R. 4844, a bill that casually and callously undermines the constitutionally guaranteed right of all Americans to vote.

Mr. EHLERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. REHBERG). All time for debate has expired.

Pursuant to House Resolution 1015, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MS. MILLENDER-MC DONALD

Ms. MILLENDER-McDONALD. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. MILLENDER-McDONALD. I am opposed at this present time, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Millender-McDonald moves to recommit the bill H.R. 4844 to the Committee on House Administration with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Election Integrity Act of 2006".

SEC. 2. REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION.

(a) REQUIREMENT TO PROVIDE PHOTO IDENTIFICATION AS CONDITION OF RECEIVING BALLOT.—Section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)) is amended—

(1) in the heading, by striking "FOR VOTERS WHO REGISTER BY MAIL" and inserting "FOR PROVIDING PHOTO IDENTIFICATION"; and

(2) by striking paragraphs (1) through (3) and inserting the following:

"(1) INDIVIDUALS VOTING IN PERSON.—

"(A) REQUIREMENT TO PROVIDE IDENTIFICATION.—Notwithstanding any other provision of law and except as provided in subparagraphs (B), (C), and (D), the appropriate State or local election official may not provide a ballot for an election for Federal office to an individual who desires to vote in person unless the individual presents to the official—

"(i) a government-issued, current, and valid photo identification; or

"(ii) in the case of the regularly scheduled general election for Federal office held in November 2010 and each subsequent election for Federal office, a government-issued, current, and valid photo identification for which the individual was required to provide proof of United States citizenship as a condition for the issuance of the identification.

"(B) AVAILABILITY OF PROVISIONAL BALLOT.—If an individual does not present the identification required under subparagraph (A), the individual shall be permitted to cast a provisional ballot with respect to the election under section 302(a), except that the appropriate State or local election official may not make a determination under section 302(a)(4) that the individual is eligible under State law to vote in the election unless the individual presents the identification required under subparagraph (A) to the official not later than 48 hours after casting the provisional ballot.

"(C) EXCEPTION FOR ELDERLY AND DISABLED VOTERS.—Subparagraph (A) does not apply with respect to any elderly or handicapped individual. In this subparagraph, the terms 'elderly' and 'handicapped' have the meanings given such terms in section 8 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–6)).

"(D) EXCEPTION FOR VICTIMS OF HURRICANE KATRINA.—Subparagraph (A) does not apply with respect to any individual who certifies to the appropriate election official that the documentation which would enable the individual to obtain the identification required under such subparagraph was lost or destroyed as a result of Hurricane Katrina.

"(2) INDIVIDUALS VOTING OTHER THAN IN PERSON.—

"(A) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subparagraphs (B), (C), and (D), the appropriate State or local election official may not accept any ballot for an election for Federal office provided by an individual who votes other than in person unless the individual submits with the ballot—

"(i) a copy of a government-issued, current, and valid photo identification; or

"(ii) in the case of the regularly scheduled general election for Federal office held in November 2010 and each subsequent election for Federal office, a copy of a government-issued, current, and valid photo identification for which the individual was required to provide proof of United States citizenship as a condition for the issuance of the identification.

"(B) EXCEPTION FOR ABSENT MILITARY VOTERS AND THEIR FAMILIES.—Subparagraph (A) does not apply with respect to a ballot provided by an absent uniformed services voter. In this subparagraph, the term 'absent uniformed services voter' has the meaning given such term in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1)).

"(C) EXCEPTION FOR ELDERLY AND DISABLED VOTERS.—Subparagraph (A) does not apply with respect to a ballot provided by a elderly or handicapped individual. In this subparagraph, the terms 'elderly' and 'handicapped' have the meanings given such terms in section 8 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–6)).

"(D) EXCEPTION FOR VICTIMS OF HURRICANE KATRINA.—Subparagraph (A) does not apply with respect to any individual who certifies to the appropriate election official that the documentation which would enable the individual to obtain the identification required under such subparagraph was lost or destroyed as a result of Hurricane Katrina.

"(3) SPECIFIC REQUIREMENTS FOR IDENTIFICATIONS.—For purposes of paragraphs (1) and (2)—

"(A) an identification is 'government-issued' if it is issued by the Federal Government or by the government of a State; and

"(B) an identification is one for which an individual was required to provide proof of United States citizenship as a condition for issuance if the identification displays an official marking or other indication that the individual is a United States citizen.".

(b) CONFORMING AMENDMENTS.—Section 303 of such Act (42 U.S.C. 15483) is amended—

(1) in the heading, by striking "FOR VOTERS WHO REGISTER BY MAIL" and inserting "FOR PROVIDING PHOTO IDENTIFICATION"; and

(2) in subsection (c), by striking "subsections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II)" and inserting "subsection (a)(5)(A)(i)(II)".

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by amending the item relating to section 303 to read as follows:

"Sec. 303. Computerized statewide voter registration list requirements and requirements for providing photo identification".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2008 and each subsequent election for Federal office.

(2) CONFORMING AMENDMENT.—Section 303(d)(2) of such Act (42 U.S.C. 15483(d)(2)) is amended to read as follows:

"(2) REQUIREMENT TO PROVIDE PHOTO IDENTIFICATION.—Paragraphs (1) and (2) of subsection (b) shall apply with respect to the regularly scheduled general election for Federal office held in November 2008 and each subsequent election for Federal office.".

(3) EXCEPTION.—Notwithstanding paragraph (1) or section 303(d)(2) of the Help America Vote Act of 2002 (as amended by paragraph (2)), this section and the amendments made by this section shall not apply with respect to any election which is held in a State during a fiscal year for which the amount provided to the State pursuant to the authorization under section 297A of such Act (as added by section 3(c)) is not sufficient to cover the costs incurred by the State in carrying out the amendments made by section 3.

SEC. 3. MAKING PHOTO IDENTIFICATIONS AVAILABLE.

(a) REQUIRING STATES TO MAKE IDENTIFICATION AVAILABLE.—Section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)), as amended by section 2(a)(2), is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6); and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) MAKING PHOTO IDENTIFICATIONS AVAILABLE.—

"(A) IN GENERAL.—During fiscal year 2008 and each succeeding fiscal year, each State shall establish a program to provide photo identifications which may be used to meet the requirements of paragraphs (1) and (2) by individuals who desire to vote in elections held in the State but who do not otherwise possess a government-issued photo identification.

"(B) IDENTIFICATIONS PROVIDED AT NO COST TO INDIGENT INDIVIDUALS.—If a State charges an individual a fee for providing a photo identification under the program established under subparagraph (A)—

"(i) the fee charged may not exceed the reasonable cost to the State of providing the identification to the individual; and

"(ii) the State may not charge a fee to any individual who provides an attestation that the individual is unable to afford the fee.

"(C) IDENTIFICATIONS NOT TO BE USED FOR OTHER PURPOSES.—Any photo identification provided under the program established under subparagraph (A) may not serve as a government-issued photo identification for purposes of any program or function of a State or local government other than the administration of elections.".

(b) REPORT ON NUMBER OF INDIVIDUALS UNABLE TO CAST BALLOTS AS A RESULT OF PHOTO IDENTIFICATION REQUIREMENT.—Section 303(b) of such Act (42 U.S.C. 15483(b)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(7) REPORT ON NUMBER OF INDIVIDUALS UNABLE TO CAST BALLOTS AS A RESULT OF PHOTO IDENTIFICATION REQUIREMENT.—Not later than December 31 of each year during which a regularly scheduled general election for Federal office is held (beginning with 2008), each State shall submit a report to the Commission on the number of individuals in the State who were registered to vote with respect to the election but who were prohibited from casting a ballot in the election, or whose provisional ballots were not counted in the election, because they failed to meet the requirements of paragraph (1) or (2).".

(c) PAYMENTS TO STATES TO COVER COSTS.—Subtitle D of title II of such Act (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new part:

“PART 7—PAYMENTS TO COVER COSTS OF PROVIDING PHOTO IDENTIFICATIONS TO INDIGENT INDIVIDUALS

“SEC. 297. PAYMENTS TO COVER COSTS TO STATES OF PROVIDING PHOTO IDENTIFICATIONS FOR VOTING TO INDIGENT INDIVIDUALS.

“(a) PAYMENTS TO STATES.—The Commission shall make payments to States to cover the costs incurred in providing photo identifications under the program established under section 303(b)(4) to individuals who are unable to afford the fee that would otherwise be charged under the program.

“(b) AMOUNT OF PAYMENT.—The amount of the payment made to a State under this part for any year shall be equal to the amount of fees which would have been collected by the State during the year under the program established under section 303(b)(4) but for the application of section 303(b)(4)(B)(ii), as determined on the basis of information furnished to the Commission by the State at such time and in such form as the Commission may require.

“SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated for payments under this part such sums as may be necessary for fiscal year 2008 and each succeeding fiscal year.”.

(d) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the item relating to subtitle D of title II the following:

“PART 7—PAYMENTS TO COVER COSTS OF PROVIDING PHOTO IDENTIFICATIONS TO INDIGENT INDIVIDUALS

“Sec. 297. Payments to cover costs to States of providing photo identifications for voting to indigent individuals.

“Sec. 297A. Authorization of appropriations.”.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect October 1, 2007.

SEC. 4. REQUIREMENTS PRIOR TO IMPLEMENTATION OF NEW VOTER IDENTIFICATION REQUIREMENTS.

(a) AVAILABILITY OF FUNDING FOR STATES.—The amendments made by this Act shall not take effect unless—

(1) the amount provided to States pursuant to the authorization under section 297A of the Help America Vote Act of 2002 (as added by section 3(c)) is sufficient to cover the costs to the States of meeting the requirements of section 303(b)(4) of such Act (as added by section 3(a)); and

(2) the amount provided to States for requirements payments under subtitle D of title II of such Act is sufficient to cover the costs to the States of meeting the requirements of title III of such Act (other than section 303(b)(4)), taking into account the additional requirements imposed by the amendments made by this Act.

(b) REQUIRING ACCESS TO PHOTO IDENTIFICATIONS PRIOR TO IMPLEMENTATION OF NEW REQUIREMENTS.—The amendments made by this Act shall not take effect unless the Election Assistance Commission reports to Congress that not less than 95 percent of the voting age population of the United States has obtained photo identification which meets the requirements of the Help America Vote Act of 2002 which are added by the amendments made by this Act, and that individuals who were not able to afford the fee imposed by a State for the identification were provided the identification free of charge by the State.

(c) REQUIRING CERTIFICATION BY ATTORNEY GENERAL, CHIEF STATE ELECTION OFFICIAL, AND GOVERNOR PRIOR TO IMPLEMENTATION OF NEW REQUIREMENTS IN STATE.—

(1) CERTIFICATION.—The amendments made by this Act shall not apply with respect to elections held in a State unless the chief executive of the State, the chief State election official of the State, and the Attorney General certify to Congress that, on the basis of clear and convincing evidence—

(A) voting by noncitizens in the State is a persistent and significant problem; and

(B) the remedies and prohibitions applicable under the laws in effect prior to the implementation of the amendments made by this Act are insufficient to prevent and deter this problem.

(2) DEFINITIONS.—In this subsection—

(A) the term “chief State election official” has the meaning given such term in section 253(e) of the Help America Vote Act of 2002 (42 U.S.C. 15403(e)); and

(B) the term “State” has the meaning given such term in section 901 of such Act (42 U.S.C. 15541).

(d) STUDY AND REPORT ON ANTICIPATED EFFECT OF IMPLEMENTATION ON PARTICIPATION BY ELDERLY, DISABLED, NATIVE AMERICANS AND MINORITY VOTERS.—The amendments made by this Act shall not take effect unless the Election Assistance Commission—

(1) conducts a study on the anticipated impact of the amendments on voter participation; and

(2) submits a report to Congress on the study which concludes that the implementation of the amendments will not disproportionately affect voter participation by the elderly, the disabled, Native Americans, and members of racial minorities.

Ms. MILLENDER-McDONALD (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California is recognized for 5 minutes in support of her motion.

Ms. MILLENDER-McDONALD. Mr. Speaker, if the House is going to vote out a proof-of-citizenship requirement to allow citizens to exercise their constitutional right to vote, then we should consider who will be disenfranchised by this new requirement, and we should ensure that the States have both the funds and have determined their needs to implement this mandate.

Of course, we should exempt those who will be greatly burdened and are least likely to fit the straw man profile which the majority has thrown up as its excuse to pass this bill, voting by noncitizens. There is no showing that this straw man is a problem of sufficient proportions to justify a 21st century poll tax.

There is no empirical data on which to justify this unfunded mandate, and the personal financial burden and, in some cases, the sheer impossibility of citizens to obtain the required documentation must be taken into consideration.

I therefore offer a motion to recommit, which does the following things to the Republican proof-of-citizenship photo ID obstacle to voting.

First, the motion to recommit exempts all military voters and their families from the requirement of submitting a copy of their photo ID when mailing in an absentee ballot, not just those uniformed personnel overseas, as the underlying Hyde bill allows.

Second, my motion exempts all elderly and disabled voters from having to provide their photo ID at polls or when mailing in absentee ballots. They have financial and access obstacles which ordinary citizens simply do not have, and we need to recognize and adjust for that.

Third, the motion prevents the bill from taking effect in any State and during any fiscal year in which the Federal Government is acting irresponsibly by not providing sufficient Federal funds to cover the State costs of the unfunded mandate of making photo IDs available.

Fourth, my motion to recommit empowers the States by requiring that this new proof of citizenship photo ID provision will not take effect until the State's chief executive, chief election officer, and attorney general have each certified to Congress that voting by noncitizens in the State is a persistent and significant problem that can't be resolved by existing State and Federal laws.

Fifth, the motion seeks to enlighten the Congress on the impact of this law by having States issue a report to the Election Assistance Commission on the number of individuals who are disenfranchised because of a photo ID requirement.

Sixth, the motion seeks to temper the likely effects of this harsh new statute by holding its application in abeyance until the Election Assistance Commission reports to Congress that 95 percent of the voting-age population has acquired a photo ID which meets the requirements of this act.

Seventh, my motion prevents the law from taking effect until the Election Assistance Commission studies and reports to Congress that the photo ID law will not disproportionately disenfranchise the elderly, disabled, minority and Native Americans.

Finally, the motion exempts Katrina victims whose records were destroyed and who were unable to obtain the requisite documentation, as long as they certify under penalty of perjury to the appropriate State election officials.

These are major concerns but by no means the only ones.

Mr. SCOTT of Georgia. Would the gentlewoman yield just for one moment?

Ms. MILLENDER-McDONALD. I yield to the gentleman from Georgia.

Mr. SCOTT of Georgia. Mr. Speaker, this is very important on two points.

The poll tax, which is a very important point of our argument, it has been said this is not a poll tax. It has been said that this is not an unfunded mandate. However, it is important to know that at the same time they say that this effort will be paid for, but there is no funding in this bill to pay for it, that makes it an unfunded mandate. That puts the onus on the individual senior citizens, those without it. Therefore, this was the consideration for the Georgia ruling that it was a poll tax and unconstitutional.

It is also important to note within the case in Georgia it was pointed out that clearly there were 600,000 Georgians, and not just Georgians, but registered voters in Georgia, 600,000, who did not have either a driver's license or a birth certificate. In order for that to happen, they would have had to provide the costs for doing so, which was not in the bill.

Subsequently, the Governor of Georgia said, to solve this we will put a bus to travel, follow it around the State. The bus made it for 2 hours and broke down. I wanted to make that clear for the Georgia record.

Mr. EHLERS. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. EHLERS. Mr. Speaker, it is difficult to respond without having seen the text of this beforehand, but it appears clear to me that it has the purpose to provide a number of exceptions. Our bill does not provide exceptions, because we are interested in ensuring that every voter has the right to vote. We also want to ensure that there are no illegal votes cast.

References have been made to unfunded mandate. The House just defeated that suggestion and said there is no unfunded mandate. There are concerns about no money being provided. Our committee, the House Administration Committee, is an authorizing committee, not an appropriations committee.

If this bill is unfunded, it is simply because we are an authorizing committee, and any bill passed by an authorizing committee is unfunded. We have to follow the procedures here. We pass authorizing bills. The appropriators then provide the money to implement authorizing activities.

I strongly urge the Members of the body to recommit this bill and to pass the original version of the bill, as amended, and which was introduced to this body and debated for the last 2 hours. It is a good bill that will provide the safety and security we need to ensure the vote is taken properly. I urge all of my colleagues to vote for this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. MILLENDER-McDONALD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 4844, if ordered, and the motion to suspend the rules on H. Res. 976.

The vote was taken by electronic device, and there were—yeas 196, nays 225, not voting 11, as follows:

[Roll No. 458]

YEAS—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—225

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Bishop (UT)
Calvert
Case
Cubin
Evans
Keller
Kennedy (RI)
Moore (KS)
Ney
Reynolds
Strickland

☐ 1550

Messrs. PICKERING, LUCAS, TERRY, NUNES, DANIEL E. LUNGREN of California, WALDEN of Oregon, HEFLEY, LAHOOD and GARY G. MILLER of California changed their vote from "yea" to "nay."

Ms. KILPATRICK of Michigan, Ms. PELOSI, Mr. HOLT and Mr. UDALL of Colorado changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. EHLERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 228, nays 196, not voting 8, as follows:

[Roll No. 459]

YEAS—228

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—8

Case
Cubin
Evans
Keller
Kennedy (RI)
Moore (KS)
Ney
Strickland

☐ 1600

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend the Help America Vote Act of 2002 to require each individual who desires to vote in an election for Federal office to provide the appropriate election official with a government-issued photo identification, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CAPITOL HILL FLAG FOOTBALL

(Mr. RENZI asked and was given permission to address the House for 1 minute.)

Mr. RENZI. Mr. Speaker, last night on the gridiron of Gallaudet University, Republicans and Democrats came together in a bipartisan fashion to take on the Capitol Police professional flag football team. And while we are but a ragtag group of amateur players taking on professional athletes, in the end we had them right where we wanted, and if it wasn't for the clock running out, we would have had that big comeback and overcome that score of 35–7.

I want to thank the police officers who guard us and care for us, who have given their lives for us. I want to thank our sponsors. We have found in Washington that if you go to sponsors and tell them they can watch Congressmen get knocked over, you can raise money for police officers and their families.

I want to thank Coach TOM OSBORNE. He may be Nebraska's son and a Hall of Fame coach, but he is our sandlot coach, and we needed him. He helped us raise $80,000 in two games for the families.

Thank you all to the players and the staffs that put this together. We are going to do it again next year. We are not going to go easy on them. Thank you, everybody. I appreciate it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

CONDEMNING HUMAN RIGHTS ABUSES BY THE GOVERNMENT OF IRAN AND EXPRESSING SOLIDARITY WITH THE IRANIAN PEOPLE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 976.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MCCAUL) that the House suspend the rules and agree to the resolution, H. Res. 976, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 10, answered "present" 2, not voting 12, as follows:

[Roll No. 460]

YEAS—408

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—10

Abercrombie
Hinchey
Jones (NC)
Kucinich
Lee
McDermott
McKinney
Paul
Waters
Woolsey

ANSWERED "PRESENT"—2

Capuano
Kaptur

NOT VOTING—12

Case
Cubin
Evans
Jenkins
Keller
Kennedy (RI)
Kilpatrick (MI)
Moore (KS)
Ney
Strickland
Thomas
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1612

Mr. MCDERMOTT changed his vote from "yea" to "nay."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MILITARY PERSONNEL FINANCIAL SERVICES PROTECTION ACT

Mr. DAVIS of Kentucky. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 418) to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

The Clerk read as follows:

S. 418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Military Personnel Financial Services Protection Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Congressional findings.
Sec. 3. Definitions.
Sec. 4. Prohibition on future sales of periodic payment plans.
Sec. 5. Required disclosures regarding offers or sales of securities on military installations.
Sec. 6. Method of maintaining broker and dealer registration, disciplinary, and other data.
Sec. 7. Filing depositories for investment advisers.
Sec. 8. State insurance and securities jurisdiction on military installations.
Sec. 9. Required development of military personnel protection standards regarding insurance sales; administrative coordination.
Sec. 10. Required disclosures regarding life insurance products.
Sec. 11. Improving life insurance product standards.
Sec. 12. Required reporting of disciplinary actions.
Sec. 13. Reporting barred persons selling insurance or securities.
Sec. 14. Study and reports by Inspector General of the Department of Defense.

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds that—

(1) members of the Armed Forces perform great sacrifices in protecting our Nation in the War on Terror;

(2) the brave men and women in uniform deserve to be offered first-rate financial products in order to provide for their families and to save and invest for retirement;

(3) members of the Armed Forces are being offered high-cost securities and life insurance products by some financial services companies engaging in abusive and misleading sales practices;

(4) one securities product offered to service members, known as the "mutual fund contractual plan", largely disappeared from the civilian market in the 1980s, due to excessive sales charges;

(5) with respect to a mutual fund contractual plan, a 50 percent sales commission is assessed against the first year of contributions, despite an average commission on other securities products of less than 6 percent on each sale;

(6) excessive sales charges allow abusive and misleading sales practices in connection with mutual fund contractual plan;

(7) certain life insurance products being offered to members of the Armed Forces are improperly marketed as investment products, providing minimal death benefits in exchange for excessive premiums that are front-loaded in the first few years, making them entirely inappropriate for most military personnel; and

(8) the need for regulation of the marketing and sale of securities and life insurance products on military bases necessitates Congressional action.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) LIFE INSURANCE PRODUCT.—

(A) IN GENERAL.—The term "life insurance product" means any product, including individual and group life insurance, funding agreements, and annuities, that provides insurance for which the probabilities of the duration of human life or the rate of mortality are an element or condition of insurance.

(B) INCLUDED INSURANCE.—The term "life insurance product" includes the granting of—

(i) endowment benefits;

(ii) additional benefits in the event of death by accident or accidental means;

(iii) disability income benefits;

(iv) additional disability benefits that operate to safeguard the contract from lapse or to provide a special surrender value, or special benefit in the event of total and permanent disability;

(v) benefits that provide payment or reimbursement for long-term home health care, or long-term care in a nursing home or other related facility;

(vi) burial insurance; and

(vii) optional modes of settlement or proceeds of life insurance.

(C) EXCLUSIONS.—Such term does not include workers compensation insurance, medical indemnity health insurance, or property and casualty insurance.

(2) NAIC.—The term "NAIC" means the National Association of Insurance Commissioners (or any successor thereto).

SEC. 4. PROHIBITION ON FUTURE SALES OF PERIODIC PAYMENT PLANS.

(a) AMENDMENT.—Section 27 of the Investment Company Act of 1940 (15 U.S.C. 80a-27) is amended by adding at the end the following new subsection:

"(j) TERMINATION OF SALES.—

"(1) TERMINATION.—Effective 30 days after the date of enactment of the Military Personnel Financial Services Protection Act, it shall be unlawful, subject to subsection (i)—

"(A) for any registered investment company to issue any periodic payment plan certificate; or

"(B) for such company, or any depositor of or underwriter for any such company, or any other person, to sell such a certificate.

"(2) NO INVALIDATION OF EXISTING CERTIFICATES.—Paragraph (1) shall not be construed to alter, invalidate, or otherwise affect any rights or obligations, including rights of redemption, under any periodic payment plan certificate issued and sold before 30 days after such date of enactment.".

(b) TECHNICAL AMENDMENT.—Section 27(i)(2)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a-27(i)(2)(B)) is amended by striking "section 26(e)" each place that term appears and inserting "section 26(f)".

(c) REPORT ON REFUNDS, SALES PRACTICES, AND REVENUES FROM PERIODIC PAYMENT PLANS.—Not later than 6 months after the date of enactment of this Act, the Securities and Exchange Commission shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, a report describing—

(1) any measures taken by a broker or dealer registered with the Securities and Exchange Commission pursuant to section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) to voluntarily refund payments made by military service members on any periodic payment plan certificate, and the amounts of such refunds;

(2) after such consultation with the Secretary of Defense, as the Commission considers appropriate, the sales practices of such brokers or dealers on military installations over the 5 years preceding the date of submission of the report and any legislative or regulatory recommendations to improve such practices; and

(3) the revenues generated by such brokers or dealers in the sales of periodic payment plan certificates over the 5 years preceding the date of submission of the report, and the products marketed by such brokers or dealers to replace the revenue generated from the sales of periodic payment plan certificates prohibited under subsection (a).

SEC. 5. REQUIRED DISCLOSURES REGARDING OFFERS OR SALES OF SECURITIES ON MILITARY INSTALLATIONS.

Section 15A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(b)) is amended by inserting immediately after paragraph (13) the following:

"(14) The rules of the association include provisions governing the sales, or offers of sales, of securities on the premises of any military installation to any member of the Armed Forces or a dependent thereof, which rules require—

"(A) the broker or dealer performing brokerage services to clearly and conspicuously disclose to potential investors—

"(i) that the securities offered are not being offered or provided by the broker or dealer on behalf of the Federal Government, and that its offer is not sanctioned, recommended, or encouraged by the Federal Government; and

"(ii) the identity of the registered broker-dealer offering the securities;

"(B) such broker or dealer to perform an appropriate suitability determination, including consideration of costs and knowledge about securities, prior to making a recommendation of a security to a member of the Armed Forces or a dependent thereof; and

"(C) that no person receive any referral fee or incentive compensation in connection with a sale or offer of sale of securities, unless such person is an associated person of a registered broker or dealer and is qualified pursuant to the rules of a self-regulatory organization.".

SEC. 6. METHOD OF MAINTAINING BROKER AND DEALER REGISTRATION, DISCIPLINARY, AND OTHER DATA.

Section 15A(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3(i)) is amended to read as follows:

"(i) OBLIGATION TO MAINTAIN REGISTRATION, DISCIPLINARY, AND OTHER DATA.—

"(1) MAINTENANCE OF SYSTEM TO RESPOND TO INQUIRIES.—A registered securities association shall—

"(A) establish and maintain a system for collecting and retaining registration information;

"(B) establish and maintain a toll-free telephone listing, and a readily accessible electronic or other process, to receive and promptly respond to inquiries regarding—

"(i) registration information on its members and their associated persons; and

"(ii) registration information on the members and their associated persons of any registered national securities exchange that uses the system described in subparagraph (A) for the registration of its members and their associated persons; and

"(C) adopt rules governing the process for making inquiries and the type, scope, and presentation of information to be provided in response to such inquiries in consultation with any registered national securities exchange providing information pursuant to subparagraph (B)(ii).

"(2) RECOVERY OF COSTS.—A registered securities association may charge persons making inquiries described in paragraph (1)(B), other than individual investors, reasonable fees for responses to such inquiries.

"(3) PROCESS FOR DISPUTED INFORMATION.—Each registered securities association shall adopt rules establishing an administrative process for disputing the accuracy of information provided in response to inquiries under this subsection in consultation with any registered national securities exchange providing information pursuant to paragraph (1)(B)(ii).

"(4) LIMITATION ON LIABILITY.—A registered securities association, or an exchange reporting information to such an association, shall not have any liability to any person for any actions taken or omitted in good faith under this subsection.

"(5) DEFINITION.—For purposes of this subsection, the term 'registration information' means the information reported in connection with the registration or licensing of brokers and dealers and their associated persons, including disciplinary actions, regulatory, judicial, and arbitration proceedings, and other information required by law, or exchange or association rule, and the source and status of such information.".

SEC. 7. FILING DEPOSITORIES FOR INVESTMENT ADVISERS.

(a) INVESTMENT ADVISERS.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-4) is amended—

(1) by striking "Every investment" and inserting the following:

"(a) IN GENERAL.—Every investment"; and

(2) by adding at the end the following:

"(b) FILING DEPOSITORIES.—The Commission may, by rule, require an investment adviser—

"(1) to file with the Commission any fee, application, report, or notice required to be filed by this title or the rules issued under this title through any entity designated by the Commission for that purpose; and

"(2) to pay the reasonable costs associated with such filing and the establishment and maintenance of the systems required by subsection (c).

"(c) ACCESS TO DISCIPLINARY AND OTHER INFORMATION.—

"(1) MAINTENANCE OF SYSTEM TO RESPOND TO INQUIRIES.—

"(A) IN GENERAL.—The Commission shall require the entity designated by the Commission under subsection (b)(1) to establish and maintain a toll-free telephone listing, or a readily accessible electronic or other process, to receive and promptly respond to inquiries regarding registration information (including disciplinary actions, regulatory, judicial, and arbitration proceedings, and other information required by law or rule to be reported) involving investment advisers and persons associated with investment advisers.

"(B) APPLICABILITY.—This subsection shall apply to any investment adviser (and the persons associated with that adviser), whether the investment adviser is registered with the Commission under section 203 or regulated solely by a State, as described in section 203A.

"(2) RECOVERY OF COSTS.—An entity designated by the Commission under subsection (b)(1) may charge persons making inquiries, other than individual investors, reasonable fees for responses to inquiries described in paragraph (1).

"(3) LIMITATION ON LIABILITY.—An entity designated by the Commission under subsection (b)(1) shall not have any liability to any person for any actions taken or omitted in good faith under this subsection.".

(b) CONFORMING AMENDMENTS.—

(1) INVESTMENT ADVISERS ACT OF 1940.—Section 203A of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3a) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(2) NATIONAL SECURITIES MARKETS IMPROVEMENT ACT OF 1996.—Section 306 of the National Securities Markets Improvement Act of 1996 (15 U.S.C. 80b-10, note) is repealed.

SEC. 8. STATE INSURANCE AND SECURITIES JURISDICTION ON MILITARY INSTALLATIONS.

(a) CLARIFICATION OF JURISDICTION.—Any provision of law, regulation, or order of a State with respect to regulating the business of insurance or securities shall apply to insurance or securities activities conducted on Federal land or facilities in the United States and abroad, including military installations, except to the extent that such law, regulation, or order—

(1) directly conflicts with any applicable Federal law, regulation, or authorized directive; or

(2) would not apply if such activity were conducted on State land.

(b) PRIMARY STATE JURISDICTION.—To the extent that multiple State laws would otherwise apply pursuant to subsection (a) to an insurance or securities activity of an individual or entity on Federal land or facilities, the State having the primary duty to regulate such activity and the laws of which shall apply to such activity in the case of a conflict shall be—

(1) the State within which the Federal land or facility is located; or

(2) if the Federal land or facility is located outside of the United States, the State in which—

(A) in the case of an individual engaged in the business of insurance, such individual has been issued a resident license;

(B) in the case of an entity engaged in the business of insurance, such entity is domiciled;

(C) in the case of an individual engaged in the offer or sale (or both) of securities, such individual is registered or required to be registered to do business or the person solicited by such individual resides; or

(D) in the case of an entity engaged in the offer or sale (or both) of securities, such entity is registered or is required to be registered to do business or the person solicited by such entity resides.

SEC. 9. REQUIRED DEVELOPMENT OF MILITARY PERSONNEL PROTECTION STANDARDS REGARDING INSURANCE SALES; ADMINISTRATIVE COORDINATION.

(a) STATE STANDARDS.—Congress intends that—

(1) the States collectively work with the Secretary of Defense to ensure implementation of appropriate standards to protect members of the Armed Forces from dishonest and predatory insurance sales practices while on a military installation of the United States (including installations located outside of the United States); and

(2) each State identify its role in promoting the standards described in paragraph (1) in a uniform manner, not later than 12 months after the date of enactment of this Act.

(b) STATE REPORT.—It is the sense of Congress that the NAIC should, after consultation with the Secretary of Defense and, not later than 12 months after the date of enactment of this Act, conduct a study to determine the extent to which the States have met the requirement of subsection (a), and report the results of such study to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(c) ADMINISTRATIVE COORDINATION; SENSE OF CONGRESS.—It is the sense of the Congress that senior representatives of the Secretary of Defense, the Securities and Exchange Commission, and the NAIC should meet not less frequently than twice a year to coordinate their activities to implement this Act and monitor the enforcement of relevant regulations relating to the sale of financial products on military installations of the United States.

SEC. 10. REQUIRED DISCLOSURES REGARDING LIFE INSURANCE PRODUCTS.

(a) REQUIREMENT.—Except as provided in subsection (e), no person may sell, or offer for sale, any life insurance product to any member of the Armed Forces or a dependent thereof on a military installation of the United States, unless a disclosure in accordance with this section is provided to such member or dependent at the time of the sale or offer.

(b) DISCLOSURE.—A disclosure in accordance with this section is a written disclosure that—

(1) states that subsidized life insurance is available to the member of the Armed Forces from the Federal Government under the Servicemembers' Group Life Insurance program (also referred to as "SGLI"), under subchapter III of chapter 19 of title 38, United States Code;

(2) states the amount of insurance coverage available under the SGLI program, together with the costs to the member of the Armed Forces for such coverage;

(3) states that the life insurance product that is the subject of the disclosure is not offered or provided by the Federal Government, and that the Federal Government has in no way sanctioned, recommended, or encouraged the sale of the life insurance product being offered;

(4) fully discloses any terms and circumstances under which amounts accumulated in a savings fund or savings feature under the life insurance product that is the subject of the disclosure may be diverted to pay, or reduced to offset, premiums due for continuation of coverage under such product;

(5) states that no person has received any referral fee or incentive compensation in connection with the offer or sale of the life insurance product, unless such person is a licensed agent of the person engaged in the business of insurance that is issuing such product;

(6) is made in plain and readily understandable language and in a type font at least as large as the font used for the majority of the solicitation material used with respect to or relating to the life insurance product; and

(7) with respect to a sale or solicitation on Federal land or facilities located outside of the United States, lists the address and phone number at which consumer complaints are received by the State insurance commissioner for the State having the primary jurisdiction and duty to regulate the sale of such life insurance products pursuant to section 8.

(c) VOIDABILITY.—The sale of a life insurance product in violation of this section shall be voidable from its inception, at the sole option of the member of the Armed Forces, or dependent thereof, as applicable, to whom the product was sold.

(d) ENFORCEMENT.—If it is determined by a Federal or State agency, or in a final court proceeding, that any person has intentionally violated, or willfully disregarded the provisions of, this section, in addition to any other penalty under applicable Federal or State law, such person shall be prohibited from further engaging in the business of insurance with respect to employees of the Federal Government on Federal land, except—

(1) with respect to existing policies; and

(2) to the extent required by the Federal Government pursuant to previous commitments.

(e) EXCEPTIONS.—This section shall not apply to any life insurance product specifically contracted by or through the Federal Government.

SEC. 11. IMPROVING LIFE INSURANCE PRODUCT STANDARDS.

(a) IN GENERAL.—It is the sense of Congress that the NAIC should, after consultation with the Secretary of Defense, and not later than 6 months after the date of enactment of this Act, conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on—

(1) ways of improving the quality of and sale of life insurance products sold on military installations of the United States, which may include—

(A) limiting such sales authority to persons that are certified as meeting appropriate best practices procedures; and

(B) creating standards for products specifically designed to meet the particular needs of members of the Armed Forces, regardless of the sales location; and

(2) the extent to which life insurance products marketed to members of the Armed Forces comply with otherwise applicable provisions of State law.

(b) CONDITIONAL GAO REPORT.—If the NAIC does not submit the report as described in subsection (a), the Comptroller General of the United States shall—

(1) study any proposals that have been made to improve the quality of and sale of life insurance products sold on military installations of the United States; and

(2) not later than 6 months after the expiration of the period referred to in subsection (a), submit a report on such proposals to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 12. REQUIRED REPORTING OF DISCIPLINARY ACTIONS.

(a) Reporting by Insurers.—Beginning 1 year after the date of enactment of this Act, no insurer may enter into or renew a contractual relationship with any other person that sells or solicits the sale of any life insurance product on any military installation of the United States, unless the insurer has implemented a system to report to the State insurance commissioner of the State of domicile of the insurer and the State of residence of that other person—

(1) any disciplinary action taken by any Federal or State government entity with respect to sales or solicitations of life insurance products on a military installation that the insurer knows, or in the exercise of due diligence should have known, to have been taken; and

(2) any significant disciplinary action taken by the insurer with respect to sales or solicitations of life insurance products on a military installation of the United States.

(b) Reporting by States.—It is the sense of Congress that, not later than 1 year after the date of enactment of this Act, the States should collectively implement a system to—

(1) receive reports of disciplinary actions taken against persons that sell or solicit the sale of any life insurance product on any military installation of the United States by insurers or Federal or State government entities with respect to such sales or solicitations; and

(2) disseminate such information to all other States and to the Secretary of Defense.

(c) Definition.—As used in this section, the term "insurer" means a person engaged in the business of insurance.

SEC. 13. REPORTING BARRED PERSONS SELLING INSURANCE OR SECURITIES.

(a) Establishment.—The Secretary of Defense shall maintain a list of the name, address, and other appropriate information relating to persons engaged in the business of securities or insurance that have been barred or otherwise limited in any manner that is not generally applicable to all such type of persons, from any or all military installations of the United States, or that have engaged in any transaction that is prohibited by this Act.

(b) Notice and Access.—The Secretary of Defense shall ensure that—

(1) the appropriate Federal and State agencies responsible for securities and insurance regulation are promptly notified upon the inclusion in or removal from the list required by subsection (a) of a person under the jurisdiction of one or more of such agencies; and

(2) the list is kept current and easily accessible—

(A) for use by such agencies; and

(B) for purposes of enforcing or considering any such bar or limitation by the appropriate Federal personnel, including commanders of military installations.

(c) Regulations.—

(1) In general.—The Secretary of Defense shall issue regulations in accordance with this subsection to provide for the establishment and maintenance of the list required by this section, including appropriate due process considerations.

(2) Timing.—

(A) Proposed regulations.—Not later than the expiration of the 60-day period beginning on the date of enactment of this Act, the Secretary of Defense shall prepare and submit to the appropriate Committees of Congress a copy of the regulations required by this subsection that are proposed to be published for comment. The Secretary may not publish such regulations for comment in the Federal Register until the expiration of the 15-day period beginning on the date of such submission to the appropriate Committees of Congress.

(B) Final regulations.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate Committees of Congress a copy of the regulations under this section to be published in final form.

(C) Effective date.—Final regulations under this paragraph shall become effective 30 days after the date of their submission to the appropriate Committees of Congress under subparagraph (B).

(d) Definition.—For purposes of this section, the term "appropriate Committees of Congress" means—

(1) the Committee on Financial Services and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Banking, Housing, and Urban Affairs and the Committee on Armed Services of the Senate.

SEC. 14. STUDY AND REPORTS BY INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

(a) Study.—The Inspector General of the Department of Defense shall conduct a study on the impact of Department of Defense Instruction 1344.07 (as in effect on the date of enactment of this Act) and the reforms included in this Act on the quality and suitability of sales of securities and insurance products marketed or otherwise offered to members of the Armed Forces.

(b) Reports.—Not later than 12 months after the date of enactment of this Act, the Inspector General of the Department of Defense shall submit an initial report on the results of the study conducted under subsection (a) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, and shall submit followup reports to those committees on December 31, 2008 and December 31, 2010.

The SPEAKER pro tempore (Mr. Bonner). Pursuant to the rule, the gentleman from Kentucky (Mr. Davis) and the gentleman from Georgia (Mr. Scott) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. DAVIS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. DAVIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume but first would like to recognize the distinguished chairman of the Financial Services Committee, Mr. Oxley of Ohio.

Mr. OXLEY. Mr. Speaker, I rise in support of S. 418, the Military Personnel Financial Services Protection Act, which protects the men and women serving in our Nation's military from deceptive financial practices and unsuitable financial products.

I want to pay a particular tribute to the sponsor of the House legislation that came through the Financial Services Committee. This bill that we have before us is almost identical to the bill that passed out of our committee. Mr. Davis, a veteran and West Point graduate, led the way in protecting our military men and women on this issue early last year. Early last year he secured a bipartisan voice vote in committee and a resounding 405–2 bipartisan victory in the House.

Congratulations also go to former Congressman Max Burns of Georgia who led the charge protecting our military personnel in the 108th Congress.

☐ 1615

We are pleased with giving the Senate credit for their bill number if we get to enact the protections for our military as envisioned by Mr. Davis and Max Burns.

Mr. Speaker, since the tragic day of September 11, 2001, our country has been at war with terrorism around the world. In the prosecution of that war, our armed services have performed heroically. Many have made the ultimate sacrifice for the cause of freedom, and all have worried about the safety and security of their loved ones as they leave to serve our country.

Unfortunately, there are a few bad actors in the financial services industry who have been taking financial advantage of our soldiers. These unscrupulous companies and their sales teams infiltrate our military installations and use aggressive, misleading, and often illegal sales tactics to sell high-cost products of dubious value that are unsuitable for any investor, and are particularly unsuitable for most military personnel.

The Pentagon has issued directives intended to prevent these abuses. But with the ongoing confusion over regulatory jurisdiction, the lack of communication among government agencies, and the lack of sufficient investor protection standards for certain financial products, it is clear that our military personnel can never be adequately protected unless Congress enacts this bill.

The Davis bill bans bad financial products and coercive sales practices on military bases, including obscure and high-cost "contractual plans." It clarifies the regulatory jurisdiction on military installations within the U.S. and abroad, adds appropriate consumer protections and disclosures for financial products sold on military bases, and ensures proper reporting systems between our military and the financial regulators to catch bad actors before they can do more harm.

It also makes the process of selecting a financial adviser more transparent for all investors by providing online access to background information on broker-dealers, including disciplinary actions. This last provision was taken from legislation introduced by the gentleman from Arizona (Mr. SHADEGG) that passed the House in April 2005.

The overwhelmingly bipartisan support for this bill within Congress and the military is the result of strong leadership by the gentleman from Kentucky (Mr. DAVIS) as well as former Member Max Burns, as well as the chairman of the Subcommittee on Capital Markets, Mr. BAKER, who led our committee's investigation into abusive practices and bad products, Congressman JIM RYUN and Congressman STEVE ISRAEL. Mr. RYUN and Mr. ISRAEL worked closely together on the reporting requirements of this bill, and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) for ensuring appropriate SEC review of broker-dealer sales practices on military installations.

Their hard work and passion for protecting our military personnel is well reflected on this legislation. I urge my colleagues in the full House to vote "yes" on S. 418.

Mr. DAVIS of Kentucky. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

First, let me extend my deep appreciation and thanks to our distinguished chairman, Chairman OXLEY of Ohio. As many of us know, Chairman OXLEY will be leaving us and I want to take this opportunity to recognize what an outstanding chairman you have been to our Committee on Financial Services. It has been a pleasure serving with you, and you have been an outstanding chairman.

It is also a pleasure to stand here as I represent our ranking member, the gentleman from Massachusetts (Mr. FRANK), who has provided outstanding leadership on our Financial Services Committee, and has led the way for this to be a strong bipartisan effort, to Mr. DAVIS of Kentucky. Certainly it is a pleasure to work with you on this measure.

I think this is a very important bill because of the timeliness of it, especially with so many of our military men and women in harm's way overseas, especially in Iraq and Afghanistan, that we put forward a measure designed to help protect their financial security.

Senate 418, the Military Personnel Financial Services Protection Act, the measure before us today, will address some serious problems of predatory lending and financial abuse targeted at our military men and women.

In 2004, the New York Times ran a series of very good stories which detailed misleading sales practices of financial products to members of the military. A few unscrupulous agents had made misleading pitches to captive audiences by posing as counselors on veterans benefits, and they solicited soldiers while on duty.

This issue is important to me, as it is to all of us in this Congress, but especially to me and those of us from Georgia, because so many of these reported scams occurred at Fort Benning in my State of Georgia.

So I joined with my colleagues on the Financial Services Committee and we held hearings to investigate these predatory and abusive lending practices, and then we went to work on finding legislative remedies.

This legislation that we worked on is very similar to Senate 418. Our legislation was passed by a large majority in the House, but was not brought up for action on the Senate floor until recently. What we have before us as Senate 418 represents the final bipartisan and bicameral product in addressing these important issues. This is indeed the work of the House and the Senate.

What S.-418 will do, it will ban all future sales of periodic payment plans. It will require greater regulation of insurance sales on military bases. It will require the Department of Defense to create a registry of agents who are prohibited from selling financial policies on bases, and it will expand investor access to registration information for brokers, for dealers and advisers.

I would like to give just a little more detail about a few of the protections afforded our military personnel in this measure. Senate 418 will give State insurance regulators jurisdiction over insurance sales on Federal facilities and bases within the United States as well as abroad. Many of the abuses that occurred on bases continued because of confusion about regulatory jurisdiction, and especially at overseas bases. This bill resolves that. This provision clears up that concern.

Also my colleague, the gentleman from New York (Mr. ISRAEL), authored a provision contained in section 13 of this measure. This provision requires the Secretary of Defense to notify the appropriate State regulators when an insurance agent or financial adviser is added or deleted from a registry of agents or advisers banned from military bases. This provision will prevent unscrupulous sales agents from moving to other jurisdictions to avoid detection.

Further, insurance companies could not sell or solicit policies to military personnel on a base without first providing clear written notice that federally subsidized life insurance is available through the Federal Government, and that the sale of the private plan is not sanctioned or recommended by the government.

To ensure our servicemembers are capable of addressing their financial needs, we must first provide them with adequate compensation. At the same time, we must help our soldiers exercise financial responsibility. It is necessary that military personnel have financial literacy, something that I have worked very hard on since my first day arriving in Congress. These individuals can face financial questions from Internet-based sales, from sales off base, and from being faced with decisions in the civilian world. As we know, predatory sales practices are not limited to the base.

Our military folks have enough to worry about. They constantly live in a life-and-death situation. They certainly do not need these added financial insecurity pressures that are placed upon them by predatory lenders and financial abusers.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the work of the gentleman from Georgia on this important issue which affects so many of our men and women in uniform.

I rise today in support of S. 418, the Military Personnel Financial Services Protection Act. First, let me thank Senators ENZI and CLINTON for sponsoring the Senate companion to my bill, H.R. 458, which passed the House last year by a vote of 405–2.

This important legislation will protect our troops from certain insurance and investment products, and in particular, the contractual plan.

Contractual plans have virtually disappeared from the civilian market due to excessive sales charges, but sales persist among servicemembers and their families, who are often new to managing finances and unaware that there are alternative or more cost-effective opportunities out there. The hallmark of the deceptively expensive plans are front-loaded commission fees of up to 50 percent. S. 418 prohibits the sales of these predatory investment products.

Unfortunately, there are some bad actors still out there in the insurance and securities industry that have been taking advantage of military personnel by marketing these questionable products.

Mr. Speaker, I understand firsthand the sales tactics used by these companies on our soldiers. As a young officer in the Army, a group of salesmen showed up on my post and convinced me and my fellow soldiers to purchase a contractual plan. I fell for the sales pitch for this contractual plan because the company made it appear as though they were part of the Armed Forces family, and the salesman, a respected military veteran, was somebody I thought I could trust because of his record in the military. That trust was betrayed simply because of our ignorance.

What we discovered as time went by was that there were tremendous other options out there; and that many, many service personnel were losing tens of thousands of dollars that could have gone directly into investment products that were available in the commercial world.

I invested what was a lot of money to me at the time, not because I was a financial expert, I was a combat arms officer, but because a retired servicemember was working as a salesman and was pushing a product with the referral of other veterans. It was not until I got out of the Army and into the business world that I discovered how uncompetitive these products were when compared to other investment opportunities. However, it was too late. My wife and I lost nearly half our life savings on this so-called investment.

S. 418 also addresses the sale of life insurance to servicemembers. The bill requires life insurance companies to provide written disclosures that, among other disclosures, state that subsidized life insurance is available through the Servicemembers' Group Life Insurance Program and fully disclose the terms of the agreement and any savings feature of the product. The disclosure must be in plain and readily understandable language and in a normal type font.

Additionally, I would like to state I am disappointed that the Senate removed the qualifying words "in person" from the requirements provision of section 10 on disclosures regarding life insurance products. I have concerns that this could prevent certain well-respected life insurance companies from continuing to do business the way they have for many years, which enables the issuing of insurance in a timely manner to servicemembers who are often about to be deployed or go into combat.

I plan to continue monitoring the status of this issue, and I will pursue legislative options in the future should my concern manifest itself.

Regulation of these types of insurance and investment products on military bases has clearly been inadequate to this point. The situation required congressional action to address the situation and protect our servicemembers.

I applaud my colleagues in the Senate for moving forward with S. 418, and I appreciate the leadership of the House for bringing it to the floor for a vote.

I would encourage the Department of Defense to continue with its efforts to improve financial literacy of our troops. I cannot emphasize strongly enough how I agree with my colleague from Georgia on the importance of teaching our young soldiers, sailors, airmen and marines about the opportunities that they have and the benefits they can accrue from taking wise counsel and go for sure and certain return on their investment while they are serving this Nation.

However, we as a Congress cannot allow these abusive sales practices to continue. We must not ask the men and women of our armed services to make sacrifices for our security without doing all we can to protect their financial futures. They are laying their lives on the line and putting their families under tremendous stresses and pressures right now. The last thing we must permit to take place is predatory sales practices upon these soldiers while they are getting ready to deploy and weigh these serious life decisions without proper information. Working together, we will solve this problem.

Thank you again to Senators ENZI and CLINTON for sponsoring the Senate version of my bill, H.R. 458, and to Chairman BAKER and Chairman OXLEY for their diligent examination of this issue in the House Financial Services Committee.

I also want to emphasize that this has truly been a bipartisan effort working together on a compromise that never weakened the provisions but actually made a stronger bill in the long run, particularly with the House version that came out last year.

I thank the ranking member, Mr. FRANK, and Chairman OXLEY for their leadership and the example they set for every committee in the House of Representatives on working together in a bipartisan manner to craft legislation that benefits the American people.

The gentleman from Georgia (Mr. SCOTT), the gentleman from New York (Mr. ISRAEL), the gentleman from Kansas (Mr. RYUN), the gentleman from Pennsylvania (Mr. FITZPATRICK), and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) have all been integral to this dialogue to offer key provisions and key counsel to strengthen this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, I yield 4 minutes to the distinguished gentleman who has long championed the military, and on this issue has been at the forefront in providing great leadership on this issue, protecting our military from financial abuses, and that is the gentleman from North Dakota (Mr. POMEROY).

☐ 1630

Mr. POMEROY. Mr. Speaker, I thank my friend for yielding.

In a prior life I used to be a State insurance commissioner, and I want to tell you how completely disgusted I am that there are still companies and agents that would prey upon the young men and women that are serving our country, in many instances young soldiers preparing for deployment to Iraq. Seizing this incredibly sensitive and exposed period in their lives, they use every trick in the book to load them up with coverages that are inappropriately priced, may well be ill-matched to the financial needs of the soldier, and they do it all for one lousy reason, personal profiteering, profiteering on those who would literally put their lives on the line to protect our freedoms. That is about as low as you can get.

And I very much appreciate the debate that we have had here. Congressman DAVIS, you related your own story about how, as a young soldier, you had some respected veteran peddling a product from a company that just fills the sales materials with flags and banners. This is just so wrong.

Frankly, I am disappointed that the State insurance commissioners have allowed this to go as far as they have. Maybe there was some confusion about what their regulatory enforcements could be relative to proximity to Air Force or Army bases. I don't understand. I believe more could have been done at the State regulatory level, and I hope this represents a good swift kick in the behind to any enforcement official looking at predatory lending practices.

This is a clear bipartisan statement from Congress that we don't countenance this at all, and we want to crack heads on anybody engaged in this kind of activity.

I also want us to note there is more to do. Both sides of the aisle have so well expressed our need for financial literacy. Let me just give you exhibit A in terms of why we need it so badly. Right outside the base gates, payday loans, predatory lending shops, not addressed in this bill, unfortunately, and still a matter we need to look at because soldiers, often young, trying to make it on pretty skinny checks, fall prey to these predatory lending practices of the payday lenders.

And I want to send a signal to this industry: We see what you are doing. We hate it, and we are going to try to figure out how we address those payday loan practices, the predatory lending practices. Surely any reputable lender, any major bank that would engage in a surcharge lending practice for the subprime market of military bases is wrong. We will not accept this surcharge on the subprime market of young soldiers, and we intend to expose and we intend to further and fully discuss these practices. So if you don't want to see your names in the paper relative to ripping off our soldiers, quit those payday loan practices. We are coming after you next. Agents, insurance companies, we are getting you with this legislation, but the subprime market is coming next. Don't make any mistake about it.

I thank the sponsors of this legislation.

Mr. DAVIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

I want to echo some comments that were made by Mr. POMEROY. Our title II language of the original House bill directly addressed the predatory lending issue, and we were disappointed, many of us, that that language was removed from the Senate version. However, I believe that there will be good news in the defense authorization. We have worked very tirelessly over the past couple of weeks, and I am serving as a conferee on the joint House/Senate committee, and I believe that we are going to have some very strong language to begin to address this issue, to control the fees and the percentage rates and ultimately to dissuade our young soldiers, sailors, and airmen from participating in these processes that take advantage of them financially.

One thing that I would like to point out is an aspect of my own story and the nature of this behind the bill. I remember experiencing the invitation to the steak dinner at a meeting hall where many soldiers came out to hear a presentation about how much money they could possibly make by joining these programs, and the importance of insurance and how that was going to help, and how one salesperson asked my wife if she would feel safe on the amount of insurance that she had from the servicemen's group life program at that time. She even won a $50 lucky drawing during that. And it wasn't until several years later that we realized that we had based our trust on a false premise and had purchased a product that we didn't need.

One of the great things in America is the equalizing capability of the American people, that every person has a say with votes, that we can pursue goals and opportunities, and as the old saying goes, "What goes around comes around." I remember sitting as a new Member in the House of Representative when the then CEO of that very company was sitting across from my desk wanting us to not bring H.R. 458, the Military Personnel Financial Services Protection Act, to the floor. And having lived that, and knowing the concern of the other Members on the committee, we are very pleased to take this first step as we are addressing many steps in protecting our servicemembers and also enhancing their financial literacy.

With that, I want to commend both sides for having worked together. I thank the gentleman from Georgia especially for his long-time interest in this. And I want to say a special note to outgoing Financial Services Committee Chairman MIKE OXLEY. I believe that he has set a stellar example of leadership in his tenure. He has been a mentor to me and other members of the committee. What he has shown is that we can work in a spirit of comity and comedy, that we can have fun as we deal with very, very serious issues. He always kept the vision, the end goal, in sight that we were working toward to keep things in perspective so that when the pressures of the time or the fatigue of the long days might move emotions in a different direction, he was always there to keep us pointed towards that end goal as we run that race to have good financial services legislation like this bill that we have today.

Mr. Speaker, I yield back the balance of my time

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I just want to extend my feelings of great appreciation to Mr. DAVIS from Kentucky, the distinguished gentleman, who has truly provided the leadership on this bill. And you could tell from his eloquent statements earlier of his own experience in this issue that really clearly points to why we need this bill.

And I thank you, and it has been a pleasure working with you on this, Mr. DAVIS.

I again want to echo when he said about the chairman. I am very fortunate on this committee to have two mentors, Democrat and Republican. And as a Democrat, I am not ashamed to say one of my mentors is a Republican, and that is OXLEY. Chairman OXLEY. I call him "OXLEY." On top of everything else, he is a great baseball man. And, of course, with Ranking Member FRANK, it gives a great balance to the bipartisanship on that committee, which I think enables us to deal with ticklish matters like this very appropriately.

As far as the payday situation is concerned, we will visit that another day. There is no question about that. We want to make sure that we get the good apples out of the way of the bad apples and move forward. But this bill here clearly gives us a very important statement. And it is with this statement that we are saying to these predators, keep your grubby hands off of our soldiers. We have got 18- and 19-year-old kids who are just getting out of high school, many of them, and there these predators are, waiting on them at a time when they are faced with such life-and-death issues as going into harm's way, all of those pressures. It is not right. It is not fair. And this is why we are moving on this very important legislation, so that we can protect our fighting men and women against unscrupulous investment sales.

I urge the House to move to pass this important bipartisan measure today.

Mr. SPRATT. Mr. Speaker, I rise in support of this bill, to defend those who defend us. Our young men and women in uniform should not be prey to unscrupulous types who take advantage of their inexperience, in ways that they pay for, and for years thereafter.

Our service members are focused on the mission at hand: defending our nation. In their enthusiasm, and on the eve of their deployments, they should not be subjected to unscrupulous agents who exploit their fears of family members not being provided for, should they be killed or wounded in the line of the duty. They should not be exposed to brokers making promises of big returns on investments, while extracting exorbitant fees up front.

We have worked hard to improve the benefits that our government provides for our troops and their families. We have increased the death gratuity dramatically. We have increased life insurance coverage.

But we can do better.

We can ban the sale of periodic payment plan certificates.

We can clarify the law by making it known that the states have a duty to regulate sales conducted on military bases.

We can ensure that our young men and women in uniform are educated about the benefits the government provides for them and their families, and that they receive clear and comprehensible information about the federally subsidized life insurance available to them.

We can require registration of agents and a registry for complaints about agents so that our service members can see who has had complaints and disciplinary actions.

And Congress can monitor these practices better.

This bill does these things. And while it does not go as far as some of us in the House would like, I believe it is a good place to start. It enables us to stop some of the most damaging practices against those who defend our

I urge support of this bill.

Mr. SHADEGG. Mr. Speaker, today we are considering S. 418, the Military Personnel Financial Services Protection Act. At a time when so many of our brave men and women are deployed across the world defending our freedom, this bill is a small step to ensure that our military personnel to not fall victim to deceptive financial practices at home.

Furthermore, Mr. Speaker, this bill includes provisions that reach beyond just our military personnel to protect all investors. I would like to thank the Chairmen of the Financial Services and Banking Committees for including language from H.R. 1077, the Realtime Investor Protection Act, which I authored and which passed as a stand alone bill last year.

This language will require the National Association of Securities Dealers (NASD) to make its database of complaints against brokers publicly available on a secure Internet site. This is extraordinarily simple and extraordinarily efficient. The result will be more informed investors with greater trust in the markets.

Although the NASD already maintains this database, BrokerCheck, the organization is prohibited from making it available online. The current system requires potential investors to submit a request for broker/dealer information via telephone or e-mail The investor must then wait for a response. In today's high tech world, this procedure is outdated and highly inefficient.

BrokerCheck is an invaluable tool for investors, through which they can learn about the professional background, business practices, and conduct of NSD-registered firms and brokers, free of charge. Specifically, an investor can discover: Whether or not their broker has a criminal record; whether or not they have been subject to a regulatory action by the Securities Exchange Commission (SEC); and, whether or not they had customer complaints filed against them.

This bill will bring investor protection up to speed with investing technologies. Interestingly, of the 4.4 million requests NASD received through BrokerCheck for information in 2004, 99 percent were through the Internet e-mail request system, only 1 percent were by telephone. Clearly, investors prefer using the Internet to request information.

I encourage my colleagues to support this bill to protect military personnel, and the public at large, by prohibiting abusive practices and encouraging investor education.

Ms. BORDALLO. Mr. Speaker, I rise today in support of S. 418, a bill that speaks to an issue that has been of concern to Congress for several years now. I believe that the time has come to stop talking about unscrupulous practices that unfairly target U.S. servicemen and women and to act to end them. This bill serves that end.

This bill addresses the issue of deceitful insurance schemes that take advantage of U.S. service men and women by pitching important investment and insurance programs while hiding within them antiquated fee schemes. For those who offer important financial and life planning programs to hide within such plans unfair, this bill removes the ability to hide expansive and outdated fee schedules that bilk vulnerable, young service men and women.

S. 418 protects the financial interests of those who serve. I urge my colleagues to support this legislation and to support our men and women in uniform and their families.

Mr. PAUL. Mr. Speaker, as a supporter of ensuring our service personnel have access to a wide range of financial products I am concerned with the provision of the Military Personnel Financial Services Protection Act, S. 418, enacting a complete prohibition on so-called contractual or periodic payment mutual funds, which, according to testimony received by the House Committee on Financial Services, are sold voluntarily with full disclosure to officers at individual meetings held off base.

This is the first time in recent memory that this committee has ever proposed banning a product that is fully permissible under current law and that—again according to testimony received by the committee—is used by thousands of senior military officials to facilitate their financial security. Specifically, we were told that the clients of First Command Financial Planning, the Texas-based company principally involved in this market, has invested $734.4 million aggregate in these accounts in 2004. The sales charge on that amount was about $44 million, or about six percent. What is the basis for outlawing a product that over half a million individuals, including half the flag officers on active duty at the time, had freely chosen? Do we really believe that individuals charged with the deployment of billions of dollars of military equipment, are not sophisticated enough to make their own financial decisions?

When the Congress last looked at this product in 1970, we recognized periodic payment mutual funds are a valuable means to help encourage savings by people who do not have large amounts of discretionary income. I have seen no evidence in the record indicating that the judgment then was incorrect. In fact, testimony received by the Financial Services Committee indicates that these periodic payment mutual funds are working for those military members choosing to utilize them.

Before voting on S. 418, Congress should consider whether it is in the best interests of our armed services to substitute our judgment for theirs by banning a financial product that the armed services deem well-suited for their financial security.

Mr. Speaker, I am pleased to introduce the Enhanced Options for Rural Health Care Act. This legislation allows critical access hospitals to use beds designated for critical access use, but currently not being used for that purpose, for assisted living services financed by private payments.

This bill will help improve the financial status of small rural hospitals and extend the health care options available to people living in rural areas without increasing federal expenditures. Currently, fear that rural hospitals will lose critical access status if beds designated for critical access are used for another purpose is causing rural hospitals to allow beds not needed for a critical access purpose to remain unused. This deprives rural hospitals of a much-needed revenue stream and deprives residents of rural areas of access to needed health care services.

My colleagues may be interested to know that the idea for this bill comes from Marcella Henke, an administrator of Jackson County Hospital, a critical access hospital in my congressional district. Ms. Henke conceived of this idea as a way to meet the increasing demand for assisted living services in rural areas and provide hospitals with a profitable way to use beds not being used for critical access purposes. I urge my colleagues to embrace this practical way of strengthening rural health care without increasing federal expenditures by cosponsoring the Enhanced Options for Rural Health Care Act.

Ms. WATERS. Mr. Speaker, I rise in strong support of the Military Personnel Financial Services Protection Act, S. 418, as passed by the Senate. The bill amends the Investment Company Act of 1940 to make it unlawful for any registered investment company to issue or sell any periodic payment plan certificate. In short, the bill will protect the members of our Armed Forces from unscrupulous practices regarding the sale of insurance as well as other financial and investment products.

Many of us have known for some time that members of our Armed Services have been preyed upon by unscrupulous individuals in the financial services arena. Members of the Armed Services are often the victims of aggressive and misleading sales practices and schemes that result in exorbitant commissions and fees for insurance products, etc. Some sales commissions are in excess of 50 percent on the first year of contributions to the insurance product. In addition, certain life insurance products are being marketed as investment products, providing minimal death benefits in exchange for excessive up-front premiums.

I believe that this bill takes a major step to close the existing loophole in the law allowing for the proliferation in the sale of these products. Mr. Speaker, it would be disgraceful if, after the sacrifices made by the men and women in our armed services, this body allowed these practices to continue. Today we should send a strong message to the people in the industry who would put profit above the well-being of our troops by passing S. 418.

The sooner we can pass this legislation and other measures to protect our service men and women from these predators the better off we will be. I urge my colleagues to support this bill.

Mr. SCOTT of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. DAVIS) that the House suspend the rules and pass the Senate bill, S. 418.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DAVIS of Kentucky. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

WICHITA PROJECT EQUUS BEDS DIVISION AUTHORIZATION ACT OF 2005

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1025) to amend the Act entitled "An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes" to authorize the Equus Beds Division of the Wichita Project.

The Clerk read as follows:

S. 1025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wichita Project Equus Beds Division Authorization Act of 2005".

SEC. 2. EQUUS BEDS DIVISION.

The Act entitled "An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes" (Public Law 86–787; 74 Stat. 1026) is amended by adding the following new section:

"SEC. 10. EQUUS BEDS DIVISION.

"(a) AUTHORIZATION.—The Secretary of the Interior may assist in the funding and implementation of the Equus Beds Aquifer Recharge and Recovery Component which is a part of the 'Integrated Local Water Supply Plan, Wichita, Kansas' (referred to in this section as the 'Equus Beds Division'). Construction of the Equus Beds Division shall be in substantial accordance with the plans and designs.

"(b) OPERATION, MAINTENANCE, AND REPLACEMENT.—Operation, maintenance, and replacement of the Equus Beds Division, including funding for those purposes, shall be the sole responsibility of the City of Wichita, Kansas. The Equus Beds Division shall be operated in accordance with applicable laws and regulations.

"(c) AGREEMENTS.—The Secretary of the Interior may enter into, or agree to amendments of, cooperative agreements and other appropriate agreements to carry out this section.

"(d) ADMINISTRATIVE COSTS.—From funds made available for this section, the Secretary of the Interior may charge an appropriate share related to administrative costs incurred.

"(e) PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.—Before obligating funds for design or construction under this section, the Secretary of the Interior shall work cooperatively with the City of Wichita, Kansas, to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the City for the Equus Beds Division. The Secretary of the Interior shall assure that such information is used consistent with applicable Federal laws and regulations.

"(f) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in this section or assistance provided under this section shall be construed to transfer title, responsibility, or liability related to the Equus Beds Division (including portions or features thereof) to the United States.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated as the Federal share of the total cost of the Equus Beds Division, an amount not to not exceed 25 percent of the total cost or $30,000,000 (January, 2003 prices), whichever is less, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein, whichever is less. Such sums shall be nonreimbursable.

"(h) TERMINATION OF AUTHORITY.—The authority of the Secretary of the Interior to carry out any provision of this section shall terminate 10 years after the date of enactment of this section.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

S. 1025, introduced by Senator PAT ROBERTS and supported by our Kansas colleague TODD TIAHRT, authorizes the Secretary of the Interior to assist in the funding and implementation of an aquifer recharge program near the city of Wichita.

The Equus Beds aquifer has supplied water to Wichita for over 60 years, but groundwater levels continue to decline. The bill's project will use excess water flows from the Little Arkansas River to recharge the aquifer and would provide significant new water storage capacity for area water consumers. This enhanced aquifer recharge and storage concept will help impede saline water intrusion and enhance the region's long-term water needs.

I urge support of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Mr. JONES has explained very well this bill. We have no objection to passage of S. 1025. The Committee on Resources approved similar legislation in the 108th Congress. The Federal cost-share for this project is not excessive, and the project itself will have a beneficial effect on local groundwater supplies.

Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, at this time I would like to yield such time as he may consume to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I would like to thank the gentleman from North Carolina. He has not only been a good leader, but a great friend, and I appreciate his yielding the time and the work he has done in favor of this bill.

Mr. Speaker, I rise today in favor of the Wichita Project Equus Beds Division Authorization Act, S. 1025. The bill authorizes the Equus Beds aquifer recharge project in south-central Kansas and will help meet the water needs of nearly 500,000 people in the State. This is an environmentally sound project, and it will help ensure local residents, agricultural irrigators, and industrial businesses have access to clean water for decades.

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I want to thank Chairman POMBO for his leadership in assisting me over the past few years on this important water project. Both he and the staff on the House Resources Committee have been very good to work with.

Chairman POMBO has helped ensure authorization for the needed recharge of the Equus Beds aquifer, and ensured that it was done right away. I appreciate my colleague and good friend, Senator PAT ROBERTS, for his championing this effort in the authorization bill in the Senate. He got the job done in the other body. Now it is time to finish the process in the House today.

Because the House has already approved authorization language contained in S. 1025 last year, passage of this bill today will be the final step needed to send it to the President for his signature.

I should also thank the city of Wichita officials for their effort in helping move this project forward. Their vision to ensure the greater Wichita area has a sustainable source of water both now and in the future is why this project started. Wichita's water supply projects administrator, Gerry Blain, has been great to work with. Gerry has been especially helpful to me and my staff in navigating the details of the recharge project. I appreciate his dedication to public service.

The Equus Beds aquifer recharge project involves taking floodwater from the Little Arkansas River and depositing that excess water into the aquifer through water supply wells, after going through a filtration system. Since the 1950s, the water levels in the aquifer have dropped 40 feet because of water rights and pumping excesses. The aquifer's natural recharge rate of 6 inches per year will not keep up.

Due to this overusage, saltwater from the Southwest and oil field brine from the Northwest have threatened the aquifer. When the aquifer's levels were higher, the elevated levels created a natural barrier to keep the contamination at bay.

But now that the water levels have dropped, the natural barrier is no longer there. If the aquifer is not replenished, the maximum chloride levels will eventually exceed what is permitted in both agricultural and municipal usage. This aquifer recharge project is a win-win project for all of the communities that depend on its water.

The city of Wichita and surrounding municipalities benefit because water can be safely stored to meet short-term and long-term water supply needs. Agricultural irrigators benefit because the risk of saltwater contamination is reduced. Without this natural barrier, an elevated water level in the aquifer, the water would eventually become contaminated to the point where it would not be suitable even for use on crops. Irrigators should see reduced costs associated with pumping, since the water levels of the aquifer will rise.

The Little Arkansas River and its ecosystem will also benefit. During the times of drought, a natural discharge from Equus Beds' aquifer into the river will occur, creating a more stable base flow.

Under S. 1025 the city of Wichita will be required to maintain and operate the recharge project, which ensures the Federal Government will not bear the cost associated with this ongoing operation.

Recharging the Equus Beds is the most cost-efficient means to provide water for the communities in south central Kansas. And it is the best option available to keep salt and oil field brine out of its critical water supply without greatly restricting water usage. So I urge my colleagues to join me today in supporting S. 1025.

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the Senate bill, S. 1025.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

TYLERSVILLE FISH HATCHERY CONVEYANCE ACT

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4957) to direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania, as amended.

The Clerk read as follows:

H.R. 4957

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—TYLERSVILLE FISH HATCHERY CONVEYANCE

SECTION 101. SHORT TITLE.

This title may be cited as the "Tylersville Fish Hatchery Conveyance Act".

SEC. 102. CONVEYANCE OF TYLERSVILLE NATIONAL FISH HATCHERY TO THE STATE OF PENNSYLVANIA.

(a) CONVEYANCE REQUIREMENT.—Within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall convey to the State of Pennsylvania without reimbursement all right, title, and interest of the United States in and to the property described in subsection (b) for use by the Pennsylvania Fish and Boat Commission as part of the State of Pennsylvania fish culture program.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) consists of—

(1) the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center comprised of approximately 40 acres leased to the State of Pennsylvania Fish and Boat Commission, located on 43 Hatchery Lane in Loganton, Pennsylvania, as described in the 1984 Cooperative Agreement between the United States Fish and Wildlife Service and the State of Pennsylvania;

(2) all improvements and related personal property under the control of the Secretary that is located on that property, including buildings, structures, equipment, and all easements and leases relating to that property; and

(3) all water rights relating to that property.

(c) REVERSIONARY INTEREST.—If any of the property conveyed to the State of Pennsylvania under this section is used for any purpose other than the use authorized under subsection (a), all right, title, and interest in and to all property conveyed under this section shall revert to the United States. The State of Pennsylvania shall ensure that all property reverting to the United States under this subsection is in substantially the same or better condition as at the time of transfer to the State.

TITLE II—NATIONAL FISH AND WILDLIFE FOUNDATION

SEC. 201. SHORT TITLE.

This title may be cited as the "National Fish and Wildlife Foundation Reauthorization Act of 2006".

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

Section 10(a)(1) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709(a)(1)) is amended by striking "fiscal years 2001 through 2005" and inserting "fiscal years 2006 through 2010".

SEC. 203. APPLICATION OF NOTICE REQUIREMENT LIMITED TO GRANTS MADE WITH FEDERAL FUNDS.

Section 4(i) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(i)) is amended by striking "grant of funds" and inserting "grant of Federal funds in an amount greater than $10,000".

SEC. 204. CLARIFICATION OF AUTHORITY TO USE FEDERAL FUNDS TO MATCH CONTRIBUTIONS MADE TO RECIPIENTS OF NATIONAL FISH AND WILDLIFE FOUNDATION GRANTS.

Section 10(a)(3) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709(a)(3)) is amended by inserting ", or to a recipient of a grant provided by the Foundation," after "made to the Foundation".

TITLE III—NEOTROPICAL MIGRATORY BIRD CONSERVATION IMPROVEMENT

SEC. 301. SHORT TITLE.

This title may be cited as the "Neotropical Migratory Bird Conservation Improvement Act of 2006".

SEC. 302. AMENDMENTS TO NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.

(a) FINDINGS.—Section 2(1) of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101(1)) is amended by inserting "but breed in Canada and the United States" after "the Caribbean".

(b) PURPOSES.—Section 3(2) of such Act (16 U.S.C. 6102(2)) is amended by inserting "Canada," after "United States,".

(c) DEFINITION OF CARIBBEAN.—Section 4 of such Act (16 U.S.C. 6103) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (5), respectively;

(2) by inserting after paragraph (1) the following:

"(2) CARIBBEAN.—The term 'Caribbean' includes Puerto Rico and the United States Virgin Islands."; and

(3) by inserting after paragraph (3), as so redesignated, the following:

"(4) FUND.—The term 'Fund' means the Neotropical Migratory Bird Conservation Fund established by section 9(a).".

(d) AUTHORIZATION OF PROJECTS TO ENHANCE CONSERVATION IN CANADA.—Section 5(c)(2) of such Act (16 U.S.C. 6104(c)(2)) is amended by inserting "Canada," after "the United States,".

(e) COST SHARING.—Section 5(e)(2)(B) of such Act (16 U.S.C. 6104(e)(2)(B)) is amended to read as follows:

"(B) FORM OF PAYMENT.—

"(i) PROJECTS IN THE UNITED STATES AND CANADA.—The non-Federal share required to be paid for a project carried out in the United States or Canada shall be paid in cash.

"(ii) PROJECTS IN LATIN AMERICA AND THE CARIBBEAN.—The non-Federal share required to be paid for a project carried out in Latin America or the Caribbean may be paid in cash or in kind.".

(f) ADVISORY GROUP.—

(1) COMPOSITION.—Section 7(b)(1) of such Act (16 U.S.C. 6106(b)(1)) is amended by adding at the end the following: "The advisory group as a whole shall have expertise in the methods and procedures set forth in section 4(2) in each country and region of the Western Hemisphere".

(2) ENCOURAGEMENT TO CONVENE.—The Secretary of the Interior is encouraged to convene an advisory group under section 7(b)(1) of such Act by not later than 6 months after the effective date of this Act. This paragraph shall not be considered to authorize delay of the schedule previously established by the United States Fish and Wildlife Service for the submission, judging, and awarding of grants.

(g) REPORT.—Section 8 of such Act (16 U.S.C. 6107) is amended by striking "October 1, 2002," and inserting "2 years after the date of the enactment of the Neotropical Migratory Bird Conservation Improvement Act of 2006".

(h) NEOTROPICAL MIGRATORY BIRD CONSERVATION FUND.—

(1) IN GENERAL.—Section 9 of such Act (16 U.S.C. 6108) is amended by striking so much as precedes subsection (c) and inserting the following:

"SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury a separate account, which shall be known as the 'Neotropical Migratory Bird Conservation Fund'. The Fund shall consist of amounts deposited into the Fund by the Secretary of the Treasury under subsection (b).

"(b) DEPOSITS INTO THE FUND.—The Secretary of the Treasury shall deposit into the Fund—

"(1) all amounts received by the Secretary in the form of donations under subsection (d); and

"(2) other amounts appropriated to the Fund.".

(2) ADMINISTRATIVE EXPENSES.—Section 9(c)(2) of such Act (16 U.S.C. 6108(c)(2)) is amended by striking "$80,000" and inserting "$100,000".

(3) CONFORMING AMENDMENTS.—Such Act is amended further as follows:

(A) In section 4 (16 U.S.C. 6103), by striking paragraph (1) and inserting the following:

"(1) FUND.—The term 'Fund' means the Neotropical Migratory Bird Conservation Fund established by section 9(a).".

(B) In section 9(d) (16 U.S.C. 6108(d)), by striking "Account" and inserting "Fund".

(4) TRANSFER.—The Secretary of the Treasury may transfer to the Neotropical Migratory Bird Conservation Fund amounts that were in the Neotropical Migratory Bird Conservation Account immediately before the enactment of this Act.

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of such Act (16 U.S.C. 6109) is amended to read as follows:

(1) by inserting "(a) IN GENERAL.—" before the first sentence;

(2) by striking "$5,000,000 for each of fiscal years 2001 through 2005" and inserting "for each of fiscal years 2006 through 2010 the amount specified for that fiscal year in subsection (b)"; and

(3) by adding at the end the following:

"(b) AUTHORIZED AMOUNT.—The amount referred to in subsection (a) is—

"(1) $5,000,000 for each of fiscal years 2006 and 2007;

"(2) $5,500,000 for fiscal year 2008;

"(3) $6,000,000 for fiscal year 2009; and

"(4) $6,500,000 for fiscal year 2010.

"(c) AVAILABILITY.—Amounts appropriated under this section may remain available until expended.

"(d) ALLOCATION.—Of amounts appropriated under this section for each fiscal year, not less than 75 percent shall be expended for projects carried out outside the United States.".

TITLE IV—ED FOUNTAIN PARK EXPANSION ACT

SEC. 401. SHORT TITLE.

This title may be cited as the "Ed Fountain Park Expansion Act".

SEC. 402. DEFINITIONS.

In this title:

(1) ADMINISTRATIVE SITE.—The term "administrative site" means the parcel of real property identified as "Lands to be Conveyed to the City of Las Vegas; approximately, 7.89 acres" on the map entitled "Ed Fountain Park Expansion" and dated November 1, 2005.

(2) CITY.—The term "City" means the city of Las Vegas, Nevada.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

SEC. 403. CONVEYANCE OF UNITED STATES FISH AND WILDLIFE SERVICE ADMINISTRATIVE SITE, LAS VEGAS, NEVADA.

(a) IN GENERAL.—The Secretary shall convey to the City, without consideration, all right, title, and interest of the United States in and to the administrative site for use by the City—

(1) as a park; or

(2) for any other recreation or nonprofit-related purpose.

(b) ADMINISTRATIVE EXPENSES.—As a condition of the conveyance under subsection (a), the Secretary shall require that the City pay the administrative costs of the conveyance, including survey costs and any other costs associated with the conveyance.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines that the City is not using the administrative site for a purpose described in paragraph (1) or (2) of subsection (a), all right, title, and interest of the City in and to the administrative site (including any improvements to the administrative site) shall revert, at the option of the Secretary, to the United States.

(2) HEARING.—Any determination of the Secretary with respect to a reversion under paragraph (1) shall be made—

(A) on the record; and

(B) after an opportunity for a hearing.

TITLE V—CAHABA RIVER NATIONAL WILDLIFE REFUGE EXPANSION

SEC. 501. SHORT TITLE.

This title may be cited as the "Cahaba River National Wildlife Refuge Expansion Act".

SEC. 502. DEFINITIONS.

In this title:

(1) REFUGE.—The term "Refuge" means the Cahaba River National Wildlife Refuge and the lands and waters in such refuge in Bibb County, Alabama, as established by the Cahaba River National Wildlife Refuge Establishment Act (Public Law 106-331).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 503. EXPANSION OF BOUNDARIES.

(a) EXPANSION.—The boundaries of the Refuge are expanded to include land and water in Bibb County, Alabama, depicted as "Proposed National Wildlife Refuge Expansion Boundary" on the map entitled "Cahaba River NWR Expansion" and dated March 14, 2006.

(b) AVAILABILITY OF MAP.—The Secretary shall make the map referred to in subsection (a) available for inspection in appropriate offices of the United States Fish and Wildlife Service.

SEC. 504. ACQUISITION OF LAND AND WATER IN EXPANDED BOUNDARIES.

(a) IN GENERAL.—Subject to subsection (b), the Secretary may acquire by donation, purchase with donated or appropriated funds, or exchange the land and water, and interests in land and water (including conservation easements), within the boundaries of the Refuge as expanded by this title.

(b) MANNER OF ACQUISITION.—All acquisitions of land or waters under this section shall be made in a voluntary manner and shall not be the result of forced takings.

(c) INCLUSION IN REFUGE; ADMINISTRATION.—Any land, water, or interest acquired by the Secretary under this section—

(1) shall be part of the Refuge; and

(2) shall be administered by the Secretary in accordance with—

(A) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.);

(B) the Cahaba River National Wildlife Refuge Establishment Act; and

(C) this Act.

TITLE VI—CHERRY VALLEY NATIONAL WILDLIFE REFUGE

SEC. 601. SHORT TITLE.

This title may be cited as the "Cherry Valley National Wildlife Refuge Study Act".

SEC. 602. FINDINGS.

The Congress finds the following:

(1) The scenic Cherry Valley area of Northeastern Pennsylvania is blessed with more than 80 special-concern animal and plant species and natural habitats.

(2) In a preliminary assessment of Cherry Valley, United States Fish and Wildlife Service biologists ranked Cherry Valley very high as a potential national wildlife refuge.

(3) Six species that are listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) have been documented within or near Cherry Valley: The bog turtle (possibly the most significant population of the listed subspecies), the dwarf wedge mussel, the northeastern bulrush, the small whorled pogonia, the bald eagle, and the Indiana bat (a historic resident, with efforts under way to re-establish favorable conditions).

(4) Cherry Valley provides habitat for at least 79 species of national or regional concern, which either nest in Cherry Valley or migrate through the area during critical times in their life cycle, including—

(A) neo-tropical migratory birds such as the Cerulean Warbler, the Worm-eating Warbler, and the Wood Thrush, all of which nest in Cherry Valley;

(B) waterfowl such as the American Black Duck;

(C) several globally rare plants, such as the spreading globeflower; and

(D) anadromous fish species.

(5) The Cherry Valley watershed encompasses a large segment of the Kittatinny Ridge, an important migration route for birds of prey throughout the Northeastern United States. Every migratory raptor species in the Northeast is regularly observed along the Kittatinny Ridge during the autumnal migration, including the bald eagle, the golden eagle, and the broad-winged hawk.

(6) The Kittatinny Ridge also includes a long segment of the Appalachian Trail, a nationally significant natural-cultural-recreational feature.

(7) Many of the significant wildlife habitats found in the Cherry Valley, especially the rare calcareous wetlands, have disappeared from other localities in their range.

(8) Ongoing studies have documented the high water quality of Cherry Creek.

(9) Public meetings over several years have demonstrated strong, deep, and growing local support for a Cherry Valley National Wildlife Refuge, as demonstrated by the following:

(A) Area landowners, business and community leaders, media, and elected officials have consistently voiced their enthusiasm for a Cherry Valley National Wildlife Refuge.

(B) Numerous local communities and public and private conservation entities share complementary goals for protecting Cherry Valley and are energetically conserving wildlife habitat and farmland. Along with State land-management agencies and the National Park Service, these local entities represent potential strong partners for the United States Fish and Wildlife Service, and view a Cherry Valley National Wildlife Refuge as a complement to existing private, county, municipal, and State efforts.

(C) A number of local landowners have already put their land into conservation easements or other conservation arrangements.

(D) A voter-approved Monroe County Open Space Fund and a voter-approved Stroud Township municipal land conservation fund have contributed to many of these projects.

(10) Two federally owned parcels of land are contiguous to the area to be studied under this title as for acquisition and inclusion in a future Cherry Valley National Wildlife Refuge: The Delaware Water Gap National Recreation Area and a 700-acre segment of the Appalachian Trail owned by the National Park Service.

SEC. 603. STUDY OF REFUGE POTENTIAL AND FUTURE REFUGE LAND ACQUISITION.

(a) STUDY.—The Secretary shall initiate within 30 days after the date of the enactment of this Act a study to evaluate the fish and wildlife habitat and aquatic and terrestrial communities located in Northeastern Pennsylvania and identified on the map entitled, "Proposed Cherry Valley National Wildlife Refuge—Authorization Boundary", dated February 24, 2005, for their potential acquisition by the United States Fish and Wildlife Service through donation, exchange, or willing seller purchase and subsequent inclusion in a future Cherry Valley National Wildlife Refuge.

(b) CONSULTATION.—The Secretary, while conducting the study required under this section, shall consult appropriate State and local officials, private conservation organizations, major landowners and other interested persons, regarding the identification of eligible lands, waters, and interests therein that are appropriate for acquisition for a national wildlife refuge and the determination of boundaries within which such acquisitions should be made.

(c) COMPONENTS OF STUDY.—As part of the study under this section the Secretary shall do the following:

(1) Determine if the fish and wildlife habitat and aquatic and terrestrial communities to be evaluated are suitable for inclusion in the National Wildlife Refuge System and management under the policies of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

(2) Assess the conservation benefits to be gained from the establishment of a Cherry Valley National Wildlife Refuge including—

(A) preservation and maintenance of diverse populations of fish, wildlife, and plants, including species listed as threatened species or endangered species;

(B) protection and enhancement of aquatic and wetland habitats;

(C) opportunities for compatible wildlife-dependent recreation, scientific research, and environmental education and interpretation; and

(D) fulfillment of international obligations of the United States with respect to fish, wildlife, and their habitats.

(3) Provide an opportunity for public participation and give special consideration to views expressed by local public and private entities regarding lands, waters, and interests therein for potential future acquisition for refuge purposes.

(4) The total area of lands, water, and interests therein that may be acquired shall not in the aggregate exceed 30,000 acres.

(d) REPORT.—The Secretary shall, within 12 months after date of the enactment of this Act, complete the study required by this section and submit a report containing the results thereof to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate. The report shall include—

(1) a map that identifies and prioritizes specific lands, waters, and interests therein for future acquisition, and that delineates an acquisition boundary, for a potential Cherry Valley National Wildlife Refuge;

(2) a cost estimate for the acquisition of all lands, waters, and interests therein that are appropriate for refuge status; and

(3) an estimate of potentially available acquisition and management funds from non-Federal sources.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $200,000 to carry out the study.

SEC. 604. DEFINITIONS.

In this title the term "Secretary" means the Secretary of the Interior acting through the Director of the United States Fish and Wildlife Service.

TITLE VII—GREAT APE CONSERVATION

SEC. 701. GREAT APE CONSERVATION ASSISTANCE.

Section 4 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6303) is amended—

(1) in subsection (d)—

(A) in paragraph (4)(C), by striking "or" after the semicolon at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(6) address root causes of threats to great apes in range states, including illegal bushmeat trade, diseases, lack of regional or local capacity for conservation, and habitat loss due to natural disasters."; and

(2) in subsection (i)—

(A) by striking "Every" and inserting the following:

"(1) IN GENERAL.—Every";

(B) in paragraph (1) (as designated by subparagraph (A)), by striking "shall" and inserting "may"; and

(C) by adding at the end the following:

"(2) APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to a panel convened under paragraph (1).".

SEC. 702. GREAT APE CONSERVATION FUND.

Section 5(b)(2) of the Great Ape Conservation Act of 2000 (16 U.S.C. 6304(b)(2)) is amended—

(1) by striking "expand" and inserting "expend"; and

(2) by striking "$80,000" and inserting "$100,000".

SEC. 703. AUTHORIZATION OF APPROPRIATIONS.

Section 6 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6305) is amended by striking "fiscal years 2001 through 2005" and inserting "fiscal years 2006 through 2010".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4957 contains several important conservation titles. It would first convey the Tylersville National Fish Hatchery to the State of Pennsylvania, a provision authored by Congressman JOHN PETERSON and Senator RICK SANTORUM.

The Pennsylvania Fish and Boat Commission has been operating this facility under a long-term lease agreement with the Fish and Wildlife Service. By all accounts they have operated this hatchery in a highly effective manner, producing adult trout for thousands of recreational fishermen and investing nearly $4 million in improvements. The U.S. Fish and Wildlife Service has testified that this facility is not considered an active component of the Federal Fish Hatchery System.

Title II of this bill is based on the text of H.R. 1428, the National Fish and Wildlife Foundation Reauthorization Act, as passed by the House. It will simply extend the existing authorization levels for the National Fish and Wildlife Foundation. The foundation has funded more than 6,500 conservation projects and involved more than 1,800 conservation organizations.

The goal of those projects has been to increase resources for fish and wildlife conservation and develop innovative conservation solutions while respecting private property rights and sustaining healthy ecosystems.

Title III of the legislation will extend the Neotropical Migratory Bird Conservation Act of 2000, legislation which has already been passed by the House. This will allow the Secretary of the Interior to continue to approve grants for the conservation of the more than 800 species of neotropical birds that migrate and reside throughout North America.

Title IV incorporates the text of the Ed Fountain Park Expansion Act, approved by the other body on July 11. Under this provision, about 8 acres of Federal land would be conveyed from the Fish and Wildlife Service to the city of Las Vegas, Nevada. There, land was once used as the headquarters for the Desert National Wildlife Refuge, but the only remaining structure on the property is an abandoned storage building.

The city of Las Vegas would pay administrative transfer costs and the property would revert back to the Federal Government if not used for a park.

Title V incorporates the House-passed language of H.R. 4947, the Cahaba River National Wildlife Refuge Expansion Act. The Cahaba River is the longest free-flowing river in the State of Alabama, and it may have the greatest fish biodiversity per mile of any river in the United States. This measure will modestly expand the boundaries of the existing refuge.

Title VI incorporates the House-passed text of H.R. 5232, the Cherry Valley National Wildlife Refuge Study Act. This legislation requires the Fish and Wildlife Service to evaluate the potential of creating a new national wildlife refuge in northeastern Pennsylvania.

Finally, there is an extension of existing authorization of appropriation levels for the Great Ape Conservation Act taken from S. 1250 which passed the Senate earlier this month.

For the past 6 years, about $1 million per year has been spent to stop great ape species from sliding toward extinction. The Fish and Wildlife Service has assisted endangered chimpanzees, gorillas and orangutans through 155 projects in dozens of range States and leveraged an additional $7.7 million in private matching funds.

Mr. Speaker, I urge an "aye" vote on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 4957, an omnibus package of fish, wildlife and conservation legislation. I thank Chairman POMBO and Ranking Member NICK RAHALL of the Committee on Resources for bringing this legislation to the House floor.

Title I of H.R. 4957 is noncontroversial legislation sponsored by Representative JOHN PETERSON. It will direct the Secretary of the Interior to convey the Tylersville National Fish Hatchery to the State of Pennsylvania.

Mr. Speaker, also included in the omnibus legislation before us today are a number of other important conservation measures, all of which have previously passed either the House or the Senate.

Title II contains the text of H.R. 1428, legislation sponsored by Chairman

POMBO. It will reauthorize the National Fish and Wildlife Foundation which has been a valuable resource in fostering private-public conservation partnerships.

Title III includes H.R. 158, legislation sponsored by Congressman RON KIND, that would reauthorize and enhance the Neotropical Migratory Bird Conservation Act. Since 2000, $17.2 million of Federal funding under this act has supported 186 conservation projects in 42 U.S. States and 30 Latin American and Caribbean countries.

This investment has leveraged an additional $89.1 million in total partner contributions to conserve some 3.2 million acres of bird habitat. I applaud Congressman KIND for his dedication and leadership on this critical conservation issue.

Title IV includes H.R. 4345, legislation sponsored by our colleague from Nevada, Representative SHELLEY BERKLEY, which would transfer abandoned Federal property to the city of Las Vegas to enhance popular park and recreational programs. Both Representative BERKLEY and Senator HARRY REID of Nevada deserve credit for this initiative.

Title V includes H.R. 4947, a bill sponsored by Representative BACHUS which would expand the Cahaba National Wildlife Refuge in Alabama.

Title VI includes H.R. 5232, a bill sponsored by Representative KANJORSKI, which directs the Fish and Wildlife Service to complete its study for a new refuge in the Cherry Valley region of northeast Pennsylvania.

Representative KANJORSKI has worked throughout the process to address the concerns of all stakeholders, and this study would be the catalyst towards achieving the long-term protection of this area.

Mr. Speaker, last but certainly not least, Title VII contains S. 1250, legislation sponsored by Senator JEFFORDS, that would reauthorize funding for the Great Ape Conservation Act.

I commend the sponsor of the House companion bill, H.R. 2693, and the author of the original act, Representative GEORGE MILLER of California, for his continued leadership in international wildlife conservation, for raising awareness of the dire plight of great apes in Africa.

In closing, the fish and wildlife and conservation titles in this legislation are all worthy of our support. I urge adoption of H.R. 4957.

Mr. Speaker, I reserve the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the gentleman from Michigan for being so gracious with this legislation that is so important to my constituents.

Mr. Speaker, I rise today in strong support of this legislation. My primary interest in this bill, although all of it is very laudatory, is title IV, which incorporates the language of legislation I introduced earlier this year, the Ed Fountain Park Expansion Act.

This language, which, as has been previously mentioned, has already been approved by the Senate and would transfer a vacant 8-acre parcel of land from the U.S. Fish and Wildlife Service to the city of Las Vegas for the expansion of the Ed Fountain Park. The city of Las Vegas intends to build a new community center on the site to complement the existing recreational elements of the park, which include lighted soccer fields, outdoor basketball courts, an artificial turf football field, a bicycle track, and picnic areas.

The Fish and Wildlife Service has no further use for this property, which had previously housed the headquarters of the Desert National Wildlife Refuge at a time when this location was on the outskirts of Las Vegas. Due to the phenomenal growth we have experienced in southern Nevada, the site is very much now in the middle of town, and I cannot think of a better use for it than expanding a popular and valuable community resource.

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Again, I would like to thank Chairman GILCHREST and Ranking Member PALLONE from the Fisheries Subcommittee for their assistance in moving this issue forward. I urge all the Members to support the underlying bill, and again thank the chairman and the ranking member for their extraordinary support.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of this legislative package, which will reauthorize important international fish and wildlife conservation programs and will expand national parks and wildlife refuges.

In particular, I want to draw special attention to the Great Ape Conservation Act. The reauthorization that's before us today was introduced by Senator JEFFORDS last June, following a bill that I introduced in May 2005 with Rep. BAIRD.

It has now been more than 5 years since the Great Ape Conservation Act was signed into law. In that time, this program has helped protect threatened primates, including chimpanzees, gorillas, bonobos, orangutans, and gibbons. I'm very pleased that the House is now poised to pass this reauthorization, which is needed to continue progress in this important field.

As the Fish and Wildlife Service testified in the Resources Committee last June, "Much of the success of the Great Ape Conservation Act has been a direct result of the unique small project focus on on-the-ground conservation projects in Africa and Asia." The funds provided by the Great Ape Conservation Act have gone to such diverse projects as: protecting chimpanzee habitat from logging operations; establishing anti-poaching enforcement units; starting conservation education programs; coordinating gibbon population surveys and threat assessments; and implementing ape health monitoring programs.

Like the other Multinational Species programs, Federal funds under the Great Ape Conservation Act are distributed as matching grants, meaning that the expense for these projects is shared between the Federal government and project partners. This match requirement has leveraged over $7.7 million in non-federal contributions over the period of 2001–2005 and has more than doubled the actual funding for conservation projects.

But despite the ongoing successes of the Act, the threats to these noble primates continue, and time is not on our side. Press accounts and reports from the field indicate that these species continue to be placed in jeopardy by habitat loss, poaching, logging, and the bush meat trade. The bill before us today specifically authorizes funding to address these root causes of threats to great apes.

The contributions of the Great Ape Conservation Act have been very important in the international efforts to protect and conserve the great apes of Africa and Asia, but there is much work yet to be done. Accordingly, today's bill extends the program's authorization through the year 2010.

As I said when I introduced the Great Ape Conservation Act of 2000, the task ahead is daunting. But the ecological consequences of not acting are far more tragic if it means that great apes will cease to exist in the wild.

I want to thank the Resources Committee staff, especially Dave Jansen, for their work in shepherding this bill through the House, and I urge my colleagues to support this legislation.

Mr. KILDEE. Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 4957, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania, and for other purposes."

A motion to reconsider was laid on the table.

PARTNERS FOR FISH AND WILDLIFE ACT

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 260) to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners For Fish and Wildlife Program.

The Clerk read as follows:

S. 260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Partners for Fish and Wildlife Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) approximately 60 percent of fish and wildlife in the United States are on private land;

(2) it is imperative to facilitate private landowner-centered and results-oriented efforts that promote efficient and innovative ways to protect and enhance natural resources;

(3) there is no readily available source of technical biological information that the public can access to assist with the application of state-of-the-art techniques to restore, enhance, and manage fish and wildlife habitats;

(4) a voluntary cost-effective program that leverages public and private funds to assist private landowners in the conduct of state-of-the-art fish and wildlife habitat restoration, enhancement, and management projects is needed;

(5) durable partnerships working collaboratively with willing private landowners to implement on-the-ground projects has lead to the reduction of endangered species listings;

(6) Executive Order No. 13352 (69 Fed. Reg. 52989) directs the Departments of the Interior, Agriculture, Commerce, and Defense and the Environmental Protection Agency to pursue new cooperative conservation programs involving the collaboration of Federal, State, local, and tribal governments, private for-profit and non-profit institutions, non-governmental entities, and individuals;

(7) since 1987, the Partners for Fish and Wildlife Program has exemplified cooperative conservation as an innovative, voluntary partnership program that helps private landowners restore wetland and other important fish and wildlife habitat; and

(8) through 33,103 agreements with private landowners, the Partners for Fish and Wildlife Program has accomplished the restoration of 677,000 acres of wetland, 1,253,700 acres of prairie and native grasslands, and 5,560 miles of riparian and in-stream habitat since 1987, demonstrating much of that success since only 2001.

(b) PURPOSE.—The purpose of this Act is to provide for the restoration, enhancement, and management of fish and wildlife habitats on private land through the Partners for Fish and Wildlife Program, a program that works with private landowners to conduct cost-effective habitat projects for the benefit of fish and wildlife resources in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL TRUST SPECIES.—The term "Federal trust species" means migratory birds, threatened species, endangered species, interjurisdictional fish, marine mammals, and other species of concern.

(2) HABITAT ENHANCEMENT.—

(A) IN GENERAL.—The term "habitat enhancement" means the manipulation of the physical, chemical, or biological characteristics of a habitat to change a specific function or seral stage of the habitat.

(B) INCLUSIONS.—The term "habitat enhancement" includes—

(i) an activity conducted to increase or decrease a specific function for the purpose of benefitting species, including—

(I) increasing the hydroperiod and water depth of a stream or wetland beyond what would naturally occur;

(II) improving waterfowl habitat conditions;

(III) establishing water level management capabilities for native plant communities;

(IV) creating mud flat conditions important for shorebirds; and

(V) cross fencing or establishing a rotational grazing system on native range to improve grassland nesting bird habitat conditions; and

(ii) an activity conducted to shift a native plant community successional stage, including—

(I) burning an established native grass community to reduce or eliminate invading brush or exotic species;

(II) brush shearing to set back early successional plant communities; and

(III) forest management that promotes a particular seral stage.

(C) EXCLUSIONS.—The term "habitat enhancement" does not include regularly scheduled and routine maintenance and management activities, such as annual mowing or spraying of unwanted vegetation.

(3) HABITAT ESTABLISHMENT.—The term "habitat establishment" means the manipulation of physical, chemical, or biological characteristics of a project site to create and maintain habitat that did not previously exist on the project site, including construction of—

(A) shallow water impoundments on non-hydric soils; and

(B) side channel spawning and rearing habitat.

(4) HABITAT IMPROVEMENT.—The term "habitat improvement" means restoring, enhancing, or establishing physiographic, hydrological, or disturbance conditions necessary to establish or maintain native plant and animal communities, including periodic manipulations to maintain intended habitat conditions on completed project sites.

(5) HABITAT RESTORATION.—

(A) IN GENERAL.—The term "habitat restoration" means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning the majority of natural functions to the lost or degraded native habitat.

(B) INCLUSIONS.—The term "habitat restoration" includes—

(i) an activity conducted to return a project site, to the maximum extent practicable, to the ecological condition that existed prior to the loss or degradation, including—

(I) removing tile drains or plugging drainage ditches in former or degraded wetland;

(II) returning meanders and sustainable profiles to straightened streams;

(III) burning grass communities heavily invaded by exotic species to reestablish native grass and plant communities; and

(IV) planting plant communities that are native to the project site;

(ii) if restoration of a project site to its original ecological condition is not practicable, an activity that repairs 1 or more of the original habitat functions and that involve the use of native vegetation, including—

(I) the installation of a water control structure in a swale on land isolated from overbank flooding by a major levee to simulate natural hydrological processes; and

(II) the placement of streambank or instream habitat diversity structures in streams that cannot be restored to original conditions or profile; and

(iii) removal of a disturbing or degrading element to enable the native habitat to reestablish or become fully functional.

(6) PRIVATE LAND.—

(A) IN GENERAL.—The term "private land" means any land that is not owned by the Federal Government or a State.

(B) INCLUSIONS.—The term "private land" includes tribal land and Hawaiian homeland.

(7) PROJECT.—The term "project" means a project carried out under the Partners for Fish and Wildlife Program established by section 4.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. PARTNERS FOR FISH AND WILDLIFE PROGRAM.

The Secretary shall carry out the Partners for Fish and Wildlife Program within the United States Fish and Wildlife Service to provide—

(1) technical and financial assistance to private landowners for the conduct of voluntary projects to benefit Federal trust species by promoting habitat improvement, habitat restoration, habitat enhancement, and habitat establishment; and

(2) technical assistance to other public and private entities regarding fish and wildlife habitat restoration on private land.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act not more than $75,000,000 for each of fiscal years 2006 through 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to support S. 260, the Partners For Fish and Wildlife Act, and compliment the House and Senate authors of this legislation, Representative JOHN SULLIVAN and Senator JAMES INHOFE of Oklahoma.

This is not a new Federal program. It has been administratively managed by the U.S. Fish and Wildlife Service for over two decades. It is based on the innovative concept that wildlife populations and their habitats can be effectively conserved, managed and restored through voluntary agreements between private landowners and the Federal Government.

During the past 20 years, more than 35,000 agreements have been signed throughout the United States. The result has been remarkable with the protection, restoration and enhancement of nearly 2.5 million acres of important fish and wildlife habitat. In specific terms, over 700,000 acres of wetlands, 1.5 million acres of upland habitat and 6,000 miles of riparian and instream habitat have been restored. In addition, over 120,000 acres have been treated for invasive species, and 194 barriers to the fish passage have been removed.

What this legislation simply proposes is to build upon the existing successes by converting the line item within the Fish and Wildlife Service budget to a congressionally authorized program. By so doing, we will provide stability to the program, highlight the benefits of public and private partnership, and increase the amount of congressional oversight in the future.

S. 260 is strongly supported by the Bush administration to States, private landowners and wildlife conservation organizations. The Partners Program has been a huge success, and we should ensure that this innovative program will flourish in the future.

I urge an "aye" vote on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we support this legislation that will provide a statutory authorization for the Partners for Fish and Wildlife program. This popular program facilitates cooperation between the U.S. Fish and Wildlife Service and non-Federal organizations to voluntarily protect, conserve and restore habitat important to fish and wildlife.

It is our understanding that this legislation ratifies the existing administrative program, and that the service will implement the act under its existing regulations. I urge Members to support S. 260.

Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I yield as much time as he may consume to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I rise today in strong support of S. 260, the Partners for Fish and Wildlife Act, which was introduced in the Senate by my friend and fellow Oklahoman, Senator INHOFE.

I would like to thank some of the people that work on the staff, Nathan Richmond and the famous Ryan Jackson on the Public Works Committee for all their support. The bill is supported by 34 different sportsmen and conservation groups.

I would like to thank my colleagues, Fisheries and Oceans Subcommittee Chairman GILCHREST and House Resources Chairman POMBO, for their consideration and leadership on this bill. I was proud to introduce companion legislation, H.R. 2018, in the House last year.

Senate bill 260 will authorize the popular Partners for Fish and Wildlife program. The Partners Program provides technical and financial assistance to private landowners to voluntarily restore wetlands and other fish and wildlife habitat on their own land.

With more than 80 percent of the fish and wildlife in the United States on private lands, S. 260 is needed to encourage public-private landowners in Oklahoma and around our Nation to enter into agreements with the Federal Government to conserve valuable natural habitat and wildlife.

Since 1987, the U.S. Fish and Wildlife Service has operated the Partners Program as a separate line item under the President's budget, subjecting these funds to reprogramming within the Fish and Wildlife Services.

Senate bill 260 authorizes up to $75 million through fiscal year 2011 to allow this successful program to stabilize and expand. Given that thousands of landowners are eager to participate in the Partners Program, Senate bill 260 couldn't come at a better time.

As a sportsman, I believe that it is our responsibility to protect and preserve our natural resources. There are few things I enjoy more than fishing with my kids, and we owe our future generations the same opportunity.

Most people think that wildlife conservation and the rights of private landholders are a naturally combative force and are mutually exclusive. The Partners Program is a shining example of how we can protect wildlife and the property of individuals at the same time.

The simple fact is the future of our natural resources depends on the conservation of habitat, the successful management of wildlife, and the control of invasive species on private land. Passage of S. 260 today is critical to ensure its continued success.

Mr. JONES of North Carolina. Mr. Speaker, I yield back my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the Senate bill, S. 260.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

CITY OF OXNARD WATER RECYCLING AND DESALINATION ACT OF 2006

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2334) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters water in the area of Oxnard, California, as amended.

The Clerk read as follows:

H.R. 2334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "City of Oxnard Water Recycling and Desalination Act of 2006".

SEC. 2. OXNARD, CALIFORNIA, WATER RECLAMATION, REUSE, AND TREATMENT PROJECT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (title XVI of Public Law 102–575; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. . OXNARD, CALIFORNIA, WATER RECLAMATION, REUSE, AND TREATMENT PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Oxnard, California, may participate in the design, planning, and construction of Phase I permanent facilities for the GREAT project to reclaim, reuse, and treat impaired water in the area of Oxnard, California.

"(b) COST SHARE.—The Federal share of the costs of the project described in subsection (a) shall not exceed 25 percent of the total cost.

"(c) LIMITATION.—The Secretary shall not provide funds for the following:

"(1) The operations and maintenance of the project described in subsection (a).

"(2) The construction, operations, and maintenance of the visitor's center related to the project described in subsection (a).

"(d) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.".

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 is amended by inserting after the last item the following:

"Sec. . Oxnard, California, water reclamation, reuse, and treatment project.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2334, sponsored by Congresswoman LOIS CAPPS, authorizes the Bureau of Reclamation to participate in a water recycling and desalting project with the city of Oxnard, California.

As water demands grow and supplies become more scarce in southern Carolina, this bill will help provide regional water supply solutions to the Oxnard Plain. Using an innovative recycling and groundwater injection system, this program will provide many regional benefits and is designed to help meet the city's water supply needs through the year 2030. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2334, legislation sponsored by the gentlewoman from California, LOIS CAPPS.

With almost no assistance from the Federal Government, the city of Oxnard is making significant improvements to its municipal water system. A key part of their project, called the GREAT project, is to stretch local water supplies with new projects for desalting and water recycling. Especially in our western States, projects like this can help cities protect themselves from drought and reduce the need to import water from distant reservoirs. H.R. 2334 will make a very modest amount of Federal financial help available to help construct this project.

I urge my colleagues to support H.R. 2334.

Mr. Speaker, at this time, I yield such time as she may consume to the gentlewoman from California, LOIS CAPPS.

Mrs. CAPPS. Mr. Speaker, my hope is that I can explain and demonstrate sufficiently the enthusiasm for this legislation by my constituents in the city of Oxnard. I rise in support of H.R. 2334, and it is called the Oxnard Water Recycling and Desalination Act.

First I want to thank Chairman POMBO and Ranking Member RAHALL for their support of this measure. I also want to thank the subcommittee chairman, Mr. RADANOVICH, and Ranking Member NAPOLITANO and their staffs for the key role in the bill's passage.

H.R. 2334 authorizes a regional water resources project. It is named the Groundwater Recovery Enhancement and Treatment Act, or, as the initials will summarize to, it is the GREAT program, and it is great in many ways, located in my congressional district.

Oxnard, California, as so many communities today, are faced with the difficult task of providing reliable and safe drinking water for their customers. The city of Oxnard has taken this situation and worked on it. It is one of California's fastest growing cities. The water needs of the city's agricultural users has exceeded its local water resources. Agriculture is the mainstay of the economy and the region, but at the same time many people are moving to the area.

Now, consequently, over 50 percent of its water has had to be imported from outside sources. Recognizing these challenges, Oxnard developed the GREAT program to address its long-term water needs, and as my colleague, Mr. KILDEE from Michigan illustrated, the city itself and the surrounding areas grappled with this issue themselves, recognizing that they needed to be creative and come up with a solution that would meet their needs.

This GREAT program includes a new regional groundwater desalination facility to serve potable water customers in the city of Oxnard. It includes a recycled water system to include agricultural water users and an added protection against seawater intrusion.

Finally, it includes a wetlands restoration component that reuses the discharges from the groundwater desalination and recycled groundwater treatment facilities. It is a full-circle opportunity to take every advantage of the water supplies that are there to enhance them and even to reuse them.

Implementation of this GREAT program will provide many significant regional benefits. It will reduce the consumption of groundwater for agricultural and industrial purposes. It will cut imported delivery water requirements, and it will improve local reliability of high-quality water deliveries. It will also add enormously to the restoration of the wetlands in the region.

Mr. Speaker, I commend this Resources Committee for trying to find innovative and effective ways of extending water supplies in the West.

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In my view, the City of Oxnard Water and Desalination Act offers such a creative solution.

Again, I thank the Committee on Resources for supporting this bill, and I urge its immediate passage.

Mr. Speaker, I rise in strong support of H.R. 2334, the City of Oxnard Water Recycling and Desalination Act.

First, I want to thank my colleagues from California, the chairman of the Resources Committee, Mr. POMBO, the chairman and ranking member of the Subcommittee on Water and Power, Mr. RADANOVICH and Ms. NAPOLITANO, as well as the ranking member of the full committee, Mr. RAHALL, for expediting the consideration of this legislation and for bringing H.R. 2334 before us today.

H.R. 2334 would authorize a proposed regional water resources project—the Groundwater Recovery Enhancement and Treatment or GREAT Program—located in my congressional district.

As you know, many communities today are faced with the difficult task of providing reliable and safe water to their customers. The city of Oxnard is no exception.

Oxnard is one the California's fastest growing cities and is facing an ever growing crisis: It's running out of affordable water. The water needs for the city's agricultural and industrial base, together with its growing population, has exceeded its local water resources. Consequently, over 50 percent of its water has to be imported from outside sources.

However, through a series of local, State and Federal restrictions the amount of imported water available to the city is shrinking, while the cost of that water is rising. Recognizing these challenges, Oxnard developed the GREAT Program to address its long term water needs.

The GREAT Program elements include: a new regional groundwater desalination facility to serve potable water customers in Oxnard and adjacent communities; a recycled water system to serve agricultural water users, and added protection against seawater intrusion and saltwater contamination; and a wetlands restoration and enhancement component that efficiently reuses the brine discharges from both the groundwater desalination and recycled water treatment facilities.

Implementation of the GREAT Program will provide many significant regional benefits.

First, the new desalination component will serve ratepayers in Oxnard and adjacent communities, guaranteeing sufficient water supplies for the area.

Second, Oxnard's current water infrastructure delivers approximately 30 million gallons of treated wastewater per day to an ocean outfall. The GREAT Program will utilize the resource currently wasted to the ocean and treat it so that it can be reused by the agricultural water users in the area.

During the non-growing season, it will inject the resources into to the groundwater to serve as a barrier against seawater intrusion and saltwater contamination. To alleviate severely depressed groundwater levels, this component also includes pumping groundwater into the aquifer to enhance groundwater recharge.

Finally, the brine produced as a by-product of the desalination and recycling plants will provide a year-round supply of nutrient rich water to the existing wetlands at Ormond Beach.

Mr. Speaker, I commend the Resources Committee for trying to find innovative and effective ways of extending water supplies in the West. In my view, the city of Oxnard Water Recycling and Desalination Act offers such a creative solution. It will reduce the consumption of groundwater for agricultural and industrial purposes, cut imported water delivery requirements, and improve local reliability of high quality water deliveries.

Again, I would like to thank the Committee on Resources for supporting this bill, and urge its immediate passage.

Mr. KILDEE. Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 2334, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "a bill to amend the Reclamation Wastewater and Groundwater

Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California."

A motion to reconsider was laid on the table.

APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 2006

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2832) to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965.

The Clerk read as follows:

S. 2832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Appalachian Regional Development Act Amendments of 2006".

SEC. 2. LIMITATION ON AVAILABLE AMOUNTS; MAXIMUM COMMISSION CONTRIBUTION.

(a) Grants and Other Assistance.—Section 14321(a) of title 40, United States Code, is amended—

(1) in paragraph (1)(A), by striking clause (i) and inserting the following:

"(i) the amount of the grant shall not exceed—

"(I) 50 percent of administrative expenses;

"(II) at the discretion of the Commission, if the grant is to a local development district that has a charter or authority that includes the economic development of a county or a part of a county for which a distressed county designation is in effect under section 14526, 75 percent of administrative expenses; or

"(III) at the discretion of the Commission, if the grant is to a local development district that has a charter or authority that includes the economic development of a county or a part of a county for which an at-risk county designation is in effect under section 14526, 70 percent of administrative expenses;"; and

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

"(A) In general.—Except as provided in subparagraph (B), of the cost of any activity eligible for financial assistance under this section, not more than—

"(i) 50 percent may be provided from amounts appropriated to carry out this subtitle;

"(ii) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this subtitle; or

"(iii) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this subtitle.".

(b) Demonstration Health Projects.—Section 14502 of title 40, United States Code, is amended—

(1) in subsection (d), by striking paragraph (2) and inserting the following:

"(2) Limitation on available amounts.—Grants under this section for the operation (including initial operating amounts and operating deficits, which include the cost of attracting, training, and retaining qualified personnel) of a demonstration health project, whether or not constructed with amounts authorized by this section, may be made for up to—

"(A) 50 percent of the cost of that operation;

"(B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of the cost of that operation; or

"(C) in the case of a project to be carried out for a county for which an at-risk county designation is in effect under section 14526, 70 percent of the cost of that operation."; and

(2) in subsection (f), by adding at the end the following:

"(3) At-risk counties.—The maximum Commission contribution for a project to be carried out in a county for which an at-risk county designation is in effect under section 14526 may be increased to the lesser of—

"(A) 70 percent; or

"(B) the maximum Federal contribution percentage authorized by this section.".

(c) Assistance for Proposed Low- and Middle-Income Housing Projects.—Section 14503 of title 40, United States Code, is amended—

(1) in subsection (d), by striking paragraph (1) and inserting the following:

"(1) Limitation on available amounts.—A loan under subsection (b) for the cost of planning and obtaining financing (including the cost of preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts) of a project described in that subsection may be made for up to—

"(A) 50 percent of that cost;

"(B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of that cost; or

"(C) in the case of a project to be carried out for a county for which an at-risk county designation is in effect under section 14526, 70 percent of that cost."; and

(2) in subsection (e), by striking paragraph (1) and inserting the following:

"(1) In general.—A grant under this section for expenses incidental to planning and obtaining financing for a project under this section that the Secretary considers to be unrecoverable from the proceeds of a permanent loan made to finance the project shall—

"(A) not be made to an organization established for profit; and

"(B) except as provided in paragraph (2), not exceed—

"(i) 50 percent of those expenses;

"(ii) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of those expenses; or

"(iii) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent of those expenses.".

(d) Telecommunications and Technology Initiative.—Section 14504 of title 40, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) Limitation on Available Amounts.—Of the cost of any activity eligible for a grant under this section, not more than—

"(1) 50 percent may be provided from amounts appropriated to carry out this section;

"(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

"(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.".

(e) Entrepreneurship Initiative.—Section 14505 of title 40, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) Limitation on Available Amounts.—Of the cost of any activity eligible for a grant under this section, not more than—

"(1) 50 percent may be provided from amounts appropriated to carry out this section;

"(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

"(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.".

(f) Regional Skills Partnerships.—Section 14506 of title 40, United States Code, is amended by striking subsection (d) and inserting the following:

"(d) Limitation on Available Amounts.—Of the cost of any activity eligible for a grant under this section, not more than—

"(1) 50 percent may be provided from amounts appropriated to carry out this section;

"(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

"(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.".

(g) Supplements to Federal Grant Programs.—Section 14507(g) of title 40, United States Code, is amended by adding at the end the following:

"(3) At-risk counties.—The maximum Commission contribution for a project to be carried out in a county for which an at-risk county designation is in effect under section 14526 may be increased to 70 percent.".

SEC. 3. DISTRESSED, AT-RISK, AND ECONOMICALLY STRONG COUNTIES.

Section 14526(a)(1) of title 40, United States Code, is amended—

(1) by redesignating subparagraph (B) as subparagraph (C);

(2) in subparagraph (A), by striking "and" at the end; and

(3) by inserting after subparagraph (A) the following:

"(B) designate as 'at-risk counties' those counties in the Appalachian region that are most at risk of becoming economically distressed; and".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 14703 of title 40, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) In General.—In addition to amounts made available under section 14501, there are authorized to be appropriated to the Appalachian Regional Commission to carry out this subtitle—

"(1) $95,200,000 for fiscal year 2007;

"(2) $98,600,000 for fiscal year 2008;

"(3) $102,000,000 for fiscal year 2009;

"(4) $105,700,000 for fiscal year 2010; and

"(5) $109,400,000 for fiscal year 2011.".

SEC. 5. TERMINATION.

Section 14704 of title 40, United States Code, is amended by striking "2006" and inserting "2011".

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act take effect on October 1, 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2832 reauthorizes and improves the Appalachian Regional Commission, the ARC. I want to point out very early on that there are no earmarks in this legislation.

The ARC has been a successful program for the past 40 years and has helped reduce the Appalachian region's poverty level, cut the infant mortality rate, increased the percentage of adults with a high school diploma, provided water and sewer services to a significant number of households and businesses, and created new jobs.

S. 2832 is a simple 5-year reauthorization, increasing authorization levels to adjust for inflation. The reauthorization also makes a minor change to the economic status designations of ARC counties. Currently ARC has four statutory designations which are determined by the unemployment rate, per capita income and poverty rate of each ARC county.

The bill creates an additional designation to assist counties that are at risk, yet don't fully qualify as distressed. Currently these counties may only be funded up to 50 percent of project costs. At-risk counties have fragile economies and have significant difficulty meeting the current 50 percent match rate to participate in the program.

In many cases, at-risk counties were recently distressed and eligible for an 80 percent Federal match. The addition of the "at risk" designation will further assist counties as they transition from distressed to the transitional designation and fund projects in these counties up to 70 percent of the project costs.

The ARC is viewed by most as a successful model for economic development, and the ARC has done a great job encouraging local economic development by making use of local resources for the benefit of the community.

It was recently estimated that each dollar of ARC funding leveraged $2.57 in other public funding and $8.46 in related private funding. The ability to leverage a large amount of other public and private funding makes ARC a very valuable tool for our communities.

The Appalachian Regional Commission is a vital tool for economic development in Appalachia, and the program will end in 10 days unless we pass S. 2832 today. I want to repeat, the program will end in 10 days unless we pass S. 2832 today. We must ensure continuation of the successful program and further express our support of the hardworking people in the Appalachian region.

I want to remind my fellow colleagues that there are no earmarks in this reauthorization.

I encourage my colleagues to join me in support of S. 2832.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee.

Mr. DAVIS of Tennessee. Mr. Speaker, it is with true regret that I rise to urge my colleagues to oppose S. 2832, a bill to reauthorize the Appalachian Regional Commission. I urge my colleagues to oppose this bill not for what it does, but for what it does not do. S. 2832 does not protect each ARC State funding allocation from the effects of earmarking in this Chamber.

The House bill does contain such protection. H.R. 5812, which has strong bipartisan support, contains language that provides each State with protection against raiding its funding allocation for earmarked projects. The House bill contains a provision that says, "Funds approved by the Commission for a project in an Appalachian State pursuant to Congressional direction shall be derived from such State's portion of the Commission's allocations of appropriated amounts among the States."

By requiring that funds for earmarked projects come from the State allocation, this language protects all rank-and-file members in ARC counties from an inequitable distribution of ARC funds.

The Senate bill contains no such provision. It is inconsistent with earmark reform legislation and does nothing to stop the unbalanced distribution of funds that is characteristic of earmarking. With its very limited amount of program funds, it is essential that fund allocations be done based on need, not on the whims of a few.

We are all aware of the phenomenal success of the Appalachian Regional Commission. Since its creation in 1965, the ARC has worked to transform the Appalachian region and bring it into the American economic mainstream. The number of economically distressed counties has been cut by more than half. The per capita income gap between Appalachia and the U.S. has been reduced from 22 percent below the national average in 1965 to 18 percent in 2001. Infant mortality rates have fallen, and adults with high school diplomas have increased by over 70 percent.

To ensure progress and ongoing success of this breakthrough ARC program, it is essential that each State receive its fair share based on the ARC formula. S. 2832 opens the door for tampering with this successful formula, and I encourage my colleagues on both sides of the aisle to oppose S. 2832.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to remind the gentleman, my good friend from Tennessee, that if we oppose this legislation, in 10 days this important legislation and important Commission will expire, so it is imperative that we pass this piece of legislation.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from West Virginia (Mrs. CAPITO), who has been a great leader on moving forward this reauthorization bill.

Mrs. CAPITO. Mr. Speaker, I would like to thank the chairman for not only his interest in this legislation, but his willingness to come to my State and his support.

I rise in support of this legislation to reauthorize the Appalachian Regional Commission through 2011. My State of West Virginia is the only State fully within the boundaries of the ARC, and I am proud of the work that the Commission has accomplished in our State.

Since the last reauthorization, three counties in my congressional district, and I have 18 counties, three of those counties, Lewis, Upshur and Randolph, have been removed from the list of economically distressed counties. That is good news. Putnam County, another one of my counties, has jumped to the competitive category.

I am pleased that this legislation codifies ARC's at-risk designation to protect counties like Lewis and Upshur that have fragile economies and could be in danger of falling back into the distressed category. This bill will permit the ARC to fund up to 70 percent of the cost of projects in designated at-risk counties.

The chairman of the subcommittee Mr. SHUSTER, the ARC Federal cochair Anne Pope, and I held a listening session earlier this month in Randolph County to hear some of the ways that the ARC has helped spur growth. We heard from several local elected officials, and we heard from really a variety of different entities in the county on how the ARC has helped spur development in Randolph County.

The director of the West Virginia Wood Technology Center spoke to us about an ARC grant that helped workers learn the skills they need to work in the timber industry, in the forest industry. We heard from a teacher who received an entrepreneurship award to train high school students and actually won an award for that and traveled to Washington with her student to accept that award, and has since spurred that student on to graduating from college and becoming an accountant.

We heard from the chairman of a rural public service district who is expanding sewer service with ARC funds. And we heard from the director of a regional planning council that assisted a seven-county region in obtaining grant funds for economic development.

Job training, economic development, education benefits, housing and helping to build a community infrastructure are just some of the achievements of the ARC in this one county over the last several years.

Mr. Speaker, I look forward to the day when every West Virginia county and every Appalachian county is strong enough economically that the ARC is unnecessary. Until then, since 1965 until in 2011, until then, however, ARC is a tremendous asset in improving communities across the region.

I know that there is some disagreement regarding this legislation, we heard about that, but the ARC and the programs it supports has broad bipartisan support across Appalachia. The Senate passed this bill by unanimous consent, and I hope my colleagues will pass the bill so that it can be signed into law.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I love the Appalachian Regional Commission. I love what it has accomplished. I have followed the work of Franklin D. Roosevelt, Jr., when he was designated by John F. Kennedy to travel throughout the 13 States of the Appalachian region and report back to him on his findings and suggestions of what to do and how to rebuild the economies of those 13 States.

Out of that came the Appalachian Regional Commission. I was staff director on the Committee on Public Works then at the time and participated in the drafting of the ARC bill, and separately the writing of the Public Works and Economic Development Act of 1965. I have one of the pens that Lyndon Johnson used to sign the EDA bill into law.

Years later, when it became my opportunity to be a Member of Congress and to chair the Investigations and Oversight Subcommittee, and the Economic Development Subcommittee prior to that, it was at a time when President Reagan had just been elected and submitted his budget to the Congress, the Budget Reconciliation Act. It called for abolishing the Appalachian Regional Commission and the Economic Development Administration.

I said that is not right. We are not going to stand and let that happen. The gentleman's predecessor, his father Bud Shuster, stood with us as we stood up to the Reagan administration, to Budget Director Stockman, and we traveled throughout the Appalachian region holding hearings.

We heard such wonderful testimony as before the Appalachian Regional Commission. The way up for people in this region was a bus ticket north to Detroit and Chicago and Cleveland. But the economy for 100 years was characterized by 80 acres and a mule.

We went to Duff, Tennessee, and heard from Tilda Kemplen, director of a child development center, who said at the conclusion of her testimony, "Gentleman," and the gentleman there at the hearing were myself and Mr. Clinger of Pennsylvania, the ranking Republican on the subcommittee, she said, "Gentleman, when you go back to Washington and look at the dollar, try to look over the top of the dollar, not to see George Washington, but to see a child."

And when we went into West Virginia, we stayed with the previous speaker. The mayor of the little town at which we held our hearing took us around the town to see what it had looked like and what it was coming to be with the investments from ARC. And as I stood in the store which the mayor owned and operated, behind the cash register on the wall was a little sign that said, "God never put nobody in a place too small to grow." That is the spirit of Appalachia.

Over the years, those investments of the ARC have taken this region, which was at 45 percent of per capita income, and boosted it up to 75 percent of national capita income. That is an extraordinary accomplishment.

The Backbone Highway System that has opened the region up to trade and growth and opportunity has been critical to the growth of this region. But in 1982, the administration said, no, we don't want to continue this program. But the Congress said yes. We reported a bill from the Committee on Public Works, brought it to the House floor, passed 382 to something. But the Senate wouldn't act on it: it was a Republican majority in the Senate. They were working with the administration, and they said no.

But because the House had spoken, the House Appropriations Committee, they said the House has spoken on this, and we will appropriate the funds and the authorization with it, and for 16 years that is the way it went.

☐ 1730

In appropriations we would in every Congress pass the reauthorization of ARC. The administration would oppose it, Reagan one and two and Bush one, and the House would speak in the appropriations, and the authorization would pass, until Chairman SHUSTER.

In 1998, we finally got an authorization bill through the House and through the Senate by the same 380-plus margins. But what has happened since then is the funding authorization numbers have not been matched by the appropriation numbers. A phenomenon has occurred in the last 2 fiscal years, the Appropriations Committee substituting its judgment for the judgment of the grassroots people in the Appalachian region.

This is a unique process by which people come to approval of projects. It starts at the county level, starts with the regional development commission, starts with the mayor, council. The business people meet, decide what their needs are, make recommendations. It is approved by the development district organization. It then goes to the State and then goes to the Commission, and the Commission then approves the projects and then the budget comes to the Congress.

Then the Appropriations Committee, in the last 2 years, has said, oh, you know, forget about that; we have our own priorities and we are going to designate money. But their designations dilute the funding for the other States. There are three States. Ohio doubled its share, 113 percent increase of ARC funding; West Virginia, 31 percent increase; North Carolina increase, 14 percent. What does that mean for the rest of the States? That means Alabama is down 20 percent, Georgia is down 19.6, Kentucky is down a percent and a half; Maryland is down 20 percent. I will put these all in the RECORD at this point and not go through every one of them because we are dealing with a closed circle.

To pay for these earmarks, most of the other 10 ARC States' formula funds are cut by 20 percent: Alabama, −20.4 percent; Georgia, −19.6 percent; Kentucky, −1.5 percent; Maryland, −20.3 percent; Mississippi, −21.1 percent; New York, −19.5 percent; Pennsylvania, −20.0 percent; South Carolina, −20.5 percent; Tennessee, −20.5 percent; and Virginia, −19.1 percent.

What does that mean to those who participate and believe in the grassroots process, that government starts from the bottom up, not from the top down? It means we disrespect your judgment. We are substituting our judgment just because we, one or another person, happens to be in an Appropriations Committee that can substitute its judgment for the grassroots.

It has been discouraging. I have talked to the development districts, and so when we fashioned our bill in the House, and in our committee, to reauthorize ARC, page 10 of the bill that was introduced in July, July 17, that the gentleman from Pennsylvania cosponsored, Chairman YOUNG cosponsored, I will not go through all the others, section 4, subsection (b), allocation of funds: Funds approved by the Commission for a project in an Appalachian State pursuant to congressional direction shall be derived from such State's portion of the Commission's allocation of appropriated amounts among the States.

That is the anti-earmarking. That respects the grassroots process. That is the bill that we introduced but it was not reported from committee. It should have been. We could have done this in July. We could have had a bill pass through the House practically on unanimous consent, or had a recorded vote that had been 400-plus to zero, but instead we waited for the Senate to pass a bill. The Senate dropped that language.

In the suspension process, we do not have an opportunity to offer to reinstate the House language, to stand up for the House position. That is why I come with a heavy heart to oppose this bill because it is the wrong process, because it guts the House provision, because it takes away the opportunity for all States to participate equally.

Now, the chairman of the subcommittee, I have to respectfully disagree, the program is not going to run out in 10 days. The Appropriations Committee has included in its appropriation a continuation of the authorization, as we have done for 16 years, and will continue the authorization through the appropriation process, but it will not be as valuable as if we include the House language to stop the raid on the other States within the Appalachian region.

We are not talking hundreds of millions of dollars, or billions, as we are in the transportation bill. We are talking $65 million for fiscal year 2006 and $26 million in formula funds for the coming fiscal year and $35 million total. So out of that $26 million in formula funds, $9.3 million have been earmarked. That means other States get proportionally less money than those who are fortunate to have someone on the Appropriations Committee take care of them. That is not right.

What is this, a week ago this body passed an anti-earmarking bill as rules for the House. We did even better. We are not saying list who they are for. We are saying do not do it in this particular program. That is what offends me. Process means respect for the system. Process guarantees, or should, integrity.

I am saying we ought to restore integrity. We ought to send this bill back to the Senate and have a real negotiation and do the right thing for the rest of the Appalachian States.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Minnesota, I appreciate the fact that he loves ARC, but more importantly to me, the gentleman's passion for ARC is most impressive, especially noting that he does not hail from the Appalachian region, which I do, and the people of the Appalachian region that I hail from. Small towns like Hymen, Pennsylvania, and Salisbury, and counties like Fayette and Huntington County, they have seen the good works of the Appalachian Regional Commission, and we do not want to lose that.

I am not so bold to try to explain to the gentleman the legislative process. He knows far better than most in this Chamber that we have been able to, in the Senate bill, get some significant provisions in there that we wanted authorizing as an at-risk category, which is extremely important to counties all throughout the Appalachian region, increasing the authorization funding amounts in this bill.

So the gentleman knows those provisions are in there, and as I said earlier, if we do not act in 10 days, this will sunset. This will terminate. It will end and we may lose it forever, which I am not willing to take that risk. I do not believe that the Senate is going to pass that appropriations bill in 10 days, and as I said, as I read the legislation, it will sunset. It will terminate.

I would encourage Members to look at that fact, and I am willing to work with the gentleman to move forward, because I do understand your concerns about earmarking. And I want to remind Members of this Chamber, there are no earmarks in this reauthorization. This bill is going to move forward and make sure that the ARC survives for another 5 years and can continue to do the great work that it has done in the 13 States in that region.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume to just add to the discussion that I do not think government will come to a halt in 10 days. The House will pass a continuing resolution so that we can get through October, come back after election on November 13, and take up these appropriation bills. The Appalachian Regional Commission will continue.

Quite right, the gentleman has stood firmly against earmarking in the authorization process, but it is in the appropriation. It is where the money is delivered where the evil occurs, if you will, and in this context, this is not a bill to be tinkering with with earmarks when there is so clearly a grassroots process that is fair and equitable and has input from the people whose lives and livelihoods are affected.

It goes all the way up through the top, and when it gets up here say, oh, sorry, you do not count; your judgment is not of value. To take nearly a third of the money, a limited amount of funds in the appropriation process, and designate it for projects and thereby diminish the amount the other States get, that is not right. It is just simply not right.

Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Once again, I understand the gentleman's concern, and I would suggest that we take care of this earmarking problem in the appropriations process. I know that the Senate bill has language in their appropriations bills that deal with this, and I think that is the appropriate place to do it.

Again, I have great concern if we do not reauthorize this and get it to the President's desk that we, in fact, could sunset and terminate this program. That is something that I am not willing to take the risk on.

Once again, I appreciate the gentleman's support for ARC, his passion for ARC. I want to remind my colleagues that there are no earmarks in this reauthorization bill and that I would encourage my colleagues to vote to continue ARC, the Appalachian Regional Commission's positive impact that it has had, extremely positive impact it has had on our region of the country that needs it.

Mr. RAHALL. Mr. Speaker, today the House plans to take up the reauthorization of the Appalachian Regional Commission. Every one of the southern West Virginia counties I represent is encompassed by the Appalachian Regional Commission and ARC support is critical to our communities' livelihood and well-being.

It is ARC's ability to serve its mission by adapting it actions to fit the times that makes ARC such an invaluable resource to Appalachia and the Nation. From the Appalachian Development Highway System to e-commerce and broadband initiatives, ARC continues to serve its mission by advocating and partnering with the people of Appalachia to create opportunities for self-sustaining economic development and improved quality of life.

For these reasons, among others, I will support the legislation before us today to reauthorize ARC. However, I do so with reservations.

For most of the past 41 years of ARC existence, its program has been free of congressional earmarks. Congress has appropriated funds to ARC and ARC, through a formula based largely on need, has apportioned Federal money to the States.

In fiscal year 2006 and fiscal year 2007, we have seen significant earmarking of the ARC account. Indeed, my home State of West Virginia has received a number of these earmarks.

Why is this? In most instances Members have not requested these funds come from ARC formula funds. However, committee leadership has been forced into this practice of feeding on our own. Why? Because the priorities of Congress have shifted from Middle America to the Middle East.

Our appropriators are faced with this dilemma because the $8 billion per month spent in Iraq precludes us from investing in needed infrastructure here at home. I've said many times that dollars for Baghdad would be better spend in Beckley—Beckley, WV.

While one of the funded projects has benefited many southern West Virginians directly by providing much needed water and wastewater assistance, I believe it is important we refrain from earmarking the very scarce resources allocated to ARC and, if earmarking the ARC account continues, Congress should require that congressional earmarks are derived from that State's formula allocation of ARC funds.

I believe adopting such a provision will benefit all ARC member States and the long-term viability of ARC itself.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the Senate bill, S. 2832.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. OBERSTAR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

REPEAL OF PROHIBITION ON USE OF CERTAIN FUNDS FOR TUNNELING IN CERTAIN AREAS WITH RESPECT TO LOS ANGELES TO SAN FERNANDO VALLEY METRO RAIL PROJECT

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4653) to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California.

The Clerk read as follows:

H.R. 4653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF PROHIBITION.

The second sentence of section 321 of the Department of Transportation and Related Agencies Appropriations Act, 1986 (99 Stat. 1287) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4653 repeals a 20-year-old prohibition on the use of certain Federal transit funds to tunnel in the San Fernando Valley area west of Los Angeles.

In 1985, an explosion of naturally occurring methane gas blew up a department store in the Wilshire Boulevard corridor in Los Angeles, injuring 22 people. Concerned about the safety of tunneling in this area of Los Angeles, the Los Angeles City Council created a task force to investigate the explosion. The task force identified methane risk zones along the Wilshire Boulevard corridor.

In 1985, the Los Angeles Red Line subway line was in the planning and design stage. Since then, the Red Line has been completely funded and built and has been in operation since 1993, with an extension to North Hollywood that was completed in 2000.

The fiscal year 1986 transportation appropriations bill included a legislative provision that prohibits the use of Federal transit funds associated with the Los Angeles project for tunneling in or through an identified methane risk zone. The language was written very broadly, binding future funds provided by Congress and affecting all parts of the Metro Rail subway project, including future extensions.

However, in November of 2005, a panel of engineering experts reported that tunneling along the Wilshire Boulevard corridor can be done safely if proper procedures and appropriate techniques are used.

This bill, H.R. 4653, was introduced by Congressman WAXMAN in December of 2005 and will repeal the current prohibition on tunneling in the Wilshire Boulevard corridor. With its passage, a more comprehensive transportation planning process can take place in the corridor, and future transportation proposals that involve tunneling will be eligible for Federal funding.

I encourage my colleagues to join me in support of H.R. 4653.

Mr. Speaker, I reserve the balance of my time.

□ 1745

Mr. OBERSTAR. Mr. Speaker, I yield myself 30 seconds to say that the gentleman from California (Mr. WAXMAN), with whom I entered Congress together in 1975, has been a champion of this project, but with a watchful eye on the way in which it was crafted and carried forward. And it has been his inspiration that has brought this project to the point where it is now, an agreed-upon initiative and financially sustainable and operationally successful.

I yield such time as he may consume to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I want to thank everyone who assisted in bringing this bill to the floor today, Chairman DON YOUNG, Ranking Member OBERSTAR, Representatives JERRY LEWIS and DAVID DREIER.

H.R. 4653 is noncontroversial legislation. It repeals a law enacted in 1985 that prohibits subway tunneling in an area of Los Angeles that I represent.

I authored the 1985 measure after a methane gas explosion demolished a Ross Dress for Less store in the Third and Fairfax area of Los Angeles.

At the time, serious safety concerns were raised about the city's plans to extend the subway through this area due to underground pockets of methane gas. In recent years, experts have indicated that technologies have been developed that could make tunneling in this area safe.

In 2004, the Los Angeles City Council passed a motion urging a reversal of the 1985 law, and in February 2005 the Los Angeles Metropolitan Transportation Authority's board voted to renew discussions of the subway's expansion in this area. As a result, I worked with Mayor Antonio Villaraigosa to select a panel of scientific experts to conduct an independent safety review. These experts made a unanimous determination in a November 2005 report that tunneling in the methane gas area can be done safely if proper procedures and appropriate technologies are used.

H.R. 4653 simply lifts the Federal tunneling prohibition that has been in place since 1985. The Transportation Infrastructure Committee reported this bill unanimously on July 19, and I urge my colleagues to support it as well.

Mr. SHUSTER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from California and the gentleman from Pennsylvania have fully explained the provisions of this bill and the need for the project. It needs no further elaboration.

This project moves us further in the direction of advancing the cause of transit in our national transportation intermodal system.

Transit is the fastest growing sector of the transportation in America. We are adding 1 million new transit riders a day last year, for 375 million new transit trips, for 10.5 billion transit trips in America. At a time in the 1960s, 1970s, and 1980s, New York accounted for over 60 percent of all transit trips in America. No longer. New York's share is down somewhere around 39 percent because the rest of the Nation is catching up and accelerating its use of transit.

In fact, if we could, as is done in Europe, have a mode shift of 10 percent of all trips taken for all purposes by transit, in America we would save 550 million barrels of oil a year, and that is the amount we import from Saudi Arabia.

The move to transit is inexorable; it is a necessary part of our overall balanced transportation system in America, and in this intensely populated area of Los Angeles, the San Fernando Metro Rail Project will make an enormous contribution to mobility and to savings in fuel consumption in America.

Mr. Speaker, I rise to support the passage of H.R. 4653, to repeal a prohibition on the use of Federal transit funds for tunneling in certain areas for the construction of the San Fernando Valley Metro Rail project in Southern California.

More than 20 years ago, an explosion caused by the ignition of methane gas that had been accumulating along the Third Street corridor in the Wilshire-Fairfax District of Los Angeles rocked the area. The resulting explosion severely damaged a building structure and injured 22 people. A preliminary investigation into the cause of the explosion pointed to ignition of underground pockets of pressurized gas.

This incident raised safety concerns related to the proposed tunneling in the area to build the planned Metro Rail subway system. To address the safety concerns, the Los Angeles City Council created a Task Force to investigate the explosion to determine the cause of the accident and to make recommendations to avoid future incidents. The results of the investigation identified two methane risk zones.

To ensure that the safety concerns related to construction of the Metro Rail subway system were fully addressed prior to the use of Federal transit funds for the construction of the project, a provision was included in the fiscal year 1986 Transportation and Related Appropriations Act prohibiting the use of Federal funds for the project until certain safety concerns has been properly addressed.

Mr. Speaker, I am pleased to report that the initial concerns related to possible methane gas explosions associated with the construction of the project have been resolved through extensive reviews and studies. In October 2005, a peer review panel of engineering experts was convened at the request of the Los Angeles County Metropolitan Transportation Authority Board to conduct an independent evaluation of gas-related safety issues associated with the proposed tunneling of the extension of the Metro Rail Line subway along Wilshire Boulevard. Based on the findings, the five-member panel of experts reported that tunneling along the Wilshire Boulevard corridor can be done safely using proper procedures and appropriate techniques.

In response to the findings of the peer review panel of experts, the City of Los Angeles and the gentleman from California (Mr. WAXMAN) who represents areas along the proposed Metro Rail subway system corridor have joined together to support the enactment of H.R. 4653. The passage of H.R. 4653 will help advance badly needed transit projects throughout the Los Angeles to San Fernando Valley region.

Mr. Speaker, I urge the passage of H.R. 4653 to remove the funding prohibition for the Los Angeles to San Fernando Valley Metro Rail Project.

Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I just want to encourage my colleagues to join me in support of H.R. 4653, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 4653.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PETS EVACUATION AND TRANSPORTATION STANDARDS ACT OF 2006

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3858) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pets Evacuation and Transportation Standards Act of 2006".

SEC. 2. STANDARDS FOR STATE AND LOCAL EMERGENCY PREPAREDNESS OPERATIONAL PLANS.

Section 613 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196b) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

"(g) STANDARDS FOR STATE AND LOCAL EMERGENCY PREPAREDNESS OPERATIONAL PLANS.—In approving standards for State and local emergency preparedness operational plans pursuant to subsection (b)(3), the Director shall ensure that such plans take into account the needs of individuals with household pets and service animals prior to, during, and following a major disaster or emergency.".

SEC. 3. EMERGENCY PREPAREDNESS MEASURES OF THE DIRECTOR.

Section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196) is amended—

(1) in subsection (e)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(4) plans that take into account the needs of individuals with pets and service animals prior to, during, and following a major disaster or emergency."; and

(2) in subsection (j)—

(A) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(B) by inserting after paragraph (1) the following:

"(2) The Director may make financial contributions, on the basis of programs or projects approved by the Director, to the States and local authorities for animal emergency preparedness purposes, including the procurement, construction, leasing, or renovating of emergency shelter facilities and materials that will accommodate people with pets and service animals.".

SEC. 4. PROVIDING ESSENTIAL ASSISTANCE TO INDIVIDUALS WITH HOUSEHOLD PETS AND SERVICE ANIMALS FOLLOWING A DISASTER.

Section 403(a)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(a)(3)) is amended—

(1) in subparagraph (H), by striking "and" at the end;

(2) in subparagraph (I), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(J) provision of rescue, care, shelter, and essential needs—

"(i) to individuals with household pets and service animals; and

"(ii) to such pets and animals.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, at this time I would like to yield to the gentleman from Connecticut, who is the prime mover on H.R. 3858, Mr. SHAYS.

Mr. SHAYS. Mr. Speaker, I thank the gentleman from Pennsylvania. I would like to just amend the gentleman's comment by saying there are two prime movers, Mr. LANTOS and myself, and I appreciate the opportunity to speak on this legislation.

I rise in support of H.R. 3858, the Pets Evacuation and Transportation Act, referred to as the PETS Act, which Congressman LANTOS and I both as co-chairmen of the Friends of Animal Caucus introduced.

This commonsense bill requires State and local preparedness planners to include plans for evacuation of pet owners, pets, and service animals. Having passed this legislation once in the House, we now have an opportunity to include several important provisions that have been included by the Senate strengthening the bill, and then being able to send it directly to the President. These provisions include granting FEMA the authority to assist in developing evacuation plans, and authorizing financial help to States to create emergency shelters for people with their animals. Hurricane Katrina left so many victims in its wake, including up to 600,000 animals that lost their lives or were left without shelter.

To qualify for Federal Emergency Management Agency, FEMA, funding, a jurisdiction is required to submit a plan detailing their disaster preparedness plan. The PETS Act would simply require State and local emergency preparedness authorities to plan for how they will accommodate households with pets or service animals when presenting these plans to FEMA.

This bipartisan legislation is necessary because it became evident during Hurricane Katrina, when asked to choose between abandoning their pets or their own personal safety, many pet owners chose to risk their lives and remain with their pets, and some of them perished. This is first a public safety issue, but also an animal welfare issue. Roughly two-thirds of American households own pets. We need to ensure owners and their pets are protected.

The human horror and devastation in Louisiana, Mississippi, and Alabama was a failure we needed to immediately address, but it was also heartbreaking to hear stories of forced evacuees to choose between being rescued or remaining with their pets. The plight of the animals left behind was truly tragic.

In the middle of hurricane season, it is imperative that regulations to include pets in evacuation plans be placed in anticipation of future tragedies.

This is an important bill. I urge its passage so that we can send it directly to the President.

Again, I want to thank the chairman for bringing this bill out and marshaling this bill both times we have been before the Chamber. And I also want to thank my colleague, my co-chairman, Mr. LANTOS for all that he has done. He is a pleasure to work with.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the leader on our side, an advocate for this legislation, the gentleman from California (Mr. LANTOS).

Mr. LANTOS. I want to thank my friend Congressman OBERSTAR for yielding. I want to thank Chairman YOUNG of Alaska and Congressman OBERSTAR for their stewardship of this important piece of legislation that my friend Congressman Chris Shays and I introduced, and we are thrilled and delighted that we have reached this day, and hopefully it will pass.

I also would like to congratulate our colleagues in the Senate, Senators STEVENS of Alaska and LAUTENBERG of New Jersey, for leading the fight to pass the PETS Act by a unanimous vote. In my own office, three young and committed men worked hard on this legislation, Ron Grimes, Jason Rosenstock, and Guido Zucconi, and I want to express my appreciation to them. But primarily I want to thank my wife, Annette, who, over a long lifetime together, taught me the love of animals.

Mr. Speaker, if I may, I would like to call special attention to three doggies in our office, Masko, Chippy, and Cassie, who bring a civilized tone, joy, fun, pleasure, and wit to our congressional office. Their work, along with the tireless efforts of animal welfare organizations, will ensure the safety of household pets and service animals and their owners as well.

Mr. Speaker, before the images of the gulf coast hurricanes of last year begin to fade from our national memory, it is imperative that we help our citizens prepare for the next disaster. Our legislation, the PETS Act, will ensure that families and people with disabilities will never be forced to choose between being rescued or remaining with their pets or service animals.

The scene from New Orleans of a 9-year-old little boy crying because he was not allowed to take his little white dog Snowball was too much to bear. Personally, I know I wouldn't have been able to leave my little white dog Masko to a fate of almost certain death.

As I watched the images of the heartbreaking choices the gulf residents had to make, I was moved to find a way to prevent this from ever happening again. Requiring local and State emergency planners to take into consideration the needs of evacuees with household pets and people with disabilities who have service animals is a simple and effective way to ensure saving as many human lives as possible. If people can leave their homes knowing that all members of their family, including their pets, will be safe, it will make for a more civilized and more efficient evacuation.

That is the reason why, along with my colleagues, Mr. SHAYS, Mr. YOUNG, Mr. OBERSTAR, and Mr. FRANK of Massachusetts, I introduced the Pet Evacuation and Transportation Standards Act, which we call the PETS Act. Never before in my long congressional career have I received so much support and encouragement for a piece of legislation, Mr. Speaker, not only from citizens in my own district, but from a national audience that shares my concerns for the safety of these animals and their owners.

Since the hurricanes of last year, the PETS Act has influenced State officials to make plans for people with pets and service animals. Miami-Dade and Broward Counties in Florida have shelters that accept animals, as well as careful instructions for people forced to leave their homes who may have animals. This demonstrates that emergency planners are more than capable of making effective plans for people with pets or service animals.

Now, more than ever, with hurricane season upon us, this bill is of the utmost importance. The PETS Act will ensure that States will continue to plan for their pet and service animal populations, which will in turn ensure a smoother and safer evacuation for all members of the family.

On behalf of the tens of millions of families across our Nation who have pets, I urge all of my colleagues to vote for this important legislation.

□ 1800

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to be here today to pass an important reform to our emergency management system. Like many Americans, I watched in disbelief last year as our government struggled to respond to the death and destruction caused by Hurricane Katrina. I believe we were all shocked by FEMA's performance, given FEMA's outstanding reputation just a few years earlier.

Breaking FEMA up and burying its pieces within the massive Homeland Security bureaucracy was a mistake, I believe. Since Hurricane Katrina, the Transportation Committee, the Select Committee on Hurricane Katrina, held dozens of hearings on Katrina and drafted the most comprehensive report on reforming our emergency management system.

Just a few days ago the chairman of the authorizing committees, Chairman YOUNG, Chairman DAVIS, Chairman KING, Chairman REICHERT and I reached an agreement with the Senate authorizers to rebuild FEMA and reform the Nation's emergency management system. With the leadership, authority and resources necessary to respond effectively to the next disaster, FEMA can once again be a premier agency within the Federal Government.

I am pleased to have one of these specific reforms on the floor today, H.R. 3858, the PETS Act, that ensures the needs of people with household pets and service animals are considered by State and local emergency preparedness plans.

The Senate amended the PETS Act to permit FEMA to fund structures that will accommodate pets and service animals and provide essential assistance to people with pets and service animals following a disaster.

People become very attached to their pets. I have a Wheaton terrier that has become part of the family, and it would be very difficult to leave Chloe behind in a disaster. I certainly can understand and empathize with those folks who have household pets.

I would like to thank Chairman YOUNG, who is an original sponsor of this legislation for his leadership and guidance on the bill, and on the broader emergency management reform bill that will be on the floor, we hope, next week.

I would also like to commend Mr. SHAYS for his dedication and hard work in moving this legislation. Mr. SHAYS has been a champion of this issue and has worked to ensure that owners don't have to make a choice between their personal safety and their pet's safety.

I would also like to commend Mr. SHAYS for his leadership on the committee's investigating response to Hurricane Katrina. He worked tirelessly to resolve the flaws in our Nation's emergency management system that became apparent during Hurricane Katrina.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 30 seconds.

Do I understand, Chairman SHUSTER, that if we pass this bill tonight, it goes directly to the President for his signature?

I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. That is my understanding, yes, sir.

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Minnesota (Mr. OBERSTAR) and Chairman Shuster, Mr. SHAYS, and Mr. LANTOS for your support of this bill.

What is noteworthy is that in the last few days, this Congress has had three pieces of legislation in front of it that have a similar theme: The tribute that we paid to the Dalai Lama, and yesterday our support for the one day of peace, and today our support for the PETS Act, all are about compassion and the recognition of the importance of compassion in the life of this Nation.

I think it is important for us to reflect that this is a strong capacity that we have that when we touch it, it touches people's hearts everywhere.

I encourage my colleagues to join in support of H.R. 3858, the Pets Evacuation Transportation Standards Act. Passage of this bill is essential to the safety of all citizens and their pets in emergency and disaster circumstances. Hurricanes Katrina and Rita will long be held in our collective conscious. It has been just over 1 year since we saw the terrified and helpless faces of the victims these natural disasters claimed, displaced, and horrified. The unbearably inadequate response to these disasters exacerbates the shame, the heartache and insecurity that has resulted. The images haunt us; and it is not just the images of our fellow human beings, but that of our gracious household pets and service animals.

Among the injustices incurred in the gulf coast were citizens forced to choose between their own safety and that of their pet or service animals. And the example that Mr. LANTOS gave of the 9-year-old boy who had to part with his beloved dog is an example of the heartbreak that all of us can relate to.

Some chose to compromise their own safety, unwilling to evacuate without their pet, despite the great risk to themselves and their families. Others were forced to leave these important friends behind, abandoned and alone. Animals were left to survive on their own with little hope of survival, causing the very understandable human emotions of pain and agony that accompanied this choice.

Some, dependent upon a service animal for their own safety and survival, were made to leave their companions behind, a direct threat to their own security.

It is estimated that well over half of U.S. households include a pet or vital service animal as a member of the family. In the Kucinich household, we have three dogs, two beagles and one cocker spaniel, and anyone who has a pet understands how it would tug at your heart to have to be separated from that pet in a time of emergency.

We know that the gulf coast region affected by the hurricanes had as many as 600,000 pets and service animals. Most of these animals could not be saved, and few have been reunited with their original owners.

H.R. 3858, the PETS Act, will ensure that emergency preparedness for the safety of our own citizens includes the proper protocol to identify, evacuate, and shelter people, pets and service animals in times of emergency evacuations.

Natural disasters are unavoidable; compromising the safety of our citizens is not. That is why I ask my colleagues to join me in support of H.R. 3858, the PETS Act, to ensure that in times of disaster no citizen is forced to compromise their own safety or well-being for that of their service animal.

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it is refreshing in a time of perception of contentiousness in the legislative bodies that we can consider a matter of this nature and have such thoughtful, constructive, civilized dialogue on a matter that touches the heart of so many of our fellow citizens. And how fitting to have a survivor of the Holocaust whose whole life and career has been concerned with saving people from tragedy, to lend his voice and his stature, his character and dignity to saving the lives of pets.

And to the gentleman from Connecticut (Mr. SHAYS), who has been associated so much with the process of campaign finance reform and other similar matters, to lend his support and his concern, his character, to a matter of this kind and to partner with the gentleman from California, both coasts joining to support something greater than all of us.

As others have said, my wife and I watched the horror of Hurricane Katrina. Jean's home is New Orleans. Her family were there. Two brothers both had property losses, severe property loss. She knew as the cameras moved around the city from one street to the next, I walked that street, I know the people in that house. They have a pet. That dog is up in the attic and they are not going to leave because they cannot rescue the pet.

We will now make it possible to avoid such dire choices in the future by putting in place a structure by which we can accommodate the needs of people and the lives they lead and the pets they have that are important to their living.

Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman very much. I wanted to rise and thank Chairman SHUSTER for marshaling this bill through and making sure that Members treated it with seriousness.

I thank the ranking member of the full Transportation Committee, Mr. OBERSTAR, for his partnership in this effort.

I also thank Congressman LANTOS. We have been through many battles together, and this has been one of the most enjoyable ones.

I also wanted to stand up and acknowledge the fine work of Senator COLLINS and the ranking member, Mr. LIEBERMAN, in the Senate for their help in getting this bill through. Had they not taken action and treated this bill seriously, we would not be here today. And, frankly, they made it a better bill. I just wanted to thank Senators COLLINS and my friend JOE LIEBERMAN, who I love very dearly.

Mr. SHUSTER. Mr. Speaker, I yield myself the balance of my time.

I will close very quickly because I am in danger of being labeled as a big softy if I give too much in the way of closing comments. I will close by just asking all of my colleagues to support this piece of legislation which is important to millions and millions of Americans.

Mr. MORAN of Virginia. Mr. Speaker, I am pleased to be a supporter of H.R. 3858, the Pets Evacuation and Transportation Standards Act. I was disappointed to miss the original rollcall vote on this important bill. Had I been present I would have voted "yes" in support of allowing people to save their vulnerable pets in the event of an emergency.

I am proud to be a cosponsor of this legislation. It will require local governments to include in their emergency plan options to accommodate people with pets or service animals. One of the most heartbreaking elements of the Hurricane Katrina aftermath was seeing the number of pets that were abandoned throughout the gulf coast and the number of people who stayed to care for their pets rather than leave them behind. People should not be forced to choose between their own safety and leaving their beloved pets. There is also a health and safety concern created in a disaster area when a large number of animals are stranded.

People have a connection with their pets. They know that animals trust their caretakers to take care of them and not leave them abandoned. It is important that we give people the choice to bring their animals with them in an emergency, especially since they can serve as a source of comfort during a troubling time.

Mr. REYES. Mr. Speaker, I would like to express my appreciation to Representative TOM LANTOS for introducing H.R. 3858, the Pets Evacuation and Transportation Standards Act of 2006.

Hurricane Katrina brought to light the difficult circumstances and decisions citizens may face when forced to evacuate their homes. Heartbreaking scenes and stories of evacuees being forced to leave behind their beloved pets were all too common. Thankfully, many evacuees were reunited with their animals after the storm. However, thousands of pets either did not survive or may still be separated from their owners.

H.R. 3858 would ensure that all States and communities include the evacuation of pets and service animals within their emergency and disaster preparedness plans. With pets present in 63 percent of American households, this legislation would provide the needed tools for citizens and communities to better navigate the already stressful experience of evacuation.

I was not present when the House considered H.R. 3858 because I was in Texas to participate in a critically important conference on Latino health issues. However, I would have voted in favor of this legislation. I now look forward to the President signing the bill into law.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3858.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have up to 5 legislative days to revise and extend their remarks and include extraneous material on S. 2832, H.R. 4653 and H.R. 3858.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ROBERT LINN MEMORIAL POST OFFICE BUILDING

Ms. FOXX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4768) to designate the facility of the United States Postal Service located at 777 Corporation Street in Beaver, Pennsylvania, as the "Robert Linn Memorial Post Office Building".

The Clerk read as follows:

H.R. 4768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROBERT LINN MEMORIAL POST OFFICE BUILDING

(a) DESIGNATION.—The facility of the United States Postal Service located at 777 Corporation Street in Beaver, Pennsylvania, shall be known and designated as the "Robert Linn Memorial Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Robert Linn Memorial Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4768, offered by the gentlewoman from Pennsylvania (Ms. HART), would designate the facility of the United States Post Office in Beaver, Pennsylvania, as the "Robert Linn Memorial Post Office Building."

Mr. Speaker, Robert Linn passed away in August 2004, at the age of 95. His accomplishment of serving the citizens of Beaver, Pennsylvania as mayor for a record-setting 58 years was a testament to his lasting dedication and friendship to the community.

In 1995 Mayor Linn was officially listed in the Guinness Book of World Records as the longest-serving mayor in the United States. Although he had a long list of accomplishments, his Streetscape initiative, a town beautification project that removed power lines and concrete sidewalks from the main street, was among his greatest.

Not only did Robert Linn serve his community as mayor for a record-setting number of years, but he served as an educator at Beaver Falls Junior High School for 6 years, followed by a 36-year career at Duquesne Light Company.

Mayor Linn's passion was socializing with the people he served, and many in town knew that one of his favorite activities was running the scoreboard for football games at Beaver High School.

Although the position of mayor was a part-time job, Robert Linn will be remembered by the citizens of Beaver as their full-time champion. With gratitude for his devotion and service to the Beaver community, I ask all Members to join me in supporting H.R. 4768.

Mr. Speaker, I reserve the balance of my time.

□ 1815

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join my colleague in consideration of H.R. 4768, which names a postal facility in Beaver, Pennsylvania, after Robert Linn. H.R. 4768 was introduced by Representative MELISSA HART on February 16, 2006. This measure, which has the support and cosponsorship of the entire Pennsylvania congressional delegation, was unanimously reported from our committee on May 4, 2006.

Robert Linn, a native of Pennsylvania, was mayor of Beaver Borough for 58 years until his death on August 22, 2004. He is remembered for his success in making improvements on Main Street, renovations of historic buildings, and preservation of the history and charm of his city.

Anyone who serves a city as its mayor for 58 years unequivocally and without a doubt had its interest at heart. And I can think of no more appropriate way of recognizing his impact than to name this facility in his honor.

I strongly support this resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the gentlewoman for yielding.

This is a very important issue to discuss. I think it is one that many of us often look at very casually as we are naming a post office, but many times citizens of America whose names go on these post offices are people that we know we need to remember. And I bring one of those individuals before us today in our legislation to name the post office in Beaver, Pennsylvania, after Robert Linn.

Robert Linn was one of those amazing people who anybody who ever met him would never forget. So I rise in support of the Robert Linn Memorial Post Office in Beaver, Pennsylvania.

He was sworn into office as the mayor of Beaver, Pennsylvania, on January 2, 1946, and he served the Borough of Beaver, Pennsylvania, for 58 consecutive years as mayor. I am not exaggerating. It was really 58 years. So he was able to see many of the people he married as mayor welcome their grandchildren and great-grandchildren into the world.

Prior to taking over the position of mayor at its original salary of $2,500 a year, Mayor Linn worked for the Duquesne Light Company. His first job was handling customer service before he eventually became supervisor of employee benefits, and he actually retired from the company in 1974. He continued his service both in the public and private sector throughout his life, and he was really known as a gracious gentleman. As I mentioned, anybody who knew him would never forget him. He showed up every day in a coat and tie. It didn't matter if it was Sundays, Saturdays, early, late. He was always in a coat and tie.

In 1995, the Guinness Book of World Records recognized Robert Linn as the longest-serving mayor in American history. His selflessness, his regard for the greater good, is reflected in these 15 consecutive terms that he served up until his death at age of 95 on August 22, 2004.

There is much more to Bob Linn than just being the longest-serving mayor in American history. It was Bob Linn, the father of four daughters, Mary Scheidmantel of Beaver; Eleanor Hesser of Beaver; Mary Hockenberry of New Cumberland, Pennsylvania; and

Beth Mitchell of Virginia Beach, Virginia. There was Robert Linn, a grandfather of eight and a great-grandfather of one. He was definitely a dedicated family man, and he would do anything for his loved ones, including everyone in the Borough of Beaver.

For example, when he was in his early 80s, he wanted to show his grandson that he, too, could ride a bicycle. Unfortunately, he learned the hard way that maybe he shouldn't be riding a bicycle. Although he was capable of running the town quite effectively as mayor in his advanced years, he was a little past his prime when it came to bike riding, when he fell off and broke his wrist, but he continued in his public service.

There was Robert Linn, the mentor. A Beaver police chief was quoted as saying, "One of the most important things that Mayor Linn ever told me was 'You can think what you want, but once it is said, it is said.'" He said, "I still to this day use this advice, and I pass it on to others. He was like a father to me," said Chief Anthony Hovanec.

Bob Linn was a teacher for 6 years at the Beaver Falls Junior High School and a volunteer scorekeeper for the Beaver High School football games. He was just a man who loved his community.

Finally, there was Robert Linn, the American and dedicated public servant, the one that I knew the best. He was a man dedicated to the community in which he lived to making sure it became better and better with every year he served in public life.

Beaver Borough was Bob Linn's passion. His crowning achievement was the Streetscape project, which he proudly declared his finest accomplishment as mayor. This project received the Beaver Area Heritage Foundation's Harry S. Truman Beautification Award. The Streetscape transformed the Borough of Beaver into a real-life version of a Norman Rockwell painting. It removed all the utility poles, all the parking meters, and replaced them with trees and Victorian-style street lamps and bricked the sidewalks and streets.

The Borough of Beaver and the 5,000 residents who live there still agree that Bob Linn's assessment that the borough was one of the "best places you can be" is certainly true. Mayor Linn was also successful in having the borough named a National Registry Historic District in 1996 and successfully converted the old freight train station in town into a museum. In fact, so many locals gathered there in October of 2000 that then-Governor George Bush, when he stopped his train on his cross-country tour, attracted so many residents of Beaver that they had to stop the train.

The Borough of Beaver and the 5,000 residents who live there still agree that Bob Linn was the most effective community leader they have ever seen. And I think beyond just the Borough of Beaver, people in the Commonwealth and people across the Nation need to see as an example of public service what Bob Linn did.

His effect on the borough goes much farther than aesthetics. He was a father, mentor, teacher, volunteer, and really the embodiment of a public servant. He truly loved Beaver to its core. He tirelessly dedicated himself and his life to making it the best place that it can be.

I urge my colleagues to support the Robert Linn Memorial Post Office to honor a man who so generously dedicated his life to the town that he loved so future generations can know all about Bob Linn.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 4768.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the bill, H.R. 4768.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BENJAMIN FRANKLIN TERCENTENARY COMMISSION ACT OF 2005

Ms. FOXX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4586) to extend the authorization of the Benjamin Franklin Tercentenary Commission, as amended.

The Clerk read as follows:

H.R. 4586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Benjamin Franklin Tercentenary Commission Act of 2005".

SEC. 2. BENJAMIN FRANKLIN TERCENTENARY COMMISSION.

Section 9(b) of the Benjamin Franklin Tercentenary Commission Act (Public Law 107-202; 36 U.S.C. note prec. 101) is amended by striking "not later than January 16, 2007" and inserting "not later than January 16, 2009".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Benjamin Franklin stands out in American history as a Founding Father of this country and a true Renaissance man.

Since childhood, we have all enjoyed the wonderful stories of his remarkable life as statesman, scientist, inventor, and diplomat. We have now been afforded the opportunity of bringing the life and times of Benjamin Franklin to cities across the United States and overseas through the work of the Benjamin Franklin Tercentenary Commission. This Commission was established by Congress in 2002 to commemorate the 300th anniversary of Benjamin Franklin's birth in 2006.

The Commission hosts exhibits in a number of communities around the United States as well as in France, where Franklin served as the American Minister to Paris. These exhibitions represent a rare opportunity for the public to view the largest collection of Franklin artifacts through displays of his household furnishings, original works of art, manuscripts, and documents. In addition, through interactive multimedia exhibits and an Internet Web site, viewers are able to immerse themselves into the Franklin experience. The Franklin celebrations, organized under the Commission's guidance, offer the public an opportunity to become more familiar with Benjamin Franklin by getting a glimpse into the inspiring life of this American treasure.

Because of the expanded nature of its program, it is requested that the life of this Commission be extended so that they can continue their valuable work.

I urge all Members to come together and recognize the life and continuing legacy of Benjamin Franklin by supporting H.R. 4586.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join my colleague in the consideration of H.R. 4586, the Benjamin Franklin Tercentenary Commission Act.

This bill, which was introduced by Representative MICHAEL CASTLE of Delaware on December 16, 2005, and was unanimously reported by the Government Reform Committee on March 30, 2006, extends the authorization of the Commission until fiscal year 2009.

Mr. Speaker, in 2002 Congress created the Benjamin Franklin Tercentenary Commission, a panel of 15 outstanding

Americans chosen to study and recommend programs to celebrate Franklin's 300th birthday and to mint a commemorative coin of Ben Franklin. Extending the Commission past 2007 to 2009 will allow the funds from the sale of the recently issued Ben Franklin commemorative coins to truly benefit the many Commission programs planned and underway to honor Ben Franklin.

The Benjamin Franklin Tercentenary, which was founded in 2000 by a consortium of five Philadelphia cultural institutions, is currently presenting an international traveling exhibition entitled "Benjamin Franklin: In Search of a Better World." This exhibit has been organized to commemorate the 300th anniversary of Franklin's birth and will travel around the United States and France. The exhibit premiered in Philadelphia last year and just recently stopped in St. Louis, Missouri, and from there it would go on to Houston, Texas; Denver; Atlanta; London; and Paris.

Benjamin Franklin was this Nation's greatest citizen perhaps, diplomat, statesman. He was a scientist, a philanthropist, humanitarian, inventor, and humorist.

As a matter of fact, Mr. Speaker, I can remember when I was a child and found things to read that reading about Benjamin Franklin was really just simply one of the great joys of growing up, and I never will forget one thing that he said. I mean, he had all of these ideas about virtue, and he said on temperance, "Eat not to dullness, drink not to elevation." And I was asking a young fellow the other day what that meant, and he said that Franklin was saying don't eat until you get too filled and don't drink until you get too high. So, obviously, there are a lot of people in our country and our society who could remember that.

But I am indeed pleased that we are recognizing the amazing achievements of Benjamin Franklin by celebrating his 300th birthday and presenting an international traveling exhibition.

I firmly support H.R. 4586 and urge its passage.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1830

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 4586, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the bill, H.R. 4586, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to extend the life of the Benjamin Franklin Tercentenary Commission.".

A motion to reconsider was laid on the table.

JACOB FLETCHER POST OFFICE BUILDING

Ms. FOXX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5664) to designate the facility of the United States Postal Service located at 110 Cooper Street in Babylon, New York, as the "Jacob Fletcher Post Office Building," as amended.

The Clerk read as follows:

H.R. 5664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JACOB SAMUEL FLETCHER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 110 Cooper Street in Babylon, New York, shall be known and designated as the "Jacob Samuel Fletcher Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Jacob Samuel Fletcher Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, H.R. 5664, offered by the distinguished gentleman from New York (Mr. KING) would designate the post office building in Babylon, New York, as the Jacob Samuel Fletcher Post Office Building.

Mr. Speaker, Jacob Fletcher's love for his country was second to none, and his patriotism was evident in his service in the United States Army. He was a 1994 Babylon High School graduate who enlisted in the Army shortly after the terrorist attacks on September 11, 2001.

After completing basic training, he continued on to earn his wings as a paratrooper. Based in Camp Ederle, Italy, Jacob Fletcher was one of the first Americans to land, along with his fellow paratroopers, just north of Baghdad during the first week of the war. Jacob, just 11 days shy of his 29th birthday, was killed on November 13, 2003, when a roadside bomb exploded next to the bus he was on in the town of Samarra.

With gratitude for his bravery and sacrifice to our country, I ask all Members to join me in naming the Babylon, New York, postal facility in his honor.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he might consume to the gentleman from New York (Mr. ISRAEL), one of the great sons of New York.

Mr. ISRAEL. Mr. Speaker, I thank my distinguished friend from Illinois for yielding me time.

Mr. Speaker, I also thank my friend from Long Island, Congressman PETER KING, for sponsoring this resolution and for allowing me to cosponsor it with him.

Mr. Speaker, I rise today to honor Jacob Fletcher and his family, and urge my colleagues to support this resolution to name the Babylon post office in his honor.

Mr. Speaker, the Babylon post office no longer resides in my congressional district, but I do have the privilege and the honor of representing Jacob's mother, Dorrine Kenney. She is a constituent; she is also a dear friend. She has become an important advisor to me on so many military issues that I confront as a member of the House Armed Services Committee.

Her son, Jacob Samuel Fletcher, was a native of Long Island, and if this bill is passed, all of Long Island will know about his life and his untimely death. Jacob Fletcher grew up on Long Island, he dreamed of serving his country on Long Island. He represented us proudly when he went to Iraq.

On March 23, 2003, he and the 173rd Airborne Brigade jumped into northern Iraq and made their way to Kirkuk. On November 12, 2003, Jacob was killed by an IED on Highway 1 in Samarra.

Mr. Speaker, this kind of news does not tell us the fullness of a life. We see a name in the newspaper, we see a face, we see statistics and numbers, but none of that really describes the fullness of a life, and so I want to take this opportunity to share with my colleagues and with all America the life of Jacob Fletcher.

He was an athlete. He was an artist with a talent for drawing. He played drums. He wrote poetry. He was described as having a big heart, and of being a good listener. And those are the traits that I see in his mother.

In response to her son's death, Dorrine Kenney had every right to retreat into her own grief, to wait for the entire world to feel sorry for her and to support her. But she refused to do that. Instead she created the Jacob's Light Foundation. It sends care packages to our servicemembers in dangerous places around the world. It sends toiletries and food and snacks and reading materials and sunscreen and writing materials, all of the necessities that our troops require.

Rather than retreating into her grief, Dorrine Kenney felt it was her responsibility in her son's name to help improve the quality of life for her son's comrades.

A few months ago she came to my office, Mr. Speaker, and she was angry. We sat down and she said that she was receiving e-mails from troops in the field in the theatre in Iraq complaining that they had not received coagulant bandages, which the Department of Defense has said could save 50 percent of casualties in Iraq, and she asked me to look into it.

We called the Pentagon, and it took us a few weeks, but, in fact, we were able to solve that problem. And we are working with the Army even today to make sure that those bandages are arriving in dangerous places like Iraq and saving lives.

Another example, Mr. Speaker. This woman could have felt sorry for herself. Instead, she dedicated herself to coming into my office and working with the Army to make sure that those who were still in Iraq and Afghanistan had the life-saving supplies that they need.

The Army did not respond because of me, it did not respond because of the hearings we had in the Armed Services Committee; it responded because this mother of a son who was killed was contacted by men and women in Iraq who asked for her help.

That is exactly what Jacob Fletcher was all about, helping when people needed help, listening when people needed to be listened to. It is fitting that there is a foundation named for Jacob Fletcher which sends parcels to servicemembers who need them. And it would be even more fitting, Mr. Speaker, to name a post office in honor of Jacob Fletcher where parcels will be sent, and where the American people and those who live in Long Island will understand what he stood for, what our country stands for, and will remember him always.

Again, I thank the gentleman from Illinois for giving me this time. I thank the gentleman from New York for his leadership on this.

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. KING).

Mr. KING of New York. Mr. Speaker, like my colleagues, I am very proud to stand today in support of H.R. 5664. I was very proud to introduce the resolution. And I want to thank Mr. ISRAEL, my colleague from New York, for the strong support that he has given me on this resolution and also for the strong support that he has given to the Kenney and Fletcher families.

Mr. Speaker, it has been discussed what Jacob Fletcher achieved during his life, what he achieved in his death. And he was an exceptional, exceptional human being and a young man. As was stated, he grew up in Long Island, but he dreamed about joining the military even as a young boy.

In fact, the story, it is a true story, that he actually submitted an application to join the Army when he was only 8 years old. And his mother had to explain and turn away the enlistment officers when they came to the house that Jacob was too young to join the Army. She had a tougher job of actually explaining it to Jacob that he was too young to join the Army.

But his patriotic passion cannot be extinguished, and after the September 11 attacks against our country which killed so many New Yorkers and so many Americans and also claimed a family friend, Jacob joined the Army and fulfilled his life-long calling to serve his Nation.

Jacob came from a military family. His father, his stepfather served in the Armed Forces during the Vietnam War, and Jacob's grandfather was a veteran as well.

As Congressman ISRAEL and Ms. FOXX mentioned, Jacob completed his basic training and his airborne school at Fort Benning, and he was among the very first Americans to land in Iraq, parachuting under the cover of darkness during the first week of the war.

During his time in Iraq, Jacob and his fellow soldiers spent much of their time in Iraq training police officers. And in conversations with his family, he spoke of how much he wanted to help these people as this was his calling. He very clearly felt that this was the right thing to do.

Unfortunately Jacob's life ended tragically before he could return home and before he could fulfill all of his dreams. On November 13, 2003, a roadside bomb exploded near the convoy he was in near the town of Samarra, and he died the next day, November 14. He was just 28 years young. He was awarded a Purple Heart and a Bronze Star, and he was also posthumously promoted to specialist.

Like Congressman ISRAEL, I have had the privilege of working with his mother Dorrine, who, again, rather than curse the darkness, has done so much to help those who are in combat in Iraq, in Afghanistan, throughout the world. She has brought Brownies to my office, Girl Scouts. She is active on so many different issues involving the welfare of our solders. I admire her for having the strength that she does.

Congressman ISRAEL and I were at a recent 9/11 commemoration at Farmingdale University. She was there at that, Dorrine was there. So she again has done so much in memory of her son.

Similarly, I have the privilege of having his father, Mo Fletcher, reside in my district. Mr. Fletcher is a Vietnam veteran. He is also a very courageous man who gives so much of his time to veterans, to the military. Whenever a soldier is killed in combat who is from Long Island and adjoining areas, Mo Fletcher goes to the wake, goes to the funeral, stays with the family. So he is a very, very decent human being. And you can see why Jacob turned out to be the outstanding man that he was.

In addition, Jacob is survived by his stepfather, his sister Tara, and his brothers Scott and Josh.

I just urge all the Members of this body to really cast their vote for a true American hero, Jacob Fletcher, who gave his life so that all of us could be free, and may he rest in peace, and, again, may God bless him and his entire family.

Mr. DAVIS of Illinois. Mr. Speaker, I would yield myself the balance of our time.

Mr. Speaker, as a member of the Government Reform Committee, I am pleased to join my colleagues in consideration of H.R. 5664, which names the postal facility in Babylon, New York, after Jacob Samuel Fletcher.

H.R. 5664 was introduced by Representative PETER KING and strongly supported by Representative ISRAEL. This measure, which has the support and cosponsorship of the entire New York congressional delegation, was unanimously reported from our committee on July 20, 2006.

Jacob Fletcher, a native of New York and graduate of Babylon High School, was a young man with a life-long goal of joining the military. Finally at the age of 27, he was able to join the Army. A member of the 173rd Airborne Brigade, Private First Class Fletcher made an historic jump into Iraq on March 23, 2003, the first week of the war.

Sadly he was killed when a roadside bomb exploded the bus on which he was riding on November 14, 2003, in Samarra, Iraq.

Mr. Speaker, designating the Cooper Street Post Office in Private First Class Jacob Fletcher's name honors the tremendous sacrifice of this soldier, and demonstrates how much we value his life. I urge swift passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 5664, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the bill, H.R. 5664, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the facility of the United States Postal Service located at 110 Cooper Street in Babylon, New York, as the 'Jacob Samuel Fletcher Post Office Building'.".

A motion to reconsider was laid on the table.

☐ 1845

HONORING SERGEANT GERMAINE DEBRO

(Mr. FORTENBERRY asked and was given permission to address the House for 1 minute.)

Mr. FORTENBERRY. "It's hard to be sad when I'm so proud. You are my hero." These were the words Alvin Debro, Jr., used to bid his brother, Sergeant Germaine Debro, a final goodbye.

Sergeant Debro was killed near Balad, Iraq, on September 4 when his Humvee hit a roadside bomb. A member of the Nebraska National Guard, he had served in both Bosnia and Kuwait. Because of these recent deployments, he was not required to go to Iraq. But as a single man with no children, he volunteered so other soldiers would not have to leave their families.

At the funeral service at Morningstar Baptist Church in North Omaha, Pastor Leroy Adams said to us: I look across this sanctuary, and I see America, one Nation, under God, in a church brought together by Germaine. It's not how long you live, it's how well you live.

His friends recall Germaine's love for life, selflessness and compassion for others. Germaine's mother, Pricilla, said her son died a proud soldier. Our Nation will be forever grateful to Sergeant Germaine Debro and his ultimate sacrifice.

COMMUNICATION FROM THE HONORABLE BOB NEY, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable BOB NEY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 19, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER HASTERT: It has been an honor and a privilege to serve the House as Chair of the Franking Commission. I am grateful to Chairman Ehlers for the opportunity I have had to serve in this position.

I have thoroughly enjoyed working with the majority and minority staff of the Franking Commission, as we have worked together to ensure the standards of the Commission have been met. In particular, I would like to commend Jack Dail and Rich Landon for unending dedication to the commission. The purpose of this letter is to inform you that I am removing myself from the Franking Commission effective today.

Sincerely,

BOB NEY,
Member of Congress.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMERICA EVEN BETTER THAN WAL-MART

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, some say it's the best part of Wal-Mart, those happy greeters wearing a smiley face like this one I have here, giving helpful directions, giving coupons away. Others say these greeters even help with shoplifting. I just love Wal-Mart and those greeters. If a product is not at Wal-Mart, you just don't need it. Wal-Mart greeters make a good place even better.

However, the same could not be said of our national greeters. When I look at our southern border, I see policies that have turned our Border Patrol into an army of glorified gun-toting Wal-Mart greeters. They stop some of the thieves from coming into America, but they seem to end up acting like our official greeters, because our government has tied their hands.

Our government seems to be more concerned about the people who enter America illegally than our border agents, those that are already here and charged with protecting our border. Their work is subject to extensive intimidation by the Mexican Government, because Mexico doesn't want their own citizens, so they send them to the United States. Mexico uses treaties and lawsuits to give their citizens the protection that even Americans don't have.

The Mexican Government even gives illegals, heading north, maps so they can know where they illegally enter the United States and confront our border agents. Mexico is handing out shopping carts and the store directory to the virtual Wal-Mart, America.

But because we don't secure the border, we are opening up our aisles. But our version of Wal-Mart has an even better deal for these invaders, because it's all free. The American taxpayer pays for everything the illegals take from our Nation.

Take for instance, aisle number one, free health care. Mexico won't take care of its citizens, so the United States has become the free HMO of Mexico. It is a known fact that there are signs in Mexico telling expectant mothers what clinics across the border can deliver their anchor babies. Once those babies get sick, aisle one is the place where all their health care needs can be met: doctors, free health insurance, formulas, immunizations with no questions asked, and, of course, no bills. What a deal.

Aisle number two, it's the best education money can buy. Illegals enroll their child, and they can go to school through the 12th grade for free. In Mexico, that government only educates their children through the sixth grade. So the government says, go to America. The Americans will give you a free education in our language, Spanish, and if the student is hungry or needs after-school care, don't worry, aisle number two has free hot lunches, free after-school programs and, after all, our Wal-Mart only has the best.

We can't forget aisle number three. For all your identification needs, we have matricular cards for these illegals. Plenty of States and even the government accepts them for driver's licenses, Social Security and even fake IDs.

Let us go to aisle number four, free Social Security benefits for you and your kids. Aisle number five. It's free welfare to illegals, food stamps, housing, day care.

Mr. Speaker, I did not come up with the idea of calling our border agents Wal-Mart greeters. The truth is, that's what they call themselves. Because they know they are on the side of the American law, but the American law is not really on their side. They end up appearing to greet illegals instead of having the authority to send them back home.

If border agents are really allowed to do their job, our government doesn't seem to back them up. Today, Ignacio Ramos and Jose Compean, two Border Patrol agents who shot a Mexican drug dealer, are being punished by a disloyal American government for just doing their job. After all, shooting a drug smuggler is no way for a greeter to act.

A border agent told me in Laredo recently that agents are told by supervisors at our legal ports of entry, quote, We are a port of entry, not a port of denial. So when in doubt, let people in, don't keep them out.

What an absurd policy for security, but a great greeter policy. Our Border Patrol agents should not be Wal-Mart greeters. They are law enforcement officers. They need American policy that is very clear. Keep the drug smugglers, the human smugglers and the terrorists out of America. Protect the sovereignty of our Nation.

After all, it is illegal to come to America without permission. It makes no difference what the Sly Fox of Mexico or his replacement, Commander Calderon, think. It is still our country. Unless we are serious about border security and have firm, well-defined laws on border security, we may as well replace the badge our Border Patrol agents wear with a smiley face of a Wal-Mart greeter.

And that's just the way it is.

REPUBLICANS FENCING OUT ORDINARY AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, the Republicans are so concerned about their own hides that today they voted to fence off the U.S. Constitution from the American people. There is nothing to do with borders between the U.S. and Mexico or between the U.S. and Canada. It has everything to do with the Republican Party fencing out ordinary Americans from participating in their own government.

Why let everyone vote when they might actually vote for the Democrat or for the independent? Democracy is messy for the Republican Party these days, so they are going to short-circuit the process. Who needs to stay up late to watch the vote returns or worry about exit polls, when Republicans have come up with a plan to deny 7 million ordinary Americans the right to vote?

Of course, they have targeted people they don't think will vote Republican: the disadvantaged, the disabled, the elderly, Native Americans, among others. Republicans like to say they are spreading democracy around the world. Here at home, they are using this bill to disenfranchise American people.

Republicans have created a nonexistent crisis because their right-wing base is unhappy and in need of attention. Today the Republicans moved to solve a crisis they created. They want everyone to have an official government-issued photo ID before they could vote.

So much for that Republican line about getting the Federal Government out of our lives. The Republicans want the Federal Government in your face, snapping pictures. Before you could vote, you would have to produce an official government-issued photo ID. A passport would work. You know, that is the kind of document that the rich have, because they take vacations in other countries. The poor don't take vacations at all. No passport, no vote. No problem for Republicans.

Of course, the Republicans will rush to the podium over here to say that you can use your driver's license. They will not tell you that the National Commission on Federal Election Reform in 2001 estimated that up to 10 percent of Americans eligible to vote do not have official State photo ID, like a driver's license; no photo ID, no vote, no problem for Republicans.

Now, in Georgia and Missouri, they tried this. It was thrown out in court. So today we do it at the national level. We are going to do it for everybody. They will be delighted if ordinary Americans stay home on election day. In fact, they would be relieved.

They know that this bill will encourage it. That is why Republicans are behind it 150 percent. It is the latest step in the Republican strategy to hold on to power in the election of 2006, even if they have to dismantle the democracy to do it. They passed the Help America Vote Act, and then amended it to become the Help Republicans Stay in Power Act by underfunding the legislation.

They said they were helping, but they put no money out there. It is reminiscent of Florida in 2000. Republicans are building a border fence inside our borders to keep the American people out of participating in their own government. This bill will prevent millions of people from casting a ballot, exactly what the Republicans want.

Republicans want to replace the fundamental right in America, the government of the people, by the people and for the people with something else: government of the few, by the privileged and for the rich. This is the creed of the Republican 1 percent Party.

The President of the League of Women Voters, Mary Wilson said, "This is an attempt to politicize the voting process by erecting barriers to keep many eligible legal voters from participating. Congress should not be playing politics with our right to vote," closed quote.

Yet the Republicans are hijacking the right to vote of an ordinary Americans. Why? Because they are afraid of losing power and afraid they can't scare the American people into submission any longer. Letting every eligible American vote means the American people might actually choose the person they want.

That is something Republicans find truly frightening, so they are building a fence to keep the Americans out of America. But the fence won't go up in this bill till 2008, so the American people have a mid-term election ahead. You know what they are up to. You know what they want to do.

But you have a chance to vote, still, everybody has a chance to vote, and the people can vote and protect their right to vote by voting against people who will put up this kind of legislation. We saw in 2000 the efforts to keep people away in indirect ways. This is a direct shot at Americans' right to vote.

□ 1900

IN RECOGNITION OF OPERATION HOMETOWN GRATITUDE

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from North Carolina.

The SPEAKER pro tempore. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. GUTKNECHT. Mr. Speaker, Harry Truman once said, "America was built on courage, on imagination and an unbeatable determination to do the job at hand."

I rise today in recognition of Operation Hometown Gratitude. Operation Hometown Gratitude is an effort started by students from Rochester, Minnesota, Public Schools to recognize the hard work and sacrifice of our Armed Forces. The operation was formed to thank our troops by sending care packages and supplies.

I would like to recognize all of the students for their dedication. I am especially thankful to student organizers Katie White, Kelcey Evers, Brian Ehni, Corey Hinsch, Dayton Root, Greg Tri, Mitch Haack, Lucas Kirkam, Jon Nelson, Paul Keehn and Jayna Rench. As someone who has witnessed firsthand the gratitude of our Armed Forces when they receive these care packages and letters of encouragement, I can assure each of these young people that their work is important.

The energy and enthusiasm of these young people was harnessed by a great American. Gary Komaniecki is a teacher at both Rochester John Marshall and Mayo High Schools. Gary is the advisor for these young people and should be recognized for his continued support for our men and women in uniform. Gary has received assistance from Judy Evers, Brenda White, Deanna Mandler, Arthur and Shirley Scammell and Maggie Hovel.

I would also like to recognize the sponsors of this program: VFW Post 1215; all three Rochester HyVee locations; Terry Timm of Ye Olde Butcher Shop; Dave Evans from The Printers; Darel Nigon from Nigon Woodworks; Shawn Flippin from National Pawn Company; Rochester Culvers, both north and south; Jim Rush from A-Z Embroidery; and Homestyle Pizza.

Make no mistake, this job is not easy. The people of Iraq and Afghanistan lived under brutal regimes for decades. There is much to be done, and our Armed Forces continue to do their jobs well.

Mr. Speaker, the young people who have spearheaded Operation Hometown Gratitude, as well as the sponsors who seeded this work, are not just sending care packages and supplies. By their support and their effort, they are displaying what Harry Truman meant by "unbeatable determination" and playing a major part in doing the job at hand.

ON THE CRISIS SITUATION IN DARFUR

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent to claim the time of Mr. DEFAZIO.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, first of all, I want to commend Mr.

PAYNE of New Jersey and all of those who have demonstrated tremendous leadership on this issue.

I have been told time and time again that the only way that evil can triumph is when good people do nothing, and I believe it was Dante who suggested that the hottest places in hell are reserved for those who declare neutrality and do nothing in times of great crisis.

We have all heard of the atrocities that are continuously being heaped upon the people in the Sudan. It is now time for us to act, and to act convincingly. We have to ask ourselves the question, if not us, then who? If not now, then when?

I am here tonight to help sound the alarm once again on genocide in the Sudan. There is no room for neutrality in the face of the crimes being committed there each day. Amnesty International has renewed its charge that the international community is not doing enough to protect women in the Darfur region and the refugee camps in Chad where mass rape is being used as a weapon.

Since 1983, more than 2 million black civilians have died during the civil war in the south Sudan. That struggle was especially brutal for the civilian population. Slave raids resulted in the enslavement of women and children, gang rape, ethnic cleansing and the imposition of famine conditions for hundreds of thousands of people.

On October 21, 2002, the President signed the Sudan Peace Act, which stated in part that the acts of the Government of Sudan constitute genocide as defined by the United Nations Convention on the Prevention and Punishment of the Crime of Genocide. That bill requires President Bush to certify every 6 months that the government in Khartoum is negotiating in good faith for an end to the civil war. According to some sources, we may be close to a framework for peace in that region.

Mr. Speaker, only a short time ago we paused here to mark the 10th anniversary of the genocide in Rwanda, where more than 800,000 people died while the world watched and did nothing. Once again, genocide has unfolded before us, and those who have taken note have expressed their horror at what we have seen. But where is the public outcry? Where are the front page pictures? Where is the response of our government on behalf of the American people? I can tell you there has been some, but there has not been nearly enough.

So I join with my colleagues here this evening to call for the unequivocal, absolute declaration that genocide in the Sudan must end, and that it must end now. Not next year, not next month, but tonight.

ADDRESSING THE MEDICARE PART D DOUGHNUT HOLE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Nebraska.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. BURGESS. Mr. Speaker, we heard a lot last spring about the voluntary Part D prescription drug program that seniors had available to them for the first time. We haven't heard much about it recently, but it is important to revisit the concept because of two aspects.

One is the open enrollment period, which is going to begin the middle of November and run through the end of the year; and the other is to address the fact that some seniors are coming upon what is called the coverage gap. They have received enough help in the prescription drug program, and they have come into a period of spending where they are expected to cover the whole cost of their prescription drug components until they get up to a catastrophic level, after which they will only be responsible for 5 percent of their drug expenditures.

Mr. Speaker, last spring when we talked about the Medicare prescription drug program back home, I would tell my constituents to focus on cost, coverage and convenience. If cost is your biggest driver, then look for the plan that has the lowest cost. That is pretty easy to do if you have got a computer and can go to Medicare.gov and scroll through the various computer screens of the plans out there.

In my State in Texas, there were some 48 different plans and combinations of plans that were available, but it is pretty easy to pick out the ones that are the lowest cost. If cost was the main driver, that is what I would encourage people to do, and then focus in on those three or four that were the lowest-cost plans.

If coverage was the main driver, there was a column devoted to coverage as well. You can certainly pick and choose from plans that covered 95, 98 percent or even 100 percent of the drugs in the Medicare formula.

Finally, convenience. If you want to use mail order, make sure that the program that you are looking at conforms to that expectation. If you want to use the Wal-Mart pharmacy, if you want to use the mom-and-pop drugstore down on the corner, make certain that that dispensing entity is available on the drug plan.

But by focusing on cost, coverage and convenience, then this rather daunting prospect of looking at 48 different drug plans became a whole lot easier.

Remember, Mr. Speaker, when we passed the Medicare drug prescription program, the idea was with the finite number of dollars we had available we were going to cover the people most in need. That meant the people who had the most trouble with illness, who were on the most medications, and those people who were the least well off. The sickest and the poorest received the greatest amount of help from the Medicare prescription drug program. And that indeed has been borne out. But of necessity, those of us who are more well off or perhaps not as ill will find ourselves exposed to some expenditure for prescription drugs in the so-called coverage gap.

Well, 92 percent of the people who signed up for Medicare are not affected by the coverage gap. That is, 45 percent of all Medicare beneficiaries will be eligible. Some fall into a category where they are eligible for low-income subsidies and therefore not affected by the gap. They have annual drug expenditures well below the $2,250 level and will never reach the gap, or they have chosen an enhanced Part D plan that provides some coverage in the coverage gap. An additional 47 percent have prescription drug coverage from plans outside of Part D, government plans, veterans plans or another Federal program, or an employer-sponsored program. Or there are those 9 percent who just said, I don't get sick, I don't need drugs, I don't take drugs, and I am not going to sign up. Forty-seven percent of Americans fall into that group. So 92 percent of people will never be affected by the coverage gap.

But of those 8 percent who are, and this is the most important part, they need to concentrate on one of the enhanced plans when the open enrollment period comes up on the 15th of November.

Every Medicare beneficiary, every single Medicare beneficiary, 100 percent are covered for catastrophic.

What I would like to do with the balance of the time is to focus on the individuals who would benefit from being on an enhanced drug program.

Mr. Speaker, I have just taken a random page from some of the plans that are available in my State of Texas. This is what will appear on someone's computer screen. You have the company name, the plan name, monthly drug premium, the annual deductible, the cost-sharing coverage in the gap, the formulary percentage of drugs covered, and a checkmark for whether or not someone is enrolled in that plan.

If the plan you are in leaves you exposed in the coverage gap, I encourage people to go back to the computer screen or have their grandchild go to the computer for them and scroll through the plans available.

If you look down, Mr. Speaker, you will find that some of the plans, albeit they are more expensive from the standpoint of the monthly premium, but look, here is one with a zero dollar annual deductible. Yes, it has some cost sharing, between $2 and $40. Coverage in the gap, yes. Generic only, but if a person is on a blood pressure medicine, cholesterol-lowering medication or reflux medication, this may be a very valuable plan. And then the one right below it, again no deductible, but generic and branded.

This is the type of coverage someone needs to focus on if they found themselves having the expenditures in the so-called coverage gap.

ADDRESSING THE CRISIS IN DARFUR

Mr. WATT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from New Jersey.

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina is recognized for 5 minutes.

There was no objection.

Mr. WATT. Mr. Speaker, as chairman of the Congressional Black Caucus, I want to start by thanking my colleagues in the Congressional Black Caucus, Representative DANNY DAVIS, who has already spoken, and the other members of the Congressional Black Caucus who are here this evening to shed more light on what is going on in the Sudan and to challenge our other Members of Congress and our administration to take action in this dire situation.

Many people, when they saw the movie Hotel Rwanda, believed that it was a fictional movie. Unfortunately, the actions, the things that were depicted in that movie, were not fictional at all. It is true that actors and actresses played the roles, but it depicted something that had actually transpired in our world, which has been described by Representative DANNY DAVIS as over 850,000 people killed through acts of genocide.

□ 1915

Unfortunately, that occurred with our United States Government and people around the world knowing that genocide was taking place in Rwanda and not taking any action to do anything about it.

Well, we are now facing a similar situation in the Sudan. We are up now to what is estimated to be 450,000 people having been killed by official governmental actions, genocide. We have declared it to be genocide. Our government has declared it to be genocide. And in addition to the 450,000 people who have been killed, over 2 million people have been displaced from their home communities, their villages, because they are fearful of staying in their communities lest they be killed by genocide also. And the beat goes on daily.

Mr. Speaker, this is something that must stop. It is inhumane and it is something that our country and people around the world should not continue to tolerate.

We visited, a number of us, Members of the Congressional Black Caucus and others, visited the Sudan and actually went into the displaced persons camps where we found conditions were horrible, where we found disproportionately women and children, because the men had stayed behind to fight, and most of them had been the victims of the killings and genocide. So we are going to have a situation where more and more and more children are going to be without parents if we do not act, and that is unacceptable.

The African Union troops have gone in to try to stabilize the situation, but we met with the African Union troops and their resources are depleted and they are not mobile enough. Even when they know another act of genocide is about to occur, they cannot move fast enough to the location where they know it is going to happen to prevent it from happening.

And so we have made it clear that the only way this can be resolved is for United Nations troops to be put into that area to stop the genocide that is going on.

Now, let me tell you what happened. The U.N. met and a resolution was passed, and still the United Nations troops are not in Sudan. The U.N. met and a resolution was passed authorizing troops to go into Lebanon, and the U.N. troops are already in Lebanon.

So there is something going on here, Mr. Speaker, that we need to expose to the world. We cannot distinguish between folks just because they are in Africa as opposed to the Middle East. We have got to take action. We call on our Congress and our administration and people around the world to do so this evening.

DARFUR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. KILPATRICK) is recognized for 5 minutes.

Ms. KILPATRICK of Michigan. Mr. Speaker, the world is in total crisis. The conflict and the devastation in the Darfur region of Sudan is abominable. I call on the President of the United States, who named Andrew Natsios at the U.N. to be the Special Envoy, that we put the full might and credibility of what we have left in our country behind the genocide that is taking place in Darfur.

You have heard the numbers. Atrocities, government-sponsored terrorism, where the President of Sudan does not even acknowledge not only the U.N. forces, not only the African coalition that is there to help secure his people, but that genocide and the killings really exist.

I was on one of the delegations that went to Sudan earlier this year in a bipartisan, bicameral visit. It was outrageous what we saw. Yet, today, as the heightened conflict, killings, this government in Khartoum is now dropping bombs on the civilian population in the refugee camps. Just think about it. They have run them out of their villages. They have burned their villages. They have raped the women. They killed the men and had the children in total chaos and asking for help.

We are the most powerful Nation in the world today. We say that all the time. We must rise up to save the young children, the women, and the men for the sake of their own country.

President al-Bashir has turned his head on it. The Janjaweed, men on horses who ride herd on those villages, kill people, innocent civilians, it could be you, but you are living in another country.

I am asking tonight that we recognize the genocide, the horrific conditions that are going on in Darfur, which is in the southwest region of Sudan. Sudan is the largest country geographically in Africa. It has black Africans, African Arabs and others in the country.

Khartoum in the northern part of the country is where the seat of government is. They just recently signed a southwest agreement in Darfur that they might be better, and better take care of their people, which they are not doing.

The security is deteriorating. There is a credible threat of famine that exists. More and more people are going hungry and starving, and the world relief food efforts are not able to get to the people who have been run off of their land.

The cease-fire is in shambles. The U.N. peacekeeping authority must keep in, and President al-Bashir is not letting them in.

Rise up. We need the Nations that surround the Sudan to speak up.

Egypt President Mubarak, I have been a strong supporter of Egypt, and I still will be, but you must speak up. You must do more. You and I have talked about this. You must do more.

Jordan, King Abdullah, you have got to get involved. You have got to get involved. People are dying as we speak.

The region must rise up. How can you let this happen one more time in any part of the world? These are people who cultivate and live and grow food before this atrocity which now has outlasted any other, including Rwanda, in terms of its devastation and loss of life.

The Chad-Sudan border that I visited on another occasion is overwhelmed by the people who are fleeing Sudan. Do we want to keep the chaos going? Do we not really have to sign up as God's people, one Nation under God and treat all of His people the same?

We have the authority, we have the power, and we have the partnerships to bring this to a conclusion. So I join my CBC colleagues this evening and ask that America rise up, that the Middle East region speak out to help people who cannot help themselves.

I want to thank Congressman DONALD PAYNE who is the author of a resolution that we sponsored and passed, H.R. 3127. We passed it in April. We sent it to the Senate, where they sat on it. Now, I understand a Senator does not want to pass it because it was too strong. How can a resolution be strong, too strong when it is about the very subsistence of life for a people?

So I call on all good men and women of the world. Darfur needs us to step up, the people, the children, the women, the men, the villages. We can do better.

I ask that we stand and fight and speak and work, that the people in Darfur can have life and have it more abundantly.

Mr. Speaker, today the African Union agreed to extend its mandate of peacekeeping forces in Darfur through the end of the year ensuring that international troops will remain in the Sudanese province for now. I rise today to support H.R. 3127, the Darfur Peace and Accountability Act. Current circumstances dictate that we develop tangible solutions, in order to provide hope to the people of Darfur. Darfurians are suffering extreme hardships. Every day is a struggle to survive for the Internally Displaced Persons, IDPs, in camps in Chad.

The Sudanese conflict in Darfur is the longest running civil war in Africa, and there are no clear signs of a negotiated resolution. President Bashir has said time and time again that he will not approve U.N. forces to come in to his country.

There are at least 2.61 million people affected by the conflict. Children no longer attend school, women face the prospects of rape, violence and death each day as they exist in refugee camps and venture outside the confines of camp for water and firewood. 70,000 people have already lost their lives. The number of displaced persons continues to expand and is estimated now at 1.9 million people.

When I say the situation is worsening, the facts reinforce the reality. Even as I stand before you, the Sudanese government is engaged in aerial bombings directed at the refugees. The Janjaweed are directing increasing bold and violent attacks, massacres of refugees. The African Union has affirmed its intention to fulfill its mandate, but it is imperative that the transition to a United Nations force be made consistent with Security Council Resolution 1706.

The world is watching as genocide engulfs victims in an African country. It appears that we did not learn the lessons that resulted from the genocide efforts that occurred in Rwanda. We vowed never to forget; yet, we are not doing enough to ensure the safety and security of innocent victims in Darfur.

It is critical to place the matter of Darfur in context. The porous border between Sudan and Chad is expected to see a massive influx of about 20,000 refugees at the expiration of the AU mandate. A number of estimates suggest that this number will be closer to 50,000 people. The World Food Program has stated unequivocally that they are incapable of providing food and assistance whenever the current crisis deteriorates. The fact of the matter is the current conflict presents a moral imperative for the world and for people of conscience. If nothing is done, there will be negative impact in neighboring countries. Many of the neighboring countries will be overextended as their limited resources are stretched to cope with the needs of the refugees.

It cannot be overemphasized that more leadership must occur in order to end the crimes against humanity occurring in Darfur. It is clear that the government of Khartoum thinks that the world, the U.N. and African and Muslim countries lack the moral resolve to tackle this issue. The countries of Egypt and Nigeria must exert their considerable influence to tackle this ever-widening problem. God and history will judge all of us harshly if we do not rescue the current victims of Janjaweed atrocities.

Former Secretary of State Colin Powell declared that genocide was occurring in Darfur, Sudan. Even with a declaration of genocide, the suffering continues.

We in the Congress have told the people of Darfur that help is on the way. The FY 07 request includes $108 million for refugee assistance, $60 million for conflict management in Sudan, $170 million for Peacekeeping Operations, PKO, which is $30 million less than the request, and approximately $70 million for Contributions to International Peacekeeping, CIPA. But these resources are far from enough.

What is required is a moral imperative and clear, decisive mandates emanating from the UN that provide blue helmet soldiers on the ground with the authority to uphold peace.

I have traveled to Darfur, and I am pained to say that the genocide occurring in Darfur is tantamount to ethnic cleansing by Arab Muslims against indigenous African Muslims. There is no escaping this reality.

In closing, it is crucial that the following occur. We must support the Special Envoy for Sudan, Andrew Natsios, former USAID Administrator appointed by President Bush. Nonetheless, there is still a strong need for passage of the Special Envoy Resolution, H. Res. 992. This resolution not only calls for the appointment of a Special Envoy but also for that individual to have a strong mandate, staff and backing of senior administration officials. Passage of this bill will show Congressional support for the Envoy. All 4 Co-chairs of the Sudan Caucus are co-sponsors.

Finally, the Darfur Peace and Accountability Act, H.R. 3127, passed the House last spring. Another version of this bill, S. 1462, also passed the Senate. House and Senate staff met in April to agree on a compromise. The Senate had agreed to take up H.R. 3127. For months the bill languished. Last Monday, Senator LUGAR introduced a new version of H.R. 3127. Procedurally and time-wise this presents several problems. It is crucial that Congress pass a bill that will address the plight of the victims of Sudan before we adjourn, and that, in turn, the president sign the legislation.

We must send a clear and strong message to our suffering brothers and sisters in Darfur to hold strong.

ENDING THE GENOCIDE IN DARFUR SHOULD BE A TOP PRIORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I rise to add my voice to my colleagues' plea to this administration to make ending the genocide in Darfur a top priority.

Mr. Speaker, I rise, joining my colleagues, thanking them for all of the work that they have done. The Congressional Black Caucus, led by Mr. DONALD PAYNE, have done everything we could possibly do.

Members of the Congressional Black Caucus and other concerned Members of Congress have written letters to the Bush administration, letters to the United Nations, visited the United Nations on more than one occasion, met with Kofi Annan. We have done everything we could possibly do. Each of us individually have written letters. I wrote to the President back in 2004 and implored him to take action.

In July of 2004, I sent letters to the other members of the United Nations Security Council, urging that the United Nations take action to end the slaughter in Sudan. This letter was signed by 41 Members of Congress, including my good friend from across the aisle, Congressman SPENCER BACHUS.

Last April, Members of Congress sent a letter to Secretary of State Condoleeza Rice expressing our support for the appointment of a Special Envoy for Sudan. Well, I understand 2 years later, after the administration even admitted and agreed that genocide was going on and after the Members of Congress have sent letters to the Secretary of State and to the President, finally an envoy is being sent to the Sudan. A little bit late, but we are appreciative for that. We are desperate.

Also, last April the House of Representatives passed H.R. 3127, the Darfur Peace Accountability Act by an overwhelming vote of 416-3. This bill would impose sanctions on the Government of Sudan and block the assets and restrict travel to individuals who are responsible for acts of genocide, war crimes and crimes against humanity in Darfur. Unfortunately, the Senate has yet to take up the bill. I understand that the Senate will be taking up the bill, but they have stripped out an important part of the bill on divestment, but we are desperate. Even with that part of it stripped out, we want this bill passed.

My colleague DONALD PAYNE who helped to author this bill has done everything that he could possibly do to get the Senate to move this bill. We humbly come before the people of this country tonight, not only imploring the President of the United States to use his bully pulpit to make this a priority, to talk with the Chinese, to talk with whomever needs to be talked with, to get something done, to get those troops up there to stop this genocide.

Earlier this year, I traveled to Sudan as part of a bipartisan congressional delegation led by NANCY PELOSI, the minority leader. We visited the refugee camps. As far as the eye could see, there were crowds of displaced persons who had been driven from their homes, living literally on the ground, the little tarps just covering them. It is unconscionable that this should continue.

On April 28, and again on May 16, several of my colleagues were arrested in front of the Embassy of Sudan, protesting the genocide.

And as I said, yesterday, finally, Bush appointed a Special Envoy for Sudan, and this is 2 years after the Bush administration determined that genocide was taking place in Darfur. Again, it is late, but we are appreciative; but we want to say in no uncertain terms, the President must lead an all-out diplomatic offensive in support of a robust United Nations peacekeeping force that will have the authority to protect the people of Darfur.

More than 450,000 people have died since 2003 as a result of the genocide in Darfur. There are 2.5 million displaced people in camps in Darfur and another 350,000 in refugee camps in neighboring Chad. Almost 7,000 people are dying every month in Darfur. There can be no doubt that what is taking place in Darfur is genocide and the Government of Sudan is responsible.

Crimes against humanity in Darfur have escalated in recent months. Over 500 women were raped over the summer in one camp alone. There have been renewed attacks and aerial bombardment and 12 humanitarian workers were killed, two of them in the last 4 weeks. If the United Nations does not intervene in Darfur now, the death toll could rise dramatically in the next few months.

The world stood by and watched the genocide that occurred in Rwanda. The world has noted over and over again the atrocities of the Holocaust. Well, enough said.

Yet we cannot seem to get the international community to move fast enough to stop the genocide that is taking place in Darfur.

The Bush Administration and the international community cannot continue to ignore this genocide. The United Nations must put an end to these crimes before millions more men, women and children are allowed to die.

□ 1930

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4830, BORDER TUNNEL PREVENTION ACT OF 2006; FOR CONSIDERATION OF H.R. 6094, COMMUNITY PROTECTION ACT OF 2006; AND FOR CONSIDERATION OF H.R. 6095, IMMIGRATION LAW ENFORCEMENT ACT OF 2006

Mr. COLE of Oklahoma, from the Committee on Rules, submitted a privileged report (Rept. No. 109–671) on the resolution (H. Res. 1018) providing for consideration of the bill (H.R. 4830) to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one's land) the construction or use of a tunnel or subterranean passageway between the United States and another country; for consideration of the bill (H.R. 6094) to restore the Secretary of Homeland Security's authority to detain dangerous aliens, to ensure the removal of deportable criminal aliens, and combat alien gang crime; and for consideration of the bill (H.R. 6095) to affirm the inherent authority of State and local law enforcement to assist in the enforcement of immigration laws, to provide for effective prosecution of alien smugglers, and to reform immigration litigation procedures, which was referred to the House Calendar and ordered to be printed.

GENOCIDE IN DARFUR

Ms. MOORE of Wisconsin. Mr. Speaker, I would like 5 minutes to address the body.

The SPEAKER pro tempore. Without objection, the gentlewoman from Wisconsin is recognized for 5 minutes.

There was no objection.

Ms. MOORE of Wisconsin. Mr. Speaker, I, like other Members of this body, am very reluctant to use inflammatory rhetoric, and it is very, very inflammatory to label what is going on in Darfur as genocide. It is inflammatory, it is accusatory, it indicts the government. And, moreover, Mr. Speaker it pricks our humanity, because if we were to not deny that it were genocide, there is no way that we could just sit back and do nothing. If we deny that it is genocide, it is just easy to walk away and say that what is going on there is somebody else's business.

Well, the international legal definition of the crime of genocide is found in Article 2 of the Convention on the Prevention and Punishment of Genocide. It describes the two elements that constitutes genocide as, one, a mental element attempting to destroy in whole or in part a national, ethnic, racial, or religious group; and, two, a physical element, which includes five types of violence, Mr. Speaker: killing of members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about the physical destruction in whole or in part; imposing measures intended to prevent births within the group; and forcibly transferring children of the group to another group.

Now, if you look at what is happening in Darfur, if you pull off the blinders, you will find that more than 400,000 people have been killed by the government forces and militias from 2003 to the present time, and the killing continues.

Bodily and mental harm certainly has occurred as young women and girls are raped by soldiers and militias. Such physical and mental harm will continue to affect these women and families for generations to come.

Hundreds of thousands of lives have been lost to the deliberate destruction of homes, crops, water resources; physical displacement of over 2 million people, resulting in conditions of famine, disease, epidemics in both inaccessible areas and in camps for displaced people; the killing of pregnant women; the use of rape as a weapon of genocide, as many perpetrators have been arrogant enough to state that their intent is to change the ethnic identity of the child conceived by rape.

2004, July, this House and the Senate declared that the atrocities in Darfur constitute genocide. 2004, September, then-Secretary of State Colin Powell announced that the killing, raping, and other atrocities occurring in Darfur was genocide. But 2 years and much empty talk later, the violence continues, Mr. Speaker.

The U.N. and humanitarian organizations continue to report a continuing deteriorating situation. Twenty-six thousand Sudan Armed Forces are headed to the Darfur region for a major offensive against people. Humanitarian groups have remained concerned that their ability to continue to provide aid to over 2 million displaced victims are insecure as the violence continues.

The time for debating this genocide or declaring it genocide is over. It is time to do something now.

There are only two options, Mr. Speaker, as I leave to go back to my seat. One would be to extend the African Union peacekeeping force mandate; or, two, to send in the U.N. peacekeepers in Sudan, even though the Sudanese Government refuses to accept them.

Of course, Mr. Speaker, there is one other option: To continue to do nothing. For evil to triumph, it is only necessary that good men do nothing.

DARFUR

Ms. PELOSI. Mr. Speaker, I ask unanimous consent to speak out of order for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. PELOSI. Mr. Speaker, how many times can people say, "Never again," and then proceed to observe the systematic elimination of a people, of genocide? When it happened in Rwanda, we were shocked, horrified. While it was happening and after it happened, we all examined our consciences and said, how could we have let that happen? Never again. That had been said after Bosnia; of course, after the Holocaust, which was the ultimate, of course, genocide.

So here we are with a very well-documented genocide where the people of the world are appalled by it. There is great sadness about the loss of life and displacement of people, much dismay about the fact that the humanitarian assistance cannot be delivered. In fact, some of the humanitarian deliverers of that aid are being killed in the Sudan and Darfur region now. And yet, for some reason, as a country, as a world, we seem incapable of taking the necessary action.

I want to commend DONALD PAYNE for his tremendous leadership on this important issue. With that leadership, some of us went to the Darfur region earlier in the spring of this year. We saw the children. The little ones still sort of had a bright spark in their eyes, the little babies, but as the children got a little bit older, you could see that pall come over them. They had seen too much, pillaging of villages, kidnapping of their fathers, and murder perhaps of their parents, the raping of their mothers; just unthinkable, unimaginable horrible acts of violence right in front of the children. And in their cases, some of them, too, were victims of the same atrocities that I just named.

We had a great delegation. Congresswoman BARBARA LEE was a very important part of it, and she brought her significant knowledge of Africa and of poverty and of divestment in her initiative to lead the divestment movement in this country, and I hope that in the Senate version of the Darfur Accountability Act that the divestment language will be as written by Congresswoman BARBARA LEE.

The chair of our Congressional Black Cause, Congressman MEL WATT, was on our trip. The chair of our caucus, Chairman CLYBURN, MAXINE WATERS. It was a very distinguished delegation, and we went there with the idea that we would make a difference, that our voices would be heard with much greater authority when we came home.

When we came home, we went to the United Nations and we met with Kofi Annan and said how urgent the situation was and that something had to be done, and we had hoped that it would be just a matter of weeks, that was in March, that something would be done. We met with the President of the United States and offered to work together on the issue of the resolving this terrible, terrible genocide in the Sudan.

But the time has gone by. And we said at the time, we can't wait 6 months. They said, well, we probably can't get a U.N. force in there until 6 months. And we said, no, we can't wait 6 months. These children will be gone by then.

We were in a camp that had 100,000 people. These children, these beautiful little children, were living in huts that were made of just discarded materials. And I couldn't help but think that when we send our aid, whether it is grain or rice or whatever foodstuffs we send in those bags that say "Made in the U.S.A.," you wouldn't have thought that you would see those same bags as huts. That is what people lived in, these bags draped over sticks.

The conditions were unhealthy, contributed to the health problems and the loss of life. The situation was desperate. And still, 6 months later, we are still looking for the answer.

Everybody bears a responsibility for this. The American people certainly care, and they have voiced their concern. College campuses across the country are the scene of rallies for Darfur. Central Park on Sunday and other places throughout the country, people turned out for Darfur. Here in Washington a few months ago, an incredible record-breaking crowd came out. The Jewish community, God bless them, has taken the lead. Rabbi David Sapperstein and others have come together, brought the Jewish community to be a major part of this because they knew and they know what "never again" means.

So let us, in making these statements that we are making tonight, be part of a resolve that this is a top priority for our country. Last week our delegation, we come together regularly to see how we are doing, where we can make a difference, where we go from here, we met with many of the humanitarian groups that minister to the needs of the people in the Darfur region. They told us that 14 humanitarian deliverers of aid had been killed, as I mentioned. They told us about the horrendous conditions and how it all worsened and how difficult it was to deliver the aid. And we promised them that we would make an even more concerted effort.

So we wrote to the President, talked about the deteriorating situation in Darfur, and we did ask him to appoint a special envoy, and we are very pleased that he made that announcement at the U.N. this week and that there would be an extension, a request to the African Union to renew its mandate until a U.N. force can take over. And that seems to be the course of action that will be taken.

It is not enough. The African Union force is doing a good job for the resources that they have, but they have no mobility, they have no charge to really keep the peace. But they are a presence and a respected one, and I admire the work that they are doing. But they can't do the job without funds, without mobility, the trucks, whatever, to move around quickly, because they are covering an area the size of Texas. This small band is covering an area the size of Texas. Mr. GREEN knows a lot about the size of Texas and the size of Darfur.

We also want to be able to bring our delegation, our delegation was a bipartisan group, together hopefully to meet with the President to set some goals, state the resolve, get the job done.

But this behavior that we saw in Darfur, the treatment of these people, was outside the circle of civilized human behavior.

What we saw from the authorities in the Sudan was denial of what was happening in Darfur. So that makes the challenge even greater. But if our word is to mean anything and our credibility is to be intact, we can't really say never again when we see the horrors of a genocide and the look in the eyes of the children to whom we owe more.

Many of us are very committed to our faith, whatever religion we espouse, and we are taught that we are all God's children and every person is made in the image and likeness of God and that we all carry a spark, a spark of divinity within us; and every person, therefore, is worthy of respect. I believe that is the case.

So what is the justice in these children and their families being at the mercy of the brutality that is being exacted upon them, without the whole world not only saying it but acting upon the words "never again."

So in that spirit I express my appreciation to Mr. PAYNE for his leadership. Nobody knows more on the subject, has more dedication, and has been more courageous in going into places that have been a danger to him personally in order to represent the American people with great distinction and effectiveness. I thank you, Mr. PAYNE, and look to you for your ongoing leadership on this important issue.

□ 1945

WHERE DO WE STAND?

Mr. AL GREEN of Texas. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. AL GREEN of Texas. Mr. Speaker, I rise to remind my colleagues that Dr. King was right when he proclaimed that the measure of a person is not where a person stands in times of comfort and convenience, but, rather, where a person stands in times of challenge and controversy.

I have a question for my colleagues, Mr. Speaker. The question is: Where do we stand on one of the great challenges and controversies of our time? Where do we stand, Mr. Speaker, on the question of genocide in Darfur? A question that transcends race because there really is but one race, and that is the human race; a question that transcends gender because what is happening in Darfur is happening to persons of both genders. Where do we stand on one of the great questions, one of the great controversies of our day?

It has been said that hundreds of thousands have been killed. Nobody really knows how many; millions displaced, but nobody really knows how many. Where do we stand on this great challenge and controversy of our time?

I have been to Darfur. I was there in the month of August. I have seen the throngs of humanity living in huts made of straw, living on the ground and off of the land, persons living under conditions that we would not want animals and lower life forms to live under. I have seen these conditions. No running water, no electricity, no sanitation facilities. Where do we stand on one of the great challenges and controversies of our time?

I met with the general of the AU forces. He made it very clear that they were being outgunned, that they were being overpowered under certain circumstances, that they needed help, and he would welcome the presence of the U.N. forces. Where do we stand on one of the great challenges and controversies of our time?

We met with NGOs. They told us of how 11-year-old babies had been raped, and how the government would not allow an offense report to be filed. File an incident report, say that it happened, but don't give enough details so that a proper prosecution could take place. Where do we stand on one of the great challenges and controversies of our time?

I met with former rebel leaders who are now part of the government. They want the U.N. forces. They understand that genocide is still taking place in Darfur. They understand that unless we have outside intervention, it will continue. Where do we stand on this great challenge and controversy of our time?

A superpower has to have super vision. Where there is no vision, the people perish. And when a superpower doesn't have super vision, you have super deaths, super atrocities. Where do we stand on one of the great challenges of our time?

Mr. Speaker, Mr. PAYNE, members of the CBC, Leader PELOSI, we stand with the people of Darfur, the indigenous population. We stand for justice, for the least, the last and the lost. We stand for making sure that no decent, self-respecting company does business with Darfur. Any company that does business with Darfur commits a sin. This is one of the great tragedies of our time. We stand for standing against those businesses that are allowing this tragedy to continue, because if you do business with this country, you are doing business with those who are perpetrating genocide.

So, Mr. Speaker, I want you to know that there are good people in this House, and we are calling on people of goodwill to take a stand against one of the great challenges and controversies of our time.

GENOCIDE IN DARFUR

Ms. LEE. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. LEE. Mr. Speaker, I thank Representative PAYNE for his leadership, and for being that lone voice many, many years ago, calling to our attention the atrocities, the genocide, that has been taking place in Darfur.

We have debated this genocide for nearly 2 years now. It is time for action. As we speak, the violence in Darfur escalates while the hands of the United Nations, quite frankly, are tied by Sudanese President al-Bashir.

Mr. Speaker, this is the moment of truth. The world is watching. Just yesterday, the President announced at the United Nations General Assembly that Andrew Natsios will serve as the President's Special Envoy for Sudan. A special envoy is long overdue.

The situation in Darfur has deteriorated rapidly over the last few months. Rapes have increased. There were about 500 rapes over the summer in one camp alone. Twelve humanitarian workers have been killed, including two in the last 4 weeks.

Mr. Speaker, 26,000 Sudan armed forces are headed to Darfur for major offensive. There has been renewed aerial bombardment. Twelve years ago, the world stood by when almost 1 million people were slaughtered in Rwanda. And for the most part the only thing our government did was say "I'm sorry," and that was after the fact.

Now we have said, "Not on our watch. We will not have another Rwanda," so our credibility, quite frankly, is on the line. We cannot let Darfur become another Rwanda. Already too many people, we are hearing upwards of 400,000 to 450,000 people have died. Too many women have been raped, too many villages have been burned, and too many people have been displaced.

I witnessed this ongoing tragedy on two occasions. The first time was in January of 2005 in a bipartisan delegation under the leadership of Chairman ED ROYCE. We visited the refugee camps in Chad and went into Darfur with two great humanitarian leaders, Don Cheadle, the brilliant Academy Award nominee, star of "Hotel Rwanda," and also Paul Rusase-bi-gee-na whose courage in Rwanda saved many, many lives.

During that visit we saw children and we talked to the children who were traumatized. Everyone was traumatized. You could see it in their eyes. They were dazed. The children painted pictures when we said what happened. They painted pictures of airplanes and helicopters with bombs dropping on the villages. Then at the bottom of picture, what was there but men on horseback with guns and with machetes burning down the villages and killing the people. This is what children saw and what they were communicating with us and begging and pleading us to stop.

Most recently, under the great leadership of Minority Leader NANCY PELOSI, she led a bipartisan delegation, we once again visited refugee camps in another region of Darfur and saw the same suffering. This was a year and a half later, and it was escalating and getting worse. We talked to people and saw once again, genocide is taking place right during our watch. We have to be more about action and not just about talk. We have to use every tool available to end this genocide. That is why we are doing everything we can do.

We are frustrated by the slow action of this Congress and especially the Senate. The House passed the bipartisan Darfur Peace and Accountability Act in April. Who knows how many lives would have been saved had that bill been moved out of the Senate quickly?

Yes, I believe we have to hit Khartoum where it hurts, and that is in their pocketbook, and allow States to divest of their pension funds in companies with blood on their hands, companies that have invested and are doing business in the Sudan. You may remember that divestment was a successful tool in ending the apartheid regime of South Africa.

Today, young people, State legislatures, colleges, universities, States, Illinois, New Jersey, Oregon and Maine, have all passed legislation mandating divestment of State funds from companies that conduct business in the Sudan. The divestment legislation in California awaits signature of our Governor. States like Massachusetts, Rhode Island, North Carolina, Kansas, Wisconsin, Indiana, Georgia, Maryland, New York, Iowa and Texas, all of these States have legislation, they are drafting it or it is in place, to divest of State funds from companies that conduct business in the Sudan. It is a shame that we can't get this provision in the bill or keep it in the bill as it moves out of the Senate.

Additionally, Students Taking Action Now: Darfur (STAND) are driving their respective colleges and universities to divest from companies doing business in the Sudan.

And yes, we have introduced the Darfur Accountability and Divestment Act which applauds the divestment efforts and provides preemption language to protect their divestment activities.

And we also believe in this bill that we are going to go a little bit further and say the United States Government prohibits contracts with any multinational company doing business in the Sudan if the nature of the business relationship is with the national, regional, and local Government of Sudan, and many other aspects of really calling out those companies who continue to hide behind the shield of their business operations and investment operations, but really what they are doing is contributing to the Sudanese Government in their efforts to wipe out a whole group of people.

We are not without options to stop this genocide and the suffering in Darfur. If we have the political will, we can end the suffering. It is a desperate situation. It is a humanitarian catastrophe. We must insist upon a real political settlement, a peace agreement that goes far beyond the May 6 agreement.

We have to ensure that Darfurians return to their villages quickly and reclaim their lives. We have to bring the perpetrators of this State-sponsored genocide, and that is what it is, State-sponsored genocide; we have to bring them to justice. I thank Mr. PAYNE for his leadership.

□ 2000

BLAME AMERICA FIRST CROWD; CONDEMN OUR TROOPS

Mr. GOHMERT. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore (Mr. POE). Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. GOHMERT. Mr. Speaker, there are some that come before this body, come to this floor and like to play the blame America first. Let us play the blame game, blame America first. We have had people come here, and even a former marine came to this floor and called Active Duty marines cold-blooded killers who had not been tried, who had not been even charged, and, as I understand it, not even charged today, accused people of coverups.

There is so much good in the United States military services. It deserves to be addressed. The members of our military deserve accolades. Having spent 4 years in the United States Army, I can tell you that these members serving now are some of the best that have ever served in the United States armed services.

So rather than blame America first, as so many want to do, I thought it would be more appropriate to come to the floor and talk about heroes of our American military, people of whom we are proud.

Now, you are going to end up hearing me do this quite a bit from here on. We have asked for information from the Department of Defense about people who have won honors for their heroic acts, and so I want to present to you tonight about Sergeant First Class Paul Smith. He served with Bravo Company, 11th Engineer Battalion, 1st Brigade Combat Team, 3rd Infantry Division out of Fort Stewart, Georgia, during the invasion of Iraq in March of 2003.

On April 4, 2003, Sergeant Smith was setting up a temporary enemy prisoner of war holding area during the seizure of Saddam International Airport when his unit came under attack. Smith kept his soldiers focused during the fight while engaging the Iraqi force of around 100 men with his M16, one hand grenade, and an AT4 antiarmor weapon.

At one point in the battle, Sergeant Smith manned a .50-caliber machine gun in the exposed turret of a damaged M113 armored personnel carrier and began firing at the main force of the enemy. He fired about 400 rounds of ammunition, which gave his soldiers time to regroup, time to mount an attack of their own. And when the shooting stopped, the Iraqi force had been defeated. Unfortunately, that was not before Sergeant Smith suffered an enemy bullet to the head.

Two years to the day later, Sergeant First Class Paul Smith's 11-year-old son David was presented this Nation's highest honor, his father's Medal of Honor, by President Bush. The President did not fall short on recognizing the significance of Sergeant Smith's heroic actions. He said, "Sergeant Smith gave his all for his men. Five days later Baghdad fell, and the Iraqi people were liberated. We count ourselves blessed that we have soldiers like Sergeant Smith."

Jesus said, "Greater love hath no one than this, that one lay down his life for his friends." Sergeant First Class Paul Smith laid down his life for all of his men, for his country, and we are the better for it.

May God bless Sergeant Smith, his soul, his family, his soldiers. And may God continue to bless America.

DARFUR PEACE AND ACCOUNTABILITY ACT

The SPEAKER pro tempore (Mr. REICHERT). Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

Mr. RUSH. Mr. Speaker, we are at a very dangerous point in time in our fight for human rights and human dignity as the atrocities in the Sudan continue to spiral out of control and hundreds of thousands of lives are held in the balance.

Millions of Sudanese have already been brutalized, raped, murdered, and displaced as the world stands idly by and waits to decide whether they are going to intervene or not on behalf of those victims.

Mr. Speaker, we cannot afford to wait any longer. This Nation, our Nation, America must reclaim its role as the world's moral leader and the world's greatest defender of the oppressed. At a time when we are asking others to trust our judgment and join us against tyranny, there is no other call as just as the one we face in Darfur.

America cannot and the world cannot continue to turn a blind eye to the atrocities taking place in Sudan. History would judge us harshly for allowing these acts of brutality to fester, and this purge on humankind will forever and ever stain our collective memories.

President Bush, in looking back on these same atrocities that took place in Rwanda, once a very long time ago declared, "Not on my watch."

Indeed, all decent, responsible peoples now look back in disgrace and horror as we recall how genocide was passively allowed to take place in our modern and civilized world, and we did nothing, absolutely nothing, to stop it.

Today, as we face the same predicament, it is imperative that we act quickly and decisively to stop the brutality before it spreads any further, stop the rapes, stop the murders before they spread any further, because this type of mass murder and brutality not only hurts those who are being oppressed, but it also damages the souls and the psyches of those who stand by and provide no help. If we are the true leader of the free world, then America has the added responsibility and the duty to stand up and fight for the oppressed. We have the power. We have the prominence. We have the influence to act, and that is what we must do. We do not have to use brute force in Sudan to fight these atrocities, but at the very least, we must, we must, we must rally the world to this cause. We must show honor. We must show courage. We must lead others in this struggle for human dignity and respect.

My friends, this is not a Republican or a Democratic issue. This is not even an American issue. This is a human issue. And we all have a stake in the outcome, because if we live in a world where people are allowed to be mutilated and raped, where people can be pushed out of their homes and murdered indiscriminately and without reproach while the powerful just stand by and watch, then we are losing the war against terror, and the world we are leaving for our children will be one not worth fighting for.

We must act. We must act now. We must stop the murder and the genocide in Darfur.

THE WORSENING GENOCIDE IN DARFUR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. JEFFERSON) is recognized for 5 minutes.

Mr. JEFFERSON. Mr. Speaker, I thank Congressman PAYNE, Congressman McGOVERN, and Congresswoman BARBARA LEE for their leadership and for their commitment to bring peace and security in the war-torn region in western Sudan that we have talked about today as Darfur.

I rise today to echo what my colleagues of the Sudan Caucus have already said. We all know what is going on in Darfur and what needs to be done. What else needs to be said or done for the United Nations to act effectively?

The situation in Darfur has deteriorated rapidly over just the last few months, with increased rapes, 500 rapes over the summer in one camp alone; renewed attacks on innocent victims, 12 humanitarian workers killed, including 2 in the last 4 weeks; 26,000 Sudan Armed Forces headed to the Darfur region to engage in a major offensive; renewed air bombardments; the peace agreement not working; continued integration of the Janjaweed into the security forces of the national police of the government; government-sponsored terrorism against innocent victims.

How many lives need to be affected, Mr. Speaker, before we say it is enough? Two point six million, is that not enough?

How many people need to be displaced, Mr. Speaker? Two million? Two million is not enough?

How many people need to die? Four hundred thousand women and children, innocent people?

How many women need to be raped before we say enough is enough in that region of the world, and our Nation will not stand for it?

Someone said the death of any person diminishes each one of us. If that be true, and if we are truly involved in the global world, then all of us, every life in this country, every life in America, every life in the world, is made smaller and less significant by the suffering we let others endure and by the suffering we tolerate of them in Darfur.

The people of Darfur are suffering a slow and painful death, and it is a catastrophe that doesn't have to take place. We have options. We can do things about this. And as other speakers have said, it doesn't involve brute force. It doesn't involve going to war. It involves making sure that the United Nations does its job, that America does its job, that we engage the government there, but that we don't wait for the government to give permission to come into the region, that we do what needs to be done. Because that region is so vast and so large and so difficult to patrol, it takes a lot of forces in there to make it work. And it takes, also, people on the ground feeling confident and hopeful enough to take some things into their own hands. Right now they don't have any idea what tomorrow is going to bring, and they cannot have hope in that sort of situation.

So, Mr. Speaker, we are here tonight to urge the American people to become engaged with us in the Congress, with the voices that are here that are now trying to tell the people in this country how important Darfur is to all of us, to our country not because it has a lot of oil or a lot of sugarcane or a lot of other things that we are using in this country, not because it has a lot of people there who are committed to democracy and to America, but because there are human beings there who are suffering needlessly, and we can stop it. We can do something about it. And if we don't, it makes us smaller in our efforts to increase our stature in the world.

There is no way, as some have said, that we are going to take America's credibility seriously on the issues of human rights and the issues of democracy if we do not do it where it is taking place in the worst and most flagrant fashion. So that place today happens to be Darfur.

We watched in astonishment when we saw the atrocities in Rwanda. We watched in other places around the world. But the major place right now where we have so much going on in one place, one little corner of the world where innocent people are dying and we can do something about it, is Darfur.

So I hope the American people get this name in their minds, look this country up on the map, and come to understand what is going on. It is important to us. It is important to us as human beings that we do something about this. And we are here tonight almost just as voices in the wilderness crying about this thing. Look, it is time for America to act. It is time for our President to act. It is time for our Congress to act. It is time for all of us to engage in this.

So that is why we are on the floor tonight, to make sure that those who are at home now around their dinner tables, who are sitting and watching some show on television might take a minute just to think about the people in Darfur and try to find a way with all of us to join hands with them to help to end their suffering.

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GENOCIDE IN DARFUR, SUDAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

Mr. PAYNE. Mr. Speaker, let me thank the Members who have participated in the dialogue on what is going on in the Darfur region of Sudan.

Let me thank our leader, Leader PELOSI, for her participation, Chairman WATT of the Congressional Black Caucus from North Carolina, Congresswoman KILPATRICK from Michigan, Congresswomen LEE, WATSON and WATERS from California, Congressmen RUSH and DAVIS from Illinois, Congressman GREEN from Texas, Congresswoman MOORE from Wisconsin, and Congressman JEFFERSON from Louisiana for their participation this evening.

Let me also acknowledge other Members who were not here tonight but have been real troopers in this battle for justice. Congressman CAPUANO from Massachusetts, and on the other side of the aisle, this is indeed not a partisan issue, because there is no person who has fought harder for the last 20 years or so on Sudan than Congressman WOLF from Virginia. He is there all of the time.

Congressman TANCREDO from Colorado, Congressman ROYCE from California, Congressman SMITH from New Jersey, all Members of the House who have said that enough is enough, that we must do more. And so 2 years ago, we declared genocide in Darfur. And that was 10 years after the world ignored Rwanda when genocide went on.

And had the world done something in Armenia in 1916, when the so-called young Turks came in and had genocide on the Armenia population, perhaps this would not have happened today. Or in 1939 as the German Nazis went through Europe and created the Holocaust, perhaps this would not have happened.

If in Cambodia when Pol Pot and his regime killed millions of people, perhaps this would not have happened. If in Rwanda, when we saw the genocide happen, perhaps it would not be happening in Darfur. But we looked the other way in all of those instances and genocide is still here today. We must stop the genocide.

There is no reason for people to still be slaughtered as they are being. You have heard the figures, and I will not repeat them. But the National Congress Party, formerly the National Islamic Front, cannot and should not get away with this campaign of murder and terrorism.

This government under President Bashir came to power in a bloody coup d'etat in 1989. The NIF Government harbored Osama bin Laden for 5 years, from 1991 to 1996. From there his operatives planned the assassination attempt on President Mubarak of Egypt. The NIF Government never was held responsible for harboring terrorists.

They were responsible for millions of deaths before and they continue now to do this in Darfur. We must hold them accountable. There has been an authorization of 20,000 U.N. peacekeepers to go into Darfur. The government says no. We must, as President Bush said at the United Nations yesterday, we can no longer allow this to go on.

The U.N. must go into Darfur to help the 7,000 AU troops who cannot handle this job alone. I was quite pleased that President Bush was forceful in his remarks yesterday at the 61st United Nations General Assembly.

President Bush said, "If the Sudanese Government does not approve this peacekeeping force quickly, the United Nations must act."

He then stated that, "the UN's credibility was on the line." President. Mr. Bush, I agree. And we must add that the credibility of the United States Government is also on the line. We cannot allow genocide to continue.

I welcome the appointment of Andrew Nazios as the Presidential envoy for Sudan. We look forward to working with him. But he must have a robust mandate. He must have the proper staff. He must have access to the White House. He must have leadership in the State Department if we are going to have a success.

Finally, countries with influence in Khartoum must be used to urge the Government of Khartoum to stop the genocide.

China, who our country, with the balance of trade to them, have made them a robust country with 500 million middle-class people as a result of their selling their products to us, must tell the Government of Sudan that they must stop what they are doing.

We should be able to force China to get involved and say that enough is enough. And Russia must continue, must be stopped from selling arms to Sudan.

The Arab League must step up to the plate. And Egypt that gets $2 billion a year from the United States taxpayers must stand up and tell their neighbors, their friends, the Government of Sudan, that enough is enough. We must hold our so-called friends accountable.

Mr. Speaker, I appreciate having the opportunity for us to have this discussion. We look forward to our government stepping up to the plate. Once again, enough is enough. It should really be "never again."

Let me just conclude by thanking the Metro West and the Jewish community in the State of New Jersey and throughout the United States who have come up and have been so supportive. And we are getting many more groups getting involved.

Mr. MEEK of Florida. Mr. Speaker, I rise to say, that as world leaders meet in New York this week to determine next steps on the Darfur crisis, we here in the U.S. Congress must commit to finding ways to break the current deadlock and lead new international action to stop the ongoing genocide.

We need to begin an all-out diplomatic offensive on Darfur in order to prepare the way for a peacekeeping force that can ensure protection for the people of Darfur.

The Coalition for International Justice estimated that 450,000 people in Darfur have died since the deadly genocide began some three years ago.

International attention to the Darfur conflict largely began with reports by the advocacy organizations, Amnesty International, in July 2003, and the International Crisis Group in December 2003.

Since then, countless organizations have put in untold hours trying to stop the carnage and human suffering. Groups like: International Committee of the Red Cross, Doctors without Borders, World Vision, SAVE DARFUR—an alliance of more than 100 faith-based, humanitarian, and human rights organizations, including: Amnesty International USA, International Crisis Group, American Jewish World Service, NAACP, American Society for Muslim Advancement, United States Conference of Catholic Bishops, United States Holocaust Memorial Museum, Church World Service.

In all, dozens upon dozens of groups and organizations have prioritized stopping the killing in Darfur before there is no one left to be killed. It is high time that we, the U.S. Congress, join our name to that list.

We've done it before.

When the U.S. Congress decided in 1986 that South Africa's ways of Apartheid could no longer be ignored, the 99th Congress jumped in and passed of the Comprehensive Anti-Apartheid Act was won over a presidential veto. The bill imposed sweeping economic sanctions against South Africa, divesting capital from the government, and authorized several measures to assist the victims of apartheid.

Virtually every member of Congress felt pressure from their home districts to do something about apartheid and cities and colleges in their districts were divesting, and the bi-partisan vote led the way ending an oppressive regime.

We are at the point with Darfur.

I continue to hope and pray that the Bush Administration makes this a top priority in New York this week, and to pressure Sudan and its allies, particularly Russia and China, to accept the will of the international community for an international force to protect civilians in Darfur.

In the meantime, I hope that we all gather in support of Congresswoman LEE's Darfur Accountability and Divestment Act, DADA, of 2006. Divestment worked to end Apartheid and it can work in this instance.

We can make a difference. We can save lives. We can stop the genocide.

Mr. Speaker, I recently took two actions regarding the genocide in Darfur that I wanted to bring to your attention.

At the U.N. General Assembly in New York on Tuesday, the president of Sudan claimed that the genocide in Darfur is a myth propagated by Jewish organizations raising money for Israel.

President Omar Hassan al-Bashir remarked that those "who made the publicity, who mobilized the people, invariably, are Jewish organizations."

This statement is unconscionable and demands a vigorous response. Such Anti-Semitic remarks have no place in our world, let alone at the U.N. General Assembly.

Furthermore, the mass killings, rapes and displacement of innocent civilians in Darfur are tragically well documented. The United States Holocaust Museum has issued a Genocide Emergency for Darfur.

Today I signed a letter with several other Members of Congress demanding that President Omar Hassan al-Bashir of Sudan retract his baseless remarks. The letter calls on the Sudanese government to abide by the Darfur Peace Agreement and the will of the U.N. Security Council.

A copy of this letter is reprinted below for your information.

In addition, I am an original co-sponsor of the Darfur Accountability and Divestment Act of 2006.

This legislation will ban federal contracts going to corporations doing business in Sudan that directly or indirectly support the genocide.

Countless organizations have dedicated untold hours to stopping the carnage and human suffering in Darfur.

These organizations include the American Jewish World Service, Amnesty International, International Committee of the Red Cross and the NAACP.

The U.S. Congress must enact the Darfur Accountability and Divestment Act of 2006 and join this list of international groups working to end the genocide in Darfur.

Sundown on Friday night marks the start of the Rosh Hashanah holiday, the Jewish New Year 5767, thus beginning a 10-day period of personal reflection and contemplation for Jews around the world.

This is a moment in human history when the poignant expression "Never Again" must be repeated over again, coupled with real action to end this tragic period of human suffering.

President OMAR HASSAN AL-BASHIR,
President of Sudan,
Washington, DC.

DEAR PRESIDENT AL-BASHIR: We were shocked to hear your comments on Tuesday, September 20th, at the U.N. General Assembly where you stated that reports of deaths and refugees in Darfur are "fictions," and that those "who made the publicity, who mobilized the people, invariably, are Jewish organizations."

Many of us have traveled to Darfur and seen the death, destruction, and misery of the innocent civilians in Darfur with our own eyes. The last 3 years of violence in Darfur have resulted in the death of an estimated 200,000 people and millions have been forced from their homes. This atrocity has been encouraged and facilitated by your government.

We are grateful that the American Jewish community as well as other faith communities have made a priority of raising the issue of genocide in Darfur. Instead of using the ancient technique of making the Jewish community the scapegoat for your failures, we hope that you will take a close look at your own actions. In direct violation of the Darfur Peace Agreement and the will of the U.N. Security Council, your government has recently deployed approximately 26,000 troops and attack helicopters to the Darfur region. Your actions have directly resulted in an increase of attacks on civilians and humanitarian aid workers.

Mr. President, we call on you to apologize for and retract your dangerous and fictitious accusations directed towards the Jewish community. We also demand that you work to uphold the Darfur Peace Agreement, and actively and immediately strive to end the genocide within your borders. Finally, we encourage you to work closely with Special Presidential Envoy Andrew Natsios who is ready to aid your nation to achieve a final peace. Rather than fanning the flames of conflict, we hope you will act to save lives.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the subject of my Special Order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3408. An act to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that act.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4954. An act to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4954) "An Act to improve maritime and cargo security through enhanced layered defenses, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the—

Committee on Homeland Security and Governmental Affairs: Ms. COLLINS, Mr. COLEMAN, Mr. BENNETT, Mr. LIEBERMAN, and Mr. LEVIN; and

Committee on Commerce, Science, and Transportation: Mr. STEVENS, Mr. LOTT, Mrs. HUTCHISON, Mr. INOUYE, and Mr. LAUTENBERG; and

Committee on Finance: Mr. GRASSLEY, Mr. HATCH, and Mr. BAUCUS; and

Committee on Banking, Housing and Urban Affairs: Mr. SHELBY, and Mr. SARBANES; and

As Additional Conferee: Mrs. MURRAY to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1035. An Act to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 3525) "An act to amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program, and for other purposes", with amendments to the text and title of the bill.

CONTINUING THE BATTLE AGAINST ISLAMIC EXTREMISM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 60 minutes as the designee of the majority leader.

Ms. ROS-LEHTINEN. Mr. Speaker, thank you for the opportunity to talk about the issue that is of foremost importance to our Nation, and that is continuing the battle against Islamic extremists.

Some seem to have forgotten that the front lines of our war against these Islam extremists is not limited to the countries with active conflicts such as Iraq and Afghanistan. Nor is our approach solely military.

On the contrary, from the onset of this war on terror, formally initiated by the enemy on September 11, 5 years ago, the U.S. has also employed all available political, diplomatic, and economic tools to address the growing threat which for far too long had been ignored by the previous administration.

We have undertaken bilateral strategies, built coalitions, and worked through regional and U.N. forums. Make no mistake, we are engaged in a battle of ideas, and one for our very survival. The Islamic extremists have declared war against freedom-loving nations.

Last year, a terrorist attack was foiled in Australia. But 52 people were killed by suicide bombers while on a public transit system in London. On November 5, 2005, the world once again looked in horror at the destruction caused by homicidal extremists in Jordan.

In 2005, and as recently as in April of this year, the people of Egypt also fell victim to jihadists. Months later, in July of this year, Islamofascists attacked India's financial capital, killing over 200 innocent people.

Last month, authorities in the United Kingdom announced that they had disrupted a plot to hijack as many as 10 aircraft that were headed from the U.K. to the U.S.

Hezbollah carried out attacks against Israel with the assistance and the support of Syria and Iran, the world's most active state sponsor of terror, that seeks nuclear weapons capability. All of these attacks are further evidence that the war against Islamic extremists is global, it is ongoing. And it is brutal.

In order to prevent future attacks, we must remain alert and proactive in the war against Islamic extremists. We need to bring the fight to their doors, and infiltrate their hierarchy, and to gain intelligence that will lead to the disruption and the fall of these groups so that they may no longer inflict harm upon the free world.

Iraq and Afghanistan serve as examples of what has been done so far and what remains to be done. But daily news reports focus only on the violence and attacks feeding into these efforts by the enemy to weaken our resolve so that they can capitalize on our weakness.

But there is a larger picture which is certainly more encouraging. For example, I was recently on a call with a senior Iraqi official who detailed how, despite the violence, the Iraqi Government and Iraqi forces, with the help of U.S. and coalition forces, have been able to deny the insurgents and the Islamic terrorists strongholds in the country.

Iraqis participated in elections three times since the year 2005. In 2005, we also saw Iraq draft a constitution that included their right to vote, that protected individual rights and religious beliefs, and safeguarded minority rights.

Iraq now has a unity government that draws upon different religious, political and ethnic groups. As Iraq has made substantial steps in its political institutions, it has also made great strides in its capabilities to secure their nation.

In his August 30 briefing, General Casey, the commanding general of the multinational forces, stated that the three-step process in building up Iraqi security forces to a point of being independently capable of providing security is almost 75 percent complete.

Iraq today is an Iraq transformed, an Iraq we helped rescue from the darkness of tyranny and guided them into the light of freedom.

My stepson Dougie and his wife Lindsey served as Marine officers in Iraq. And we thank all of the men and women who proudly wear their Nation's uniform. And in Afghanistan, Mr. Speaker, we have denied the al Qaeda terrorist network sanctuary, and we have assisted its transition to a multiparty democracy.

Once the terrorist refuge under the repressive Taliban regime, which hosted the likes of terrorist mastermind KSM, Afghanistan is now a full partner in our war on terror. There can be no safe haven allowed for Islamic extremists and their activities. They must be brought out of the shadows and seen for what they truly are.

In order to rout the Islamic extremists, we have been working with like-minded allies to create a global network of information used to monitor and destroy jihadist groups and their plots. We must also work to prevent the world's deadliest weapons from reaching the hands of these Islamic jihadists and from countries of concern such as Iran.

Toward that end, in May of 2003, President Bush launched the Proliferation Security Initiative, the PSI. The PSI is dedicated to stopping all aspects of the proliferation trade, and to denying terrorists, rogue states and their supplier networks access to WMD-related materials and their delivery systems.

Since its inception, the PSI has grown from a handful of nations to a global partnership of more than 70 countries from all around the world.

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In December of 2003, the PSI enjoyed tremendous success when, as a result of a critical interdiction, Libya, a nation once designated as a state sponsor of terrorism, declared that it would eliminate all elements of its chemical and nuclear weapons program, that it would declare all nuclear activities to the International Atomic Energy Agency, that it would accept international inspections to ensure Libya's complete adherence to the Nuclear Nonproliferation Treaty and sign the IAEA additional protocol, and that Libya would eliminate all chemical weapons stocks and munitions and accede to the chemical weapons convention.

The PSI is but one component of our multiprong nonproliferation strategy, which is also a critical component of our broader counterterrorism efforts. Another important pillar of our counterterrorism strategy focuses on denying terrorists the funds to carry out attacks.

Just days after the 9/11 attacks, President Bush issued an executive order to starve terrorists of their support funds. The order immediately froze the financial assets of 27 different entities. It also prohibited any U.S. economic transactions of these groups. They included organizations, individual leaders, corporations and so-called nonprofit organizations, which are nothing more than fronts for Islamic extremists and jihadists.

In short, as the threats evolve or modify, so do our responses. New methods and strategies are being developed to keep our country safe in the face of this indiscriminate enemy. We must not waver. We must not lose focus. We must press on. As echoed in the words of Winston Churchill, "One ought never to turn one's back on a threatened danger and try to run away from it. If you do that, you will double the danger. But if you meet it promptly and without flinching, you will reduce the danger by half."

Our country, therefore, Mr. Speaker, must remain vigilant and forward-looking to ensure that we defeat the extremists and their murderous ideology. A few weeks ago, we commemorated, sadly, the fifth anniversary of the deplorable attacks against our Nation. Five years ago, our eyes could not accept the images being shown around the world. Our mind could not fathom the hatred that could drive these individuals to kill thousands of innocent human beings. At first we were surprised, but with the help and guidance of good friends and allies around the world, especially Israel, which for decades has been targeted by the likes of 9/11 hijackers, we quickly turned our sorrow, our dismay and our anger into a catalyst for action, a strategy to combat the enemy wherever it rears its head. The September 11 attacks brought into sharp focus the scope of the threat from Islamic extremists. Defeating Islamic extremists and these organizations of global reach, denying them the promise and the benefits of state sponsorship, severing their lines of financing, closing their much-needed sanctuaries and preempting the proliferation of weapons and technology are all central components of this struggle. As Chair of the Subcommittee on the Middle East and Central Asia, this is my compass.

There is a great documentary called "Obsession," which expresses how radical Islam is fixated on hatred and destruction and poses a tremendous threat to the United States, to Israel, and to all who refuse to be subjected to this distorted ideology of hate. Central to defeating the fanatics who have distorted this religion is the realization that we are facing an enemy that has decided to declare a full-fledged war upon us and is determined to destroy western civilization and the principles upon which it is based. Islamofascism is an ideology that is engrossed in destruction and world domination. Their view is wrong and highly misguided.

Consider the recent crisis in Lebanon which was triggered by Hezbollah extremists crossing the Israeli border and murdering eight Israeli soldiers and kidnapping two. It is clear that this unprovoked attack by Hezbollah was not triggered by occupation, as Israel was not occupying a single inch of Lebanese territory. Rather, it was an attack on Israel's very existence and everything that the Jewish state stands for. It was an attack against justice, democracy, tolerance and freedom, principles that are engrained in the foundation of the U.S., of Israel and the entire free world.

We must recognize this as a struggle of values, a battle of freedom and tolerance versus oppression and hatred. On the one hand, an ideology that views life as the most precious possession and, on the other, one infatuated with death and destruction. Israel's mere existence in the region is a thorn to the Jihadist ideology which seeks to impose terror and oppression. It is dangerous to believe that if only Israel is to give up more land, the conflict would be resolved and everything would be all right. This theory was proven wrong in Lebanon after Israel's withdrawal in 2000 and has proven to be wrong again after Israel made the painful withdrawal from the Gaza Strip just last year. In both cases, the extremists became emboldened and enhanced their attacks against Israel, thereby clearly indicating that no land-for-peace deal would ever solve the conflict, since the ultimate goal of these extremists is, in their very own words, to wipe Israel off the face of the world. In the words of a Hamas leader, "We do not recognize the Israeli enemy, nor his right to be our neighbor, nor to stay on the land, nor his ownership of any inch of land."

We must not negotiate with Hamas or with any government in which an Islamic terrorist group which refuses to lay down its arms and refuses to recognize Israel's right to exist as a Jewish state participates. Although Israel has been the primary target of Islamic terrorism, radical Islam threatens all who do not embrace it. The horrific attacks on 9/11 drove home the point that this clash expands well beyond the Arab-Israeli conflict.

It is also a tremendous mistake to believe that if the U.S. weren't such a strong supporter of Israel, extremists would stop their aggression against America. Terror bombings committed by these Islamic extremists in Buenos Aires, in Madrid, in London, and the brutal murder in Amsterdam of a Dutch filmmaker who was critical of radical Islam are just a few examples indicating that the fundamentalists are waging a war beyond Israel, beyond the United States, and that this war targets western civilization as a whole.

It is astonishing to me that after seeing the barbaric acts of this radical Islamofascist movement in their own countries that many in Europe still fail to see the threat posed by these fundamentalists. Surprising and dismaying as well is Europe's tremendously unbalanced condemning approach toward Israel. For a long time, Israel has been fighting on the front lines of a battle against radical Islam and it is a battle for all who value life, freedom and tolerance to join forces in the battle against these Jihadists who are threatening to destroy us.

The European Union, for example, should add Hezbollah, an extremist group responsible for murdering hundreds of Europeans, Americans and Israelis, on their list of terrorist organizations. Failure of civilized nations to place groups such as Hezbollah on their list of terrorist organizations is shocking, given all the innocent people brutally murdered by these Islamic extremists. The international community must wake up from its slumber and realize the threat posed by radical Islam, and it must be dealt with decisively or we would risk eradicating ourselves because of it.

In order to defeat the threat posed by radical Islam, it is essential to eliminate terror organizations like Hamas and Hezbollah that implement the brutal attacks and to isolate rogue regimes like Iran and Syria that provide the financial and military support to these extremists. As such, we must not and we cannot negotiate with any Palestinian Authority where Hamas or other Islamic terrorist entity participates. There are those who seek to bifurcate U.S. policy toward the P.A. and allow U.S. assistance to flow to ministries and offices of the Palestinian Authority that are not controlled by Hamas. But money is fungible. Assistance sent to one office can easily be diverted to Hamas or other Palestinian terrorist groups. Even the lines between Fatah and the al-Aqsa Martyr's Brigade are blurred.

The U.S. must isolate the Hamas-led government politically and diplomatically through implementing the Palestinian Anti-Terrorism Act, which I introduced, and which was overwhelmingly adopted by the House in May. The bill prohibits direct assistance to the Palestinian Authority, including the PLC and other P.A. bodies; it prohibits travel to the United States by members or associates of Hamas; it audits all committees, offices and commissions focused solely on the Palestinian agenda at the United Nations and calls for their elimination; it calls for the P.A. to be designated as a terrorist sanctuary; it calls for a reduction in diplomatic ties with the Palestinian Authority and the closure of the P.A.'s office in the U.S.

The version of the bill passed by the Senate, however, lacks several essential provisions that are necessary for the legislation to be effective. I am in discussions with Senate colleagues to reach a final agreement on the legislation and send a bill to the President that would make it significantly more difficult for terrorists to get their hands on U.S. funds. Without these provisions, our ability to prevent the terrorists from getting their hands on U.S. funds will be greatly diminished.

Passing the Palestinian Anti-Terrorism Act in its strongest form is an imperative part of achieving our objectives. Our stance against Islamic terrorism must be uncompromising. We must not allow political or military victories to be used by the extremists to further their hateful agenda. We must ensure that Hamas, Hezbollah and other radical Islamic entities are weakened. A critical starting point is by cutting off their lifeline of funds and weapons.

This is why, in light of the resurgence of Syria's support for terrorism, its aid to Iraqi insurgents, its pursuit of dangerous weapons and its stranglehold over Lebanese sovereignty, I recently spearheaded an effort urging President Bush to implement all currently unexercised sanctions available to him under the Syrian Accountability and Lebanese Sovereignty Restoration Act which I introduced with my colleague ELIOT ENGEL. If the U.S. fails to impose further sanctions on the Syrian regime and if the United Nations fails to enforce its own resolutions, Syria will be emboldened to wreak further havoc.

Similarly with Iran, which is at the core of the fight against Islamofascism worldwide and whose attempt to project its power poses a threat to Israel, to the United States and to international global security, we must take immediate steps to deny it the materials, technology and much-needed funds to pursue their dastardly agenda.

The Iranian regime has for years supported Hezbollah and Hamas as well as the insurgents in Iraq who carry out attacks against our U.S. troops. The recent crisis in Lebanon made it very clear how intensely involved Iran is in supplying Hezbollah with Jihadist ideology, weapons and finances. Iran has used Hezbollah to expand its tentacles into the western hemisphere. As I said, we witnessed the 1992 bombing of the Israeli Embassy in Argentina and the July 1994 bombing of the AMIA Jewish Community Center, also in Buenos Aires.

□ 2045

This is just the tip of the iceberg. The Iranian leadership has continuously made threats to wipe Israel off the map. It has embarked on a mission through its nuclear pursuit and expansion of its chemical, biological and missile capabilities to implement this plan.

There is still time to contain the threat that is posed by Iran and adopt short and long-term policies that will compel Iran's extremist regime to change its unacceptable behavior. The Iran Freedom Support Act, which I authored and which has overwhelmingly passed the House, provides the tools to achieve the necessary short and long-term goals to counter the mounting Iranian offensive against Israel, against the United States and other freedom-loving nations.

The threat of Islamic jihadists is here, and global jihad will not go away on its own. It is up to us to confront and eliminate this threat. In the past we have defeated the evil of Nazism and communism. Today we can and we must work to defeat Islamic jihadists.

The film "Obsession" helps to explain how something as horrific and inconceivable as the events of September 11, 2001, could have transpired and why we must persevere in the international war on terror. This understanding is essential to our effective response.

Even with all that has occurred lately in the Middle East, I am hopeful that the cause of moderation in the Middle East is succeeding and that progress is being made to quell the threats. Moreover, we must stand up to those who criticize our policies of supporting our allies, like Israel, and who want to apologize to the terrorists and appease them.

We can remind them of the words that Churchill used to depict the scourge of Nazism, which he described as "a monstrous tyranny, never surpassed in the dark, lamentable catalogue of human crime."

Today we face an enemy as diabolical in its thirst for domination and destruction. We have no choice but to pursue victory, for our very civilization depends on it.

I would like to yield to my colleague, Mr. THADDEUS McCOTTER, who has been a leading spokesman on our Subcommittee on the Middle East as well as on our full Committee on International Relations, to further expand on the war on terror, our war on radical Islamic jihadists, and why the United States will prevail with the help our allies.

Mr. McCOTTER. Mr. Speaker, I thank the chairwoman. It was my hope to emphasize a point which you raised in your rather enlightening remarks today, and I thought I would best be able to do that through illustration with a map.

We often hear people wonder what the United States policy is currently in the Middle East in terms of our military and in turn how it affects our national security. Why does Iraq matter?

I will not use this occasion to dwell upon the past, because, as you have quoted Churchill, if I may myself, Winston Churchill pointed out that if we seek to open a quarrel between the past and the present, we will lose the future. We are where we are.

So let me explain. When you look at a map, you see Iraq right here in the heart of the Middle East. Surrounding Iraq are Syria and Iran, two state sponsors of terror.

If we allow what happened in the 1930s to happen here, you will see Syria continue to assist the insurgency in Iraq, Iran continue to assist the insurgency in Iraq, al Qaeda continue to infiltrate Iraq, and should Iraq's efforts towards democracy fail, you will see all three countries linked.

The crushing weight of putting Iraq back into the terrorist and the jihadist-fascist camp will have enormous ramifications, because the sheer combined weight will immediately press upon the Kingdom of Jordan. It will lead to the destruction finally with a counterattack by Hezbollah in the south to the Cedar Revolution in Lebanon. It will have enormous adverse effects in Egypt through the Muslim Brotherhood. It will also lead to the destabilization of Saudi Arabia, and, eventually, what Iran has professed, the destruction of the State of Israel itself.

Again, a historical parallel with Iraq at the present time can be drawn between the Nazi-Soviet non-aggression pact of the 1930s, which ultimately sparked the war, where they had Germany on one side, the Soviets on the other and Poland sat in between, and in their non-aggression pact they carved that country to pieces.

Iran and Syria now have a mutual defense pact. We have seen its ramifications within Lebanon and we are experiencing its ramifications within Iraq itself.

The alternative to seeing the unholy alliance between Syria, Iraq and Iran that are run by terrorist sponsoring states, that are run and shielded by a nuclear powered Iran, is quite simple to grasp.

Over here you have Afghanistan, which is struggling for democracy. Here you have Iraq, which is struggling for democracy. You have the moderate Kingdom of Jordan, you have Egypt, you have Saudi Arabia, which is trying to strive toward reform, and you have Turkey, which is a moderate, a relative concept, but a moderate democracy, Muslim democracy.

If Iraq becomes democratic and Afghanistan becomes democratic, the pressure then is no longer on the people who seek their own liberty within these countries. It becomes a pressure point for Iran and a pressure point for Syria to explain, to have these despots explain within their own nations how they can oppress their citizens and why they do not deserve the type of better life that they have in hopefully a democratic Iraq and a democratic Afghanistan, as they do in Turkey and elsewhere.

This is not going to be easy to achieve, for what we see in Iraq basically is a counterattack. After the initial removal of the Hussein regime, you had infiltrations of insurgent support from Syria, infiltrations of insurgent support from Iran. You had al Qaeda come into Iraq, because they know that if Iraq goes democratic, history could very well, and I believe will, repeat itself.

One of the things we face in the Middle East today is the threat of World War II, of an inherently invidious ideology, jihadist fascism, which in many ways more closely resembles a death cult than any governing philosophy, combined with the approach that won the cold war. I repeat that, we face the threat of World War II, and we are addressing it with the solution of the cold war.

As you recall, what ultimately ended the cold war was when the Berlin Wall fell and Eastern Europe was freed. And it was after freedom swept through the satellite states of Eastern Europe that eventually the Soviet Union collapsed, not from a nuclear exchange or other military exchange with the United States and the West, but from the aspirations of the Russian people themselves for a better life and a life of liberty.

When we look at this map, when you can see an Afghanistan that is democratic and free, when you can see an Iraq that is democratic and free, when you can add that with Turkey, with the Kingdom of Jordan, with the reforms in Egypt, with the reforms in Saudi Arabia, with the successful resolution and triumph of the peaceful Cedar Revolution, what you will then see is serious people demanding to share the lifestyle and the freedoms that are enjoyed by their fellow Muslims in the world.

You will see Iranians, many of whom are under the age of 30, many of whom are not opposed to westernized ideas, or at least pluralism and tolerance, and you will see the Iranian people demanding their freedom. This will never happen if this goes back to being a terrorist state sponsor.

And for those who are rightly concerned that in this period in our Nation's history we could face war without end, I ask you this question: If you disagree with my scenario, with my analysis that a democratic Iraq combined with a democratic Afghanistan will eventually put pressure on Syria and Iran whereby they will collapse from within, if you disagree with that, find me a better solution. Because I assure you that if Iraq goes back to being a state sponsor of terror and Iran gets a nuclear weapon, that scenario is far more likely to produce the war without end than will be the liberation and emancipation of people throughout that region and the demands of Syrians and Iranians for the freedom that we here so often take for granted.

I yield back to the distinguished gentlewoman.

Ms. ROS-LEHTINEN. Thank you, Mr. McCOTTER. I could not agree more.

The stakes are high. The stakes are high in Iraq. The stakes are high in Afghanistan. But the stakes are even higher and the threat is even worse were we to pull out, were we to set arbitrary deadlines, and were we to tell those Iraqi citizens who three times came out in an incredible show of their love for democracy, under threats of death to them and to their family members were they to vote, those proud days when they wore their purple finger upright and said yes, I was happy to vote.

They have stood up a democracy, through very difficult ethnic, religious and a lot of political divisions that Saddam Hussein, the dictator who ruled for too many years sowed in order to keep himself in power. And now they have got a unified government. Now Saddam Hussein is on trial. Now we have captured so many of those al Qaeda leaders, the successes that we have had in Afghanistan in making sure that the Taliban would not control that beautiful country again. Were we to fail in these efforts, what would we say to those Iraqi families who sacrificed so long and so hard to finally have a democracy?

For those freedom-loving Afghani citizens, for those freedom loving Iraqi citizens, and for the United States' own survival, we have got to make sure we win this war against these jihadist entities.

THE 30-SOMETHING WORKING GROUP: DEMOCRATIC PROPOSALS

The SPEAKER pro tempore (Mr. McHENRY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 60 minutes as the designee of the minority leader.

Mr. DELAHUNT. Mr. Speaker, I can take the time of the gentleman from Florida (Mr. MEEK), but I certainly cannot replace the leader of our group which we call the "30-somethings." I happen to be the "something" of that 30-something group.

I am sure that the younger members of the group will join me soon, but they are out right now. If they are watching, I hope they come soon to the floor, where we can talk about the problems with our economy, and clearly there are many. But as I sat here listening to the previous speakers, who are members of the House International Relations Committee, I feel compelled to speak to their remarks.

I think the gentlelady who chairs the Middle East Subcommittee spoke about the unified government that now sits in Iraq. Well, her understanding and my understanding of the term "unified" I would suggest are irreconcilable.

The Iraqi parliament since it was constituted has been unable to agree on hardly any issue. In fact, they have entered into a particularly fractious moment where the continued existence of the government is in some doubt.

But what I find interesting is the only issue that they have agreed on, and it is important to understand that there is some 275 members of the Iraqi parliament, is a resolution condemning the State of Israel for defending itself.

□ 2100

The language that the Iraqi Parliament used in that resolution was condemning the criminal aggression of the State of Israel in defending itself.

Now, clearly we can have a debate on the relationships in the Middle East where we can have differences and we can educate and inform each other, but to say that there is a unified government in Iraq today is simply inaccurate. It is not true. It is very problematic, and both speakers and their colleagues and friends of mine continue to make references to Iran and how we need to have a strong, democratic Iraq to help us as we attempt to navigate the shoals of the political realities in the Middle East.

But the problem is what is not spoken about, at least in this Chamber, on this night, is the fact of a growing warm relationship between Iraq and Iran, not the United States and Iraq, but Iraq and Iran.

Mr. Speaker, this is irrefutable. There are some in the Iraqi Parliament today who are stridently adversarial to the United States. Moqtada al-Sadr, a Shiite leader, who has at his disposal a militia that is called Ahmadi Army, has 30 members of that 275-member body who are loyal to him. And maybe it has been forgotten, but it was the United States military that sought to apprehend him on the charges of murder some several years ago.

We cannot make it up, Mr. Speaker. We have to speak the truth, the unvarnished truth, and stringing together platitudes about democracy does not cut it, Mr. Speaker.

What is the reality today in Iraq? Well, this photo to my right speaks to that reality. To the far right is the Prime Minister of Iraq, Mr. Maliki, and with him is the President of Iran who spoke yesterday in the United Nations, spoke in the United States in New York at the U.N., who I hear many in this Chamber demonize, and with some cause. He is a Holocaust denier, but who he is shaking hands with, Mr. Speaker? He is shaking hands with the Prime Minister of Iraq.

And by the way, Mr. Speaker, we invited the Prime Minister of Iraq to come and address the United States Congress, which he did right in this very Chamber, and a week or two later he is in Tehran, shaking hands with the President of Iran. Now, that is not the full story, Mr. Speaker. There is more. There is much more.

Now, I am not suggesting that there is an alliance yet between Iraq and Iran, but do not let it go unnoticed that many in the current government in Iraq spent years in exile in Tehran. There are relationships between many of the political figures in both of these countries. Let us not continue to paint this rosy scenario that simply is inaccurate. It is not true. I am not suggesting anyone is intentionally misleading, but these are the facts. This is the picture.

Now, one might say, well, they are neighbors and there has to be some rapport that benefits everybody. I do not necessarily disagree with that; but go back to 1980–1988, they were 8 years at war, Mr. Speaker, a war that took hundreds of thousands of lives on both sides. Iraq and Iran were bitter enemies, and today, Mr. Speaker, we have a handshake; but, like I said, we have much more.

The Iranians, not the Americans, Mr. Speaker, but the Iranians are building an international airport near Najaf, which is a major Shiite city in southern Iraq. Mr. Speaker, the Iranian Government is providing $1 billion worth of credits to the private sector in Iraq.

But this is the cherry on top of the ice cream sundae, Mr. Speaker. Iraq and Iran, which dominates the conversation here in Washington, which is part of the front-page news daily in this country, Iraq and Iran have consummated a bilateral military cooperation agreement, Mr. Speaker. Can anybody explain that? I cannot explain it, Mr. Speaker. I cannot. I cannot figure that out.

But what I do see is the reality of almost 3,000 American soldiers dead in Iraq, in excess of 20,000 wounded, many of whom are severely wounded, whose lives are forever impaired by some permanent disability. I see the expenditure of hundreds of billions of dollars of American taxpayers' hard-earned income in Iraq. And what is the progress that I see, Mr. Speaker? Well, I see the handshake, I see this relationship, and I see a bilateral military cooperation agreement, Mr. Speaker. Can you or somebody from the majority side please explain what that is all about?

I have to tell you, Mr. Speaker, that information came to me from the Congressional Research Service, and Mr. Speaker, realize that that service is a bipartisan agency, created by Congress to provide Members unvarnished, factual information.

So we stand here on the floor and we talk about how good it is and we are for democracy, but you know what, Mr. Speaker? What kind of democracy are we getting at the cost of thousands of lives of American soldiers and hundreds of billions of dollars from the hard-earned income of the American taxpayer? Is this what we are getting? Does this serve our national interests? I do not know, Mr. Speaker. I do not know. But I have to tell you something. I do not think anybody in this body knows, and that is an indictment, Mr. Speaker, on the wall of this institution because the majority party ought to have insisted, in the course of the exercise of its oversight role and responsibility, on answers to these very simple questions. But oh no, let us ignore them and get up and talk about democracy.

My friend from Michigan, a very erudite, very thoughtful gentleman, has an interesting view of history, is conversant with history, and history gives us context, but to ignore what the reality is on the ground, I see my friend from Florida walked in. I want to welcome him. I know he has had a busy evening. It is good to have Mr. MEEK here finally.

Mr. MEEK of Florida. Mr. Speaker, if the gentleman would yield, it is always a pleasure to join you in doing the 30-Something hour, and since us "somethings" are carrying the hour tonight, since we do not have the 30s here, I understand they are en route, but I want to thank you for your dedication to be able to deliver a positive message here in the Congress.

Mr. DELAHUNT. I am not really delivering a positive message. What I am is expressing a concern about the lack of oversight and the lack of accountability or calling to account the actions of this administration by this Republican Congress. We have a right to know. It is a debt that is owed us. It is a debt of blood and hundreds of billions of dollars, Mr. Speaker.

There is a long list of emerging relationships and agreements between these two countries. Iran and Iraq just recently signed a memorandum of understanding, under which pipelines would be constructed to allow Iran to import Iraqi crude oil from Basra. Under the agreement, Iran is to finance the three pipelines that will be built to implement the agreement. Again, this is from a report from the Congressional Research Service dated June 14, 2006. That is before the famous handshake.

To say or suggest that things are going well in Afghanistan, Mr. Speaker, is a disconnect from reality, and the American people deserve the absolute, full truth as to what the reality is.

□ 2115

Mr. Speaker, we had a hearing today in International Relations. Its focus was Afghanistan. It was extremely disturbing, Mr. Speaker, because 5 years later, Afghanistan is heading quickly in the wrong direction.

President Bush says we are winning the war on terror. And I will stipulate not on Iraq, but our invasion of Iraq, which I and every other Members of Congress voted for, was about the war on terror. Well, Mr. Speaker, if we are going to win the war on terror, we need to change Commanders in Chief and have a Congress that will hold these people responsible, because I will tell you something, we are doing everything to lose Afghanistan. It has become a narcostate. In the year 2001, there were 73 tons of opium, which is used to make heroin. This past year, there were 6,100 tons of poppy and opium.

Mr. MEEK of Florida. Will the gentleman yield?

Mr. DELAHUNT, when I came and shared with you the positive message, I mean, when I said the positive message, I wanted to make sure that people understand there are people here in the Congress willing to work in a bipartisan way to make sure that we do the things that we need to do to make sure that the American troops that are on the ground not only in Afghanistan, but in the war in Iraq, that there are Members of Congress who are willing to come to the floor and give voice to those individuals who are there.

Mr. DELAHUNT. If the gentleman would yield for just a minute. I was here listening to several of our colleagues on the other side speak about these various issues, and I just felt the need to put out what the realities are rather than simply talk in terms that are hopeful and optimistic, but in a world apart from what the reality is.

If this administration is sincere, of course it is, about winning the war on terror, there has to be a dramatic change in direction. Listen to this just for one moment, if you would. If you would, Mr. MEEK.

Mr. MEEK of Florida. I have to, Mr. DELAHUNT.

Mr. DELAHUNT. This is in contrast to what was said earlier here on the floor: United States efforts in Afghanistan are failing. Afghanistan faces its highest levels of violence and corruption since its liberation. Drug money continues to finance terrorism. That failure, coupled with the aggressive efforts of the terrorists, threatens to destroy Afghanistan's democracy, a free government that Americans and coalition forces have died to support.

Mr. MEEK, Mr. Speaker, those are not my words. Those are the words of the Chairman of the House International Relations Committee, HENRY HYDE, in a letter that he sent this week to President Bush.

So please don't come down to this floor and paint a rosy picture. We are in trouble. The world is in trouble. And if we are going to win the war on terror, we have got to change direction and develop a strategy that will accomplish that after 5 years. It is 5 years since 9/11, and Afghanistan is back to ground zero.

Mr. MEEK of Florida. Thank you, Mr. DELAHUNT. I think it is important to the point, sir, that the 30-Something Working Group, we come to the floor to share the truth and to share the reality of what is happening here in Congress and what is not happening here in Congress. And I think it is very, very important, very important that we bring the facts to the floor.

As you know, General Abizaid, who is over Central Command and the lead commander in Iraq, said earlier this year that after Iraqi elections, Mr. Speaker, that we would see a downtick in U.S. troops in Iraq, in the war in Iraq.

Because of a lack of a coalition, Mr. Speaker, Iraqis are no longer in the driver's seat as it relates to being able to stand up on behalf of their country. And so because we don't have a coalition, and the second largest coalition in Iraq, Mr. DELAHUNT, is U.S. contractors paid for by U.S. taxpayers.

And I have another example, because I believe there is a war in Iraq, but there is also misunderstanding and deception here as it relates to border security, Mr. DELAHUNT. This is fact, not fiction. And I just want to take 3 minutes to just talk about fact, not fiction, because I know that Mr. RYAN is here, Ms. WASSERMAN SCHULTZ is here, and we need to be able to lay these facts out.

Just today was a story leaked, and tomorrow the Boeing Company will receive what we call the SBInet that will do surveillance on the border between the U.S. and Mexico and also between the U.S. and Canada.

Mr. Speaker, I have to say that we had two other initiatives prior to this one as it relates to surveillance of our borders that spent $426 million, Mr. Speaker, and it was cost overruns and did not meet the contractual agreement that they made with the Department of Homeland Security. Now, this is a $2.5 billion initiative that Boeing will have.

Let's put Boeing aside, because I am not here to talk about Boeing. I am here to talk about the lack of capacity of the Department of Homeland Security and the lack of effort as it relates to the Congress to make sure that we protect our borders.

The 9/11 Commission that I spoke of in detail last week, Mr. Speaker, said that we need 2,000 Border Patrol agents per year; 2,000 Border Patrol agents per year. You thought the President heard that message? Maybe not. You want to talk tough on border security and homeland security, or you just want to talk common sense on border security and homeland security?

The President sent his budget to this Congress because he felt that he could do it, because this Congress, A, doesn't have the will and the desire as it relates to the Republican majority to make sure that we have enough border agents on the border. Now, we can burn all kinds of Federal jet fuel in the Republican leadership going down to the border talking about, "Oh, I am here to make sure that we protect our borders, and we want to make sure that things go the way they are supposed to go." But the bottom line is, and I think this is important for every Member of Congress to understand, the fact is that 215 border agents were requested by this administration.

On the Democratic side of the aisle, Mr. RYAN, Ms. WASSERMAN SCHULTZ, Mr. DELAHUNT, Mr. Speaker, we call for 2,000 border agents in line with the bipartisan 9/11 Commission report. Now, $2.5 billion, the Department of Homeland Security and even before they were created legacy agencies that are now in the Department of Homeland Security oversaw the two initiatives prior to this new one, changing the name, but not the oversight.

Now, I am the ranking member on Homeland Security and the Subcommittee on Oversight, Management, and Integration. We have three hearings, Mr. Speaker, and we had those hearings because the inspector general of the Department of Homeland Security said that the money was squandered, 426 million of the U.S. taxpayers' dollars. They had cameras that didn't work. They had cameras in areas where Border Patrol agents could not even respond to watching individuals cross the border because they didn't have enough agents.

On 9/11, combining three shifts of 24-hour shifts on 9/11, there were 250 agents on the border between Canada and the United States of America, 250. Now, we are not talking about all at once, we are talking about three shifts. So I think it is important.

If we are going to talk about what the facts are, and that is what I enjoy about our working group that we have here is that we come to the floor with the facts. We have the will and desire because we have amendment after amendment that shows that here on this side of the aisle that we called for the 2,000 border agents since the 9/11 report was released, that was a book in Barnes and Noble and on Amazon.com and a number, and I encourage Americans to take a look at that, because this Republican majority is not following that. Come to the floor, tough talk, but not backing it up.

And the great frustration of so many Americans as it relates to not only responding, yes, we can go out and link ourselves up and sing "God Bless America" out here on the steps of the Capitol, but the real commitment to protecting and having real security that we call for in our plan, HouseDemocrats.gov, anyone can get it, any Members of Congress can get it, of real security is making sure that we scan our containers for nuclear weapons, to make sure that we check air cargo before it goes in. We have passengers and Americans basically taking off everything to get on a plane, but meanwhile the cargo goes in the bottom of the plane unchecked.

The frustration that Mr. DELAHUNT has is the fact that people come down to the floor saying one thing, and it is actually another. It is like me saying, "Look over there," when the action is over here, or the lack thereof.

So I think it is important that we outline these issues. Not the Democratic Caucus, not Mr. RYAN, not Ms. WASSERMAN SCHULTZ, not Mr. DELAHUNT that comes here with this report. We are talking about the inspector general of the Department of Homeland Security that says the Department of Homeland Security doesn't have the management capacity to oversee a contract even smaller than the $2.5 billion contract. So nowadays before the election, Mr. RYAN, the Department of Homeland Security is saying that we have monitors, and that we are going to monitor the movement on the border. How about the apprehension of individuals who are crossing the border? How about having border agents who are able and detention centers that are able to handle the capacity of those individuals who are coming over?

And then we had an amendment on the floor, a bill on the floor, recently saying that we are going to build a double-link fence. I voted against it because it was a joke. We are going to build a double-link fence of 200 miles or so on the border that individuals are crossing; but, better yet, it doesn't appropriate any money to build the fence. You want to talk about the Potomac two-step in the worst way. That is just like me going to my kids and saying, "Hey, guess what? We are getting ready to go to Walt Disney World, but meanwhile we don't have the gas money to get there."

I mean, you know, we are making fun of this, but what I am saying is that this is for real. And so we have Members coming to the floor who are representing to not only, Mr. Speaker, you, other Members of the House that we are actually doing something on the majority side, and we are not doing anything but saying we are going to go right, but then going left. I am talking about the Republican majority that is doing that.

So if we are going to be real, if we are going to have real security, Mr. Speaker, that we talk so much about here on this floor on this side of the aisle, if we get the majority of this House, we have the will and the desire to implement the full recommendations of the 9/11 Commission.

You want to respect those families, Ms. WASSERMAN SCHULTZ, that you talked so eloquently about just a couple of days ago here on this floor when you took the opportunity to walk the Members through what they haven't done and what they should do? We want to respect the memory of those individuals, we want to respect those first responders who put their lives on the line, climbed up that building; some lost their lives; some are still living with the aftermath of their heroism. If we want to respect them, then let's do what they said do. And if you are a Republican, Independent, or Democrat, you have to have a problem with the fact that these Members are coming to the floor representing one thing and doing another.

So they can burn all kinds of Federal jet fuel and taxpayers' expense all they want to, Mr. DELAHUNT. And your frustration as it relates to Afghanistan when we had them on the run and now we have commanders, need it be NATO commanders or need it be U.S. commanders, saying we need help. General Abizaid, he had a press conference 48 hours ago, says, no, troop levels won't be coming down; we are going to still have 140,000 troops in the war in Iraq.

□ 2130

We have 147,000 troops right now in the war in Iraq, and we will probably end up having 147,000 troops that are on their fourth and fifth deployments.

Yesterday in Iraq, we lost four marines, leave alone the countless number of Iraqi individuals that are not even wearing a uniform, just trying to make a living, that have lost their lives. We have a policy here in the U.S. Congress of saying, because the President said stay the course, and we have a rubber-stamp majority that is not even exercising Article I, section 1 of the U.S. Constitution.

The lack of oversight and the lack of legislative authority, and this is what we get. We get individuals coming to the floor making statements that they know full well are not true on the reality of the appropriation and the reality of the direction of the policy of this country. Follow the President. So shall it be written, so shall it be done. That is not the democracy that the American people woke up early one Tuesday morning to vote for representation here in this House.

Mr. RYAN, as I yield to you, Democrats, Republicans, Independents, Green Party, Reform Party, they voted for representation and we are saying that we have the will and the desire to provide that representation.

Mr. RYAN of Ohio. If you just look at what the gentleman from Florida (Mr. MICA) has said, "Unfortunately, Congress is not ready to face the reality of the problem." He is talking about airline security. That is not us. That is not Democrats saying it. Republicans now are saying it, Newt Gingrich, generals, Republicans, Bill Buckley. I mean, come on, they are all saying this, that they are not addressing the need of the problem.

Mr. DELAHUNT. Before you go any further, I have a quick point to make. I think we should acknowledge, and I would be remiss if we didn't acknowledge that our friend and colleague from Ohio is here tonight playing hurt. He is a real trooper. I understand, and maybe Mr. MEEK can elaborate on this, and yes, bring out the crutches. But last night TIM RYAN and KENDRICK MEEK, along with a bipartisan group of Members of this House, played a football game against the Capitol Police, and Mr. RYAN went down fairly quickly, I understand.

Mr. RYAN of Ohio. Would the gentleman yield?

Mr. MEEK of Florida. He is yielding to me. Mr. RYAN, it is better when someone else talks about your great contribution.

Mr. RYAN of Ohio. I made it to the third quarter.

Mr. MEEK of Florida. Mr. Speaker, even you participated in this fund-raiser. This is very important. This was a fund-raiser to raise money for the police officers who lost their lives here protecting the Capitol, to make sure that their children have an opportunity to go to college and be all that they can be.

Mr. RYAN got caught up into the moment last night. He played quarterback. Made a couple of plays, running the ball, bad knee and all, and ended up hurting his knee. Tonight he comes with not only the will and the desire, but the dedication. He is standing here on one leg with crutches. He is here to deliver the message on behalf of the 30-somethings. We commend your dedication for watching out for not only the American people but those at the U.S. Capitol. We appreciate your sacrifice for being here tonight, standing on a bad leg and trying to recover at the same time.

Mr. DELAHUNT. Mr. MEEK, let me interrupt one more time.

To be serious for a moment, I want to acknowledge both of you for participating. I would add that those who are watching should understand that this is an effort by both Republicans and Democrats for a tremendous cause. The men and women who serve in the Capitol Police, as well as the men and women who serve in this Congress, some of whom are behind us right now, are dedicated professionals. They do an extraordinary job. It is difficult. In the case of those two Capitol Police who were killed, what we can do for their family is something that we all participate in, and we owe a debt of gratitude to them. Great job.

Mr. RYAN of Ohio. If the gentleman would yield, last year we raised $50,000 for a trust fund for the kids of these families. This year we raised $30,000, so there will be $80,000. Hopefully we can raise more in the next couple of years. I am not necessarily saying I will play in the game next year. I will be happy to write a check, but to make sure that there is a trust fund there for all of these kids. I think we should eventually expand it to all of Capitol Police who get killed in the line of duty protecting us and protecting this Capitol. I think it is important.

I didn't really want to bring it up, but our coach for the team is TOM OSBORNE, the former great coach of the University of Nebraska. He was our coach, and I was an old quarterback. So if TOM OSBORNE is my coach, I am going to try to impress him.

Mr. DELAHUNT. And that is the result.

Mr. RYAN of Ohio. This is the result for my trying to impress TOM OSBORNE.

Ms. WASSERMAN SCHULTZ. If the gentleman would yield, this is obviously not a playing field I can participate in terms of the debate or the discussion, given the difference in my stature, and I mean physical stature, versus yours.

But Mr. RYAN, I will point out as your athletic prowess absolutely precedes you, given the baseball performance and now the football performance, perhaps you should become a charitable donor henceforth as opposed to participant on the field.

Mr. RYAN of Ohio. If the gentlewoman would yield, last night's injury has now relegated me to yoga and golf. So I have changed my future. At 33 years old, I am now limited to different forms of yoga and improving my golf game. No basketball. No baseball. In fact, last night Mr. MEEK, as he drove me from the field to the locker room and almost to the hospital, said this morning when he picked me up to take me to the gym, he said, "I have your spikes in my car." And I said, "You can burn them because I am never going to need them again."

Ms. WASSERMAN SCHULTZ. But we digress.

It is a pleasure to be here with you. I am happy to yield my usual spot so you can utilize the benefit of the chair.

I want to pick up on some of what Mr. MEEK has been talking about this evening, because for the last 2 weeks or so we have been subjected as Americans to the onslaught of dialogue on the Republican side of the aisle in terms of their view of national security and how it is only through their continued leadership and their continued driving of the agenda and continuing in the direction that they have taken America that we will be able to remain safe.

Yet I find it really interesting, and I have an illustrative chart here that I would like to walk through quickly, that there are people, very prominent people, people who have the expertise, that know that nothing could be further from the truth.

In fact, last Monday, which was the anniversary of September 11, former Governor Tom Kean of New Jersey and former Member of Congress Lee Hamilton, Republican and Democrat, the co-chairs of the 9/11 Commission, issued a blistering analysis that was published in papers across the country, but particularly in the Boston Globe, which is your home paper, Mr. DELAHUNT, that they reiterated that the report card that the 9/11 Commission had given the Congress in December included 10 Cs, 12 Ds and 4 Fs. That was a clarion call last December to the Congress and this Republican leadership.

They were saying look, you are not moving in the right direction. You have an opportunity to change course. You have an opportunity to make a commitment to homeland security and to shoring up our national security; do it. We are the ones that reviewed the gaps, and we recommended to you how we could close those gaps and you have not done it.

Here is what they said last Monday. They said, "What we argued then is still true now. Americans are safer, but we are not yet safe." Then they walked through what still needed to be done. This chart is illustrative of what they talked about in this editorial.

First, they said homeland security dollars must be allocated wisely. They indicated that right now we are not allocating funding on the basis of risks and vulnerabilities. The Republican leadership is actually doing it on an earmark basis. They are giving out little pots of money around the country to make individual Members happy so they can say I brought home some security dollars for my district instead of concentrating on the areas where the real risks and vulnerabilities are.

They went on further and said States and localities need to have emergency response plans and practice them regularly. The problem is, there isn't a creation of State and local response plans going on, and from the moment disaster strikes, all first responders need to know what to do and who is in charge, and that is not happening.

Third, they called on Congress to give first responders a slice of the broadcast spectrum that is ideal for emergency communications. Right now, as you can see, that is not going to happen until 2009. Do you remember the intraoperability and communication that was talked about as the problem that occurred on 9/11 when the firefighters and the police officers and all of the first responders and then the Intelligence Community, FBI and all of the law enforcement agencies, couldn't talk to each other because their systems don't communicate with each other. That still hasn't been fixed, and one of the problems is that the broadcast spectrum is not going to be turned over until 2009.

Number four, there has not been enough progress on information sharing among government agencies. There are still turf fights and gaps in information sharing, especially with State and local authorities. We have to shut off the turf battles, increase information sharing among government agencies, and make sure that these entities can talk to each other.

This can't be about turf anymore. This has to be about making sure that there is a seamless system, that there is a system through which information can flow so that when there is danger that is either imminent or is occurring, there can be the communication that was so absent on 9/11.

Fifth, FBI reform is moving in the right direction, but far too slowly. They said you need to speed up FBI reform, improve FBI technology and analytical capabilities, and lower the workforce turnover. Those things still have not occurred 5 years later.

Six, we have taken a special interest in the Privacy and Civil Liberties Oversight Board which we recommended and the Congress and created, but we have to protect privacy and civil liberties and make sure that they function with oversight with the executive branch.

Clearly, Mr. DELAHUNT and I know better than anybody after our Judiciary meeting today, there isn't any interest in oversight in terms of the Republican leadership in this Congress. They have essentially been willing to cede our legislative authority to the executive branch. It is shocking. I don't know whether they just didn't take the same civics classes as we did or whether they are just so trusting of this Presidency.

Mr. DELAHUNT. If I may offer another theory, another hypothesis. It is about politics. It is about retaining power.

What happened in the Committee on the Judiciary today was on the issue of the detainees. The President has come out with a proposal and that proposal was summarily rejected by three prominent U.S. Senators, all Republican. One was the chairman of the Armed Services Committee, JOHN WARNER; JOHN MCCAIN, who was imprisoned during Vietnam for years, who understood what it means to serve his country in the most dire of circumstances, and exit a hero; and LINDSEY GRAHAM, a lawyer who served in the military as a military lawyer; because they understood that if the President's proposal is accepted, it will put at risk American service personnel.

□ 2145

And what we did today, in effect, was to turn our back and not listen, not just to them, but more than 40 retired generals, admirals, men and women who have served this country, including the former Chief of Staff of the Joint Chiefs, former Secretary of State Colin Powell, who said this is a mistake in a letter endorsing the proposal to JOHN MCCAIN.

Mr. RYAN of Ohio. Will the gentleman yield?

Mr. DELAHUNT. Yes.

Mr. RYAN of Ohio. Because it comes down to this, that this is another, I think, election year situation. But the bottom line is this: We opt out of the Geneva Convention, and we make a certain set of rules to say how military prisoners should be treated, just because if we do that, we have a certain set of standards, it does not mean other countries won't opt out, and their standards will be a heck of a lot lower than our standards.

Mr. DELAHUNT. Mr. RYAN, the military doesn't want us to do it.

Mr. RYAN of Ohio. Nobody wants to us to do it.

Mr. DELAHUNT. The military, because they know that the men and women that serve will be put at risk, they will be in danger, that is why they don't want it to happen.

Mr. RYAN of Ohio. JOHN MCCAIN, who has actually been through it, the most well-known political prisoner in our country's history, now, given the modern media today and the kind of fame that he has generated, says that this is a bad thing for our soldiers. This isn't about anyone else's soldiers. This is about our soldiers. You want to be promilitary? You want to be pro-U.S. soldier? You want to protect our soldiers? You failed them on body armor. You failed them with a plan to get out. And now if they get caught, you are going to say there are no international standards in which we can hold these other countries by, and you will be able to do anything you want to the American soldiers.

Now, we know there are rogue people, but there are many people who will get political prisoners and actually abide by the rules. We know there are some that won't. But to go against JOHN MCCAIN and to go against a JAG officer like LINDSEY GRAHAM, and to go against Mr. WARNER, Chair of the Armed Services Committee, who has been in for years.

Mr. DELAHUNT. That is inviting danger for the American soldier, the American service personnel. And by the way, testimony before the Senate by the senior serving JAG advocate said we don't need it.

Mr. RYAN of Ohio. And let's be honest here, Mr. Speaker. This is a joke because this is about 84 percent of America's top national security experts saying we are losing the war in Iraq. This is about all these generals that we have been showing night in and night out saying there is no plan to get out of here, there was a bad plan to get in, there was a bad plan to start with. There was no plan, bad information, bad intelligence, nothing was right. Look back at everything they said about using the oil for reconstruction money, about being greeted as liberators, about all this nonsense that we heard before.

This is an opportunity for this administration, Mr. MEEK, to try to change the subject. And all of a sudden we are talking about a few political prisoners, and it has enormous ramifications.

But the bottom line is this: This administration wants to talk about anything but the war and the economy. They want to change the subject anytime they get a chance to. And now we have got this debate about military prisoners. And I am not saying it is not important, but my God, you have got millions of people living in poverty. You have got seniors whom you are threatening with their Medicare. You have got 40 some million people with no health insurance. You have stagnant wages. You have gas prices going up. You have health care going up. You have tuition going up. You have poverty rates going up. You have got veterans' benefits going down. And you want to talk about this one little sliver to change the subject, and you are coming up with all these new phrases again, "Islamofascism" and all this other stuff.

Mr. MEEK of Florida. Will the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman.

Mr. RYAN of Ohio. Let me finish, Mr. MEEK, because the bottom line is this, here is the cost: $8.4 billion per month, $1.9 billion per week in Iraq, $275 million per day in Iraq, $11.5 million per hour in Iraq. If this is the legacy of the Bush administration, you know what? If I was in the White House, I wouldn't want to talk about this either. I would talk about anything possible other than this fact.

You want to start talking about providing health care for millions of citizens? You want talk about lower tuition costs? You want to talk about investing in alternative energy sources to reduce our dependence on foreign oil? You want to talk about what Mr. MICA wants to do with airline security and port security? We have got the money. We have got the money. But we are spending it in a black hole called Iraq.

Mr. MEEK of Florida. If the gentleman will yield, I am going to have to leave before the hour is over, and I have to take Mr. RYAN since he laid it out in the field last night. But let me say this very quickly. The facts are what the facts are. Some individuals say it is what it is. And the bottom line is we have a rubber-stamp Republican majority.

I do not spend a lot of time, Mr. Speaker, talking about what the White House should have done and what they did do or whatever the case may be because I am a Member of Congress; so by my being elected in the 17th Congressional District, Ms. WASSERMAN SCHULTZ, right next to your district, by the people of South Florida, they federalized me to come to the Congress to do what? Carry out Article I, section 1 of the U.S. Constitution. That means the legislative body has oversight and is the investigative body. We are not doing any of those.

Let me just take a moment. Today we had a number of visitors to the Capitol. The American Cancer Society came to the Capitol. A number of survivors came to the Capitol. They have a walk that is going on right now outside on the Mall near the reflection pool of the Capitol.

I want to commend them for their efforts for coming here to Washington, D.C. I want to also say they have a Wall of Hope out there for those individuals that are survivors and those individuals that have passed on. I know Ms. WASSERMAN SCHULTZ had a joint press conference on breast cancer today. I think it is important that we lift those individuals up because I know that there are Americans who could not make it.

My sister is a breast cancer survivor. I went out with Mr. RYAN this evening to sign the wall for Florida, and I put my sister's name in. She couldn't be here. I called her and told her that I put her name on the wall. I had an opportunity to sign it.

I know that we in the Congress, all of us, are a part of making sure that we have enough research to be able to look and find ways that either we can prevent cancer from happening, or find medicines and procedures that can take away the issue of cancer. I know there is a commitment by 2015 to eradicate all cancer here in the U.S. So that is very, very important.

I just wanted to lay that out because I know we wanted to all commend them. We have serious issues that we are talking about, but at the same time. Mr. Speaker, we have got to lay out the commitment of those who did come up here.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. MEEK. I am glad you touched on that. I lost both my grandmothers to lung cancer, and, unfortunately, in America we all know someone who has been touched by cancer, and it is so incredibly important that Congress redouble its effort and commitment to funding the research so that in our lifetimes as 30-somethings, we can see a cure for not just lung cancer, but cancer of all types in our lifetime and during our congressional careers. So I know we all are committed to that.

Mr. DELAHUNT, I think we are wrapping up. Do you have any additional items to add?

Mr. DELAHUNT. Again, I would say that I think what is being revealed to the American people is that this administration is really driven by politics.

We hear now about immigration and border protection, but for 6 years they have been the majority in this body, they have been the majority in the Senate and have owned the White House, they had an opportunity to vote and to support Democratic proposals which would have strengthened border security. And a comparison, I think, is in order here right now.

The average number of new Border Patrol agents that were added per year during the Clinton administration was 642; during the Bush administration, 411. Immigration fraud cases that were completed in 1995, almost 6,500; in 2003, on the average, 1,300.

And what I find particularly fascinating is those cases that were filed against employers for hiring illegal immigrants, in 1999 there were some 417. In 2004, there were three.

The reality is the resources were never provided to enforce the existing laws that would have served us well, and now we are hearing about border protection. There is no other conclusion that one can reasonably reach other than it is great politics in an election year to energize the so-called base. But it is not fair to the American people on an issue that really needs to be debated in a respectful and civil way and analyzed appropriately.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore (Mr. McHENRY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate once again the opportunity to come before the House of Representatives tonight and bring the latest version of the Official Truth Squad.

You have heard a lot of information over the last hour, much of which, in terms of its tenor and its tone, was the genesis for the Official Truth Squad, because what we as Republican freshmen Members of Congress determined about a year or a little over a year ago was that there was an awful lot of disinformation and misinformation and distortion and demagoguery and division, attempting to divide the Nation in such a way that it did a disservice to everybody. And, Mr. Speaker, you have heard an awful lot of that over the last hour.

We have got some very serious things to talk about tonight, but I wanted to spend a few moments and just try to lower the temperature a little bit, try to decrease the calamity that you have just heard. You have heard a lot of discussion about all sorts of issues, mostly national security issues. You have heard some claims about the 9/11 Commission and how none of the recommendations of the 9/11 Commission have been proposed or adopted by Congress.

But what the Official Truth Squad is all about is about truth. It is about fact. It is about real things. And one of our favorite quotes comes from Senator Daniel Patrick Moynihan, who had just a great quote. He said that everyone is entitled to their own opinion, but nobody is entitled to their own facts. Everyone is entitled to their own opinion, but not their own facts. And that is important, Mr. Speaker, because when you hear all these things, these accusations and incredible distortions that are leveled, very rarely are they ever rooted in fact.

And I am here to give you a few instances of fact, and I just want to spend a few moments to talk about national security and the 9/11 Commission recommendations because the distortions have been phenomenal.

We have on the other side of the aisle, the Democrat side of the aisle, a leader who has said within the last 2 weeks that she didn't believe that the capture of Osama bin Laden would make America any safer. That is a stunning statement from the individual who wants to be third in line to the Presidency, a stunning statement. She has also, as well as so many individuals on the other side have, called for the implementation of the recommendations of the 9/11 Commission. Well, in fact, what they ought to do is look in the mirror or talk to their colleagues, because Capitol Hill Democrats have repeatedly, repeatedly opposed legislation implementing recommendations of the 9/11 Commission that were meant to strengthen America's national security and prevent further terrorist attacks. And I have just got a couple of them here for you, Mr. Speaker, that I would like to share with you.

The 9/11 Commission stated: "The government has made significant strides in using terrorism finance as an intelligence tool."

□ 2200

Yet the Democrats voted, 174 of them voted "no." Voted "no" for the bill that would allow us to continue to use that kind of intelligence in making certain that we can capture terrorists, find terrorists. "No."

The 9/11 Commission recommendation, they call for its adoption and its implementation. We propose it on the floor of the House in a responsible way, in a positive way to try to make America safer, and what do the vast majority of the Democrats on the other side of the aisle do? Vote "no," 174 of them.

The 9/11 Commission says, "The REAL ID Act has established statute standards for State-issued IDs acceptable for Federal purposes, though State compliance needs to be closely monitored."

So the REAL ID Act that this House passed that was signed into law with the good work of a Republican House and a Republican Senate and signed by the President, how many folks on the other side of the aisle, our good friends who have just been clamoring for adoption of the 9/11 recommendations, how many supported it? Well, I will tell you that 152, the vast majority of them, voted "no," voted "no" on the REAL ID Act.

Again, the 9/11 Commission says, the House and the Senate have taken positive steps, but Secretary Chertoff and his team still report to too many bosses. The House and the Senate Homeland Security Committees should have exclusive jurisdiction over all counterterrorism functions of the Department of Homeland Security.

And when that recommendation of the 9/11 Commission is proposed on the floor of the House, where are our friends on the other side of the aisle who clamor over and over for adoption of these recommendations? The majority of them, 120, vote "no," vote "no," Mr. Speaker.

So as a member of the Official Truth Squad, as an individual who has been frustrated, when I go home and talk to folks, they want us to work together. And I encourage individuals to work together. These are not Republican problems that we have or Democrat problems, they are American problems, they are American challenges.

So I encourage my colleagues on the other side of the aisle to throw fewer stones, throw fewer barbs, be less political. I know it is an election season, and that is fine, but there are real problems and real challenges to solve.

We have real solutions, and we encourage and invite our colleagues on the other side of the aisle to indeed join us in solving these issues, especially, especially in the area of national security.

Now, Mr. Speaker, I am going to be joined tonight by a number of individuals who want to talk about a very, very serious issue as it relates to not just our Nation, but indeed the world. And that is, again, an attempt to try to lower the temperature, try to lower the pressure points and talk objectively and within reason about the issue of nations, about the issue of religion, about the issue that has grown into a firestorm with the Pope's comments that I believe have been taken out of proportion.

And to open that, I would like to just share a comment from the Pope. And we all know the comments that have been made and how they have been taken most recently. And the quote that I find most instructive from the Pope is this. It says, "For the careful reader of my text, it is clear that I in no way wanted to make mine the negative words pronounced by the medieval emperor, and their polemical content does not reflect my personal conviction."

I think that is a powerful statement, Mr. Speaker. Powerful statement. And what the Pope has attempted to do, I believe, is to try to talk within reason about the issue of religion and about the issue of politics, because it is extremely important for us as a world at this stage right now.

The response that has been received, however, has not been as reasoned. And this is a quote from a branch of al Qaeda, and it is troubling, Mr. Speaker, it is troubling, these words. "We tell the worshiper of the cross, the Pope, that you and that the West will be defeated, as is the case in Iraq and Afghanistan and Chechnya. We shall break the cross and spill the wine. God will help Muslims to conquer Rome. God, enable us to slit their throats and make their money and descendants the bounty of the Mujahadin."

That is a quote, Mr. Speaker. So I would call on all individuals of goodwill, all Christians, all Jews, all Muslims, all members of any religion around the world to take a deep breath, to take a step back. This kind of verbal assault does nothing to assist us in the world community to solve any of the challenges that we have.

I would point to a comment that was in the L.A. Times where they noted that the Pope paused twice during his speech to remind the audience that he was quoting another individual and departing from his prepared text. The Pope twice reminded the audience that he was quoting someone else, an indication that he was clearly aware of the sensitivity of his comments.

Finally, there was a press communication that was put out by the Vatican that said that the Pope's option in favor of interreligious and intercultural dialogue is equally unequivocal. In his meeting with representatives of the Muslim communities in Cologne, Germany, on August 20, 2005, he said that such dialogue between Christians and Muslim "cannot be reduced to an optional extra. The lessons of the past must help us to avoid repeating the same mistakes. We must seek paths of reconciliation and learn to live with respect for each other's identity."

So it is in that context, Mr. Speaker, that we open the discussion tonight with some good colleagues and good friends who are reasoned in their discussion and their perspective on this issue.

Mr. Speaker, I am pleased to be joined by many of them this evening. I wish to introduce and yield to the gentlewoman from Pennsylvania (Ms. HART), who I, as just a freshman member of the Republican Conference, have found to be a stalwart individual, individual who truly speaks the truth, and an individual whom I know her heart is good. I yield to my good friend, Congresswoman HART from Pennsylvania.

Ms. HART. Mr. Speaker, I thank the gentleman for yielding and for his comments. You know, I am pleased that we have joined the Official Truth Squad, because the main reason why several of us wanted to be on the floor tonight was to further discuss and hopefully enlighten each other and anybody who may be listening about what Pope Benedict was really talking about in Regensburg.

Unfortunately, there was a significant amount of negative response and I believe inaccurate characterizations of the speech, or actually the class he was teaching as Regensburg, a university where he taught.

And the discussion was regarding many things, but I think his focus was a hopefulness that faith and reason should always be joined together. Many of us have been speaking of this to each other, kind of challenging each other in our thought processes about why the reaction to his speech was so negative, and, in fact, why he was accused of being critical of Islam in the comments that he cited that were made in the Middle Ages during a conversation, an intellectual conversation, between a Christian and a Muslim about their faith, when at the time they could speak, I guess, honestly and peacefully to each other.

Pope Benedict discussed it, and I think it is important that his actual words be cited. I know that Congressman MURPHY wants to say a few things about that, but I want to open with the passage that so many people have been decrying. He said, "Show me just what Mohammed brought that was new."

Now, this is a quote. This is not the Pope's words. He is quoting from a Byzantine emperor, Manuel II Palaeologus, and his discussion with a man they called an educated Persian on the subject of Christianity and Islam.

And the quote from the Byzantine Emperor was, "Show me just what Mohammed brought that was new, and there you will find things only evil and inhuman, such as his command to spread by the sword the faith he preached."

The emperor goes on to explain in detail the reasons why spreading the faith through violence is something unreasonable. Violence is incompatible with the nature of God and the nature of the soul.

It does not end there, however. The statement is, "God is not pleased by blood, and not acting reasonably is contrary to God's nature. Faith is born of the soul, not the body. Whoever would lead someone to faith needs the ability to speak well and reason properly without violence and threats. To convince a reasonable soul, one does not need a strong arm or weapons of any kind or any other means of threatening a person with death."

Mr. PRICE of Georgia. Mr. Speaker, I think it is extremely important that we appreciate that those were not the Pope's words, correct?

Ms. HART. Mr. Speaker, he was quoting as an example of a discussion between two educated people of different faiths.

Mr. PRICE of Georgia. Mr. Speaker, I think that is incredibly important. I do not think we can repeat that often enough, given the response that has been seen. These were not the Pope's words. He was using this quote from 600 years ago as an instructive tool.

I yield.

Ms. HART. I thank the gentleman.

Yes. I mean, his goal was to challenge those faiths today, not just Christians, not just Jews, not just those of the Islamic faith, not just anyone in particular, but everyone to be challenged, to always include together in their thoughts and their discussion and discourse with others, sure their faith as a basis, but reason as well.

And I believe today, unfortunately, much of the discourse, and certainly the response, was completely inappropriate to what the Pope was teaching that day in Regensburg; was exactly, unfortunately, an illustration of a radical, really, faith without reason.

In fact, it was illustrated as without reason in the reaction that we saw, that was reported in the news, much of which was reported as being a response to what the Pope said; you know, threats on lives, threats on the Pope's life, unfortunately a murder of an Italian nun, and basically a demand that the Pope apologize.

Now, clearly he did apologize for the reaction to his words, but I believe that he had hoped and expected that his words would stand as stated. That it is a call to all people of all faiths to enter a discourse; do not abandon your faith, but bring along with it the reason and the goal of being peaceful-minded and having the goal of getting along with those of other faiths as the two gentlemen did who he cited in his quote.

I would be interested in yielding to Mr. MURPHY, if that is all right with you, Mr. PRICE?

Mr. PRICE of Georgia. Absolutely. I appreciate so much the importance of connecting faith and reason, because I think that is what the Pope has challenged all of us to do is to reflect upon our own faith.

Clearly we are in a point in this world now where there are individuals who are not desirous of joining faith and reason together. And so I think we ought to be commending the Pope for bringing forward this incredibly important issue that will allow us, should we be able to navigate these waters well, that will allow us to continue to survive in a world at peace.

Ms. HART. Hopefully, if I may move us in the direction of a discourse without threats of violence, without acts of violence, and toward the goal that all of these leaders profess to have, at least most of them, which is peace.

Mr. PRICE of Georgia. Which is, in fact, the end point in the goal of all of the great religions.

Ms. HART. That is right.

□ 2215

Mr. PRICE of Georgia. I welcome my good friend from Pennsylvania, as well, Dr. MURPHY, joining us this evening. I look forward to his comments.

Mr. MURPHY. Thank you.

I thank the gentleman for yielding and the gentlewoman from Pennsylvania, also, to spend some time on some of the important points in our world today. We are so very deeply concerned that throughout our world and really throughout the history of humankind, so many people have lost their lives and blood has been shed and cities have been burned and armies have been massed, unfortunately, in the name of religion. It has sometimes and very frequently distorted its goals.

I wanted to start off by going back to some of the speech that Pope Benedict gave. In a sentence that followed his quote under question again, where he is continuing his quote about the emperor and saying, The emperor, after having expressed himself so forcefully, goes on to explain in detail the reasons why spreading the faith through violence is something unreasonable. Violence is incompatible with the nature of God and the nature of the soul. "God," he says, "is not pleased by blood, and not acting reasonably is contrary to God's nature. Faith is born of the soul, not the body. Whoever would lead someone to faith needs the ability to speak well and to reason properly without violence and threats. To convince a reasonable soul, one does not need a strong arm, or weapons of any kind, or any other means of threatening a person with death."

As I read this, I am also struck by some of the similarity with an article about religious tolerance in Islam. There are several quotes which I need to read into the record, too, to talk about some things we need to understand as Americans and the world needs to understand. Our nation, predominantly a Christian nation and one that is founded on many of those principles and very much a part of our history, our Constitution and our laws, there is so much we need to learn. I say these things not in any kind of way of being conciliatory but a way of saying we need to approach things with understanding and not the violence which is occurring around the world. It is so disturbing to see churches burned, to see a nun shot, to see calls and crying out for assassinations. This is not the way to seek peace.

Let me read here from this article on religious intolerance in Islam about piety, where the author, Dr. Abdullah M. Khouj, writes:

Piety eliminates any type of racial, social or national discrimination. Religious discrimination is completely incompatible with Islam. Islam was revealed in a part of the world and at a time when the majority of people were polytheists. Islam came and showed people the need to believe in one God as the only way to understand themselves and to improve their lives. Allah confirmed to the prophet that we must believe all previous messengers and that we must reach a level of understanding with other religions. He says:

"Say ye: 'We believe in God and the revelation given to us, and to Abraham, Ishmael, Isaac, Jacob and the tribes, and that given to Moses and Jesus, and that given to all prophets from their Lord: We make no difference between one and another of them: And we bow to God in Islam.' "

The author goes on to say:

And when a Muslim discusses religion with a non-Muslim, Allah enjoins us to speak with reason and good manners.

Again he continues:

"And dispute ye not with the People of the Book, except with means better than mere disputation, unless it be with those of them who inflict wrong and injury: But say, 'We believe in the revelation which has come down to us and that which came down to you. Our God and your God is one; and it is to him we bow in Islam.' "

Again the author continues:

Indeed, Allah requires us to ensure that religious discussion never be allowed to become violent.

Finally he quotes:

"Let there be no compulsion in religion. Truth stands out clear from error. Whoever rejects evil and believes in God hath grasped the most trustworthy hand-hold that never breaks. And God heareth and knoweth all things."

As I read those words that have come from the Islamic Center, I am struck that really throughout history, so many faiths and governments have dealt with religious conflict. Early this evening, in fact, I was meeting with folks from Northern Ireland, from Ireland and the United Kingdom who have themselves been dealing with a conflict which has gone on more predominantly for the last few decades but really for centuries of conflicts between Catholics and Protestants/Christians in Northern Ireland. Much blood has been shed. There have been revolutions. There has been a peace agreement which has been in place since 1998 but a government is not yet set. It is true these things we have to remember, that when people have religious intolerance and wars and bloodshed ensues, it is of terrible consequence.

One of the reasons we are here today is to say that we are are not here to support any kind of intolerance. We are here to call the world to do what it should do in terms of those principles of religious freedom which are so important for bringing peace to the world.

Here let me call upon something that George Washington said. He said, back in 1792, "Of all animosities which have existed among mankind, those which are caused by difference of sentiments in religion appear to be most inveterate and distressing and ought most to be deprecated. I was in hopes that the enlightened and liberal policy which has marked the present age would at least have reconciled Christians of every denomination so far that we should never again see the religious disputes carried to such a pitch as to endanger the peace of society."

He goes to say, in 1775:

"As the contempt of the religion of a country by ridiculing any of its ceremonies or affronting its ministers or votaries has ever been deeply resented, you are to be particularly careful to restrain every officer from such imprudence and folly and to punish any and every instance of it," he was saying to Benedict Arnold.

"On the other hand," Washington continues, "as far as lies in your power, you are to protect and support the free exercise of religion of the country and the undisturbed enjoyment of the rights of conscience in religious matters with your utmost influence and authority."

It would seem to me at that time, as Washington has said, as so many countries have dealt with these issues, that what we need to have is not more violence, not more accusations, not more calls for assassinations and murders and burnings, not more continuation of war, hiding behind these with some extremists who have themselves captured or are hiding behind some aspects of faith, but understand that we are in a world that can little tolerate these burnings, these assassinations, these murders but on one which really must call for an interfaith dialogue, of patience, of understanding; truly seeing what the words are and not using them as some sort of vehicle for more incendiary language.

There is so much that we need to use and perhaps, in the Pope's words, those should really be a stepping-off point to continue this dialogue, not to continue on with this violence which we are seeing. The world can little afford more war. As I watched also the comments of the United Nations today from leaders to continue these comments, this is not the way the world should be operating. This is not the way the U.N. should be operating. My hope is that every American of every faith, that every man or woman of the cloth of every faith, not only here in the United States but throughout the world, sees this as an opportunity to be called upon by their Maker to speak out and say that if there is any hope for us in this world, if there is any hope for the faiths of which we adhere, that this is the time above all times when truth and dialogue are needed to discuss things rather than swords.

Mr. PRICE of Georgia. What a wonderful picture you paint. I thank you so much for those remarkable words. It is not often that we get the opportunity here in Congress to talk about these overarching issues and matters that come before us. And what a beautiful quote you read from the father of our country, George Washington, to talk about conscience and to talk about religious liberty and religious freedom. If ever there was a nation that was founded upon the principle of religious tolerance, I would suspect that it is indeed the United States of America. And maybe it is this discussion tonight that begins that call to individuals truly across America and around the world to enter into that dialogue that you talk about, because it is so extremely important that we turn away from the sword, that we move toward a path of discussion and dialogue and of joining together faith and reason so that we can walk together in peace as opposed to challenge each other to arms which was so distressing, as you mentioned, to see at the United Nations today. I was so distressed to see so many of the comments that were made there.

We are joined as well by my dear friend and colleague in the freshman class, Mr. FORTENBERRY from Nebraska, who is a man of deep faith, I know, and a dear friend. I look forward to your comments on our discussion this evening.

Mr. FORTENBERRY. I thank the gentleman from Georgia for coordinating tonight's discussion, and I thank the gentleman from Pennsylvania as well for his beautiful insights that he read that, as you so well said, have helped us create an opportunity not just tonight but through the events of the day, the difficult tensions, nonetheless, maybe there is a moment here which will allow us to explore, to unpack the inextricable link between faith and reason.

I would like to tell a story, though, that might augment some of these reflections. As a much younger man, I spent a considerable amount of time in the Middle East and I was in a country that was predominantly Moslem and was being hosted by a Moslem family who were extraordinarily generous to me in welcoming me into their home. They lived in an oasis area that was just rich in agricultural production. Their neighbor was a Christian man. My host made a point to introduce me to him, knowing of my own faith tradition. He very humbly showed me, because I did not understand the language, the nature of their community, the nature of the way they lived. If I recall correctly, he took his Christian neighbor's hand, bowed down and gave it a kiss to show again the unity, in spite of the distinctions that are their faith tradition, the ability to live next to one another out of respect and humility, out of respect perhaps for a higher good, a higher calling to be a member of the human family. And perhaps again what has already been discussed tonight in terms of the Pope's comments, it gives us an opportunity to explore that beautiful wedding of faith and reason as it flows out of the very nature of the divine.

If you recall, though, the Pope's very first writing, his first encyclical, was Deus Caritas Est, God is Love. If I could read some reflections on that, they are these:

"The Holy Father has already made clear in Deus Caritas Est that love of our neighbor is not primarily a government project, that justice is not enough, and often is not even a beginning. We simply cannot just talk of faith and justice without beginning and ending in charity and the reasons for it." In other words, the reasonableness of acting in faith or acting out faith in love and the unreasonableness or the irrationality of imposing the faith, particularly, or enforcing a faith particularly through violence. I think again the opportunity to unpack that discussion tonight is extraordinary.

I appreciate the gentleman's allowing me a little bit of time to speak.

Mr. PRICE of Georgia. I thank the gentleman so much from Nebraska for those comments and for that experience.

I think that we can all hearken back to those times in our lives when we shared those experiences with individuals of a different faith and recognize when you get right down to it, the core of each of the great religions in this world is the ability or the call to live together in peace. I think that is what the Pope was attempting to move us as a world in the direction of discussing that.

I yield to my good friend from Pennsylvania.

Ms. HART. I thank the gentleman from Georgia and also want to reflect for a moment on the statement of the gentleman from Nebraska regarding the Pope's statement and also what the goal was, a reflection by a Father James Schall.

Mr. FORTENBERRY. If the gentlewoman will yield, thank you for quoting the source. I didn't say that earlier.

Ms. HART. Which both he and I have read, was an outstanding analysis of the speech that the Pope made. After he cited what the Holy Father had said in the Deus Caritas Est, in the statement of Love Thy Neighbor, the analysis goes on to say that this speech, after that, was his second shot of trying to get us all to realize what is wrong with our current world, with the state of our current world and the state of mind of our current world. According to Father Schall, these shots are designed to do what all good intellectual battle does, namely, to make it possible for us to see again what is true and to live it.

□ 2230

My colleague from Nebraska's real-life experience that shows that many people do live it and that those are the examples that we need to see more of. Unfortunately, our news carries with it from day-to-day stories of violence that those carrying it out carry out in the name of God, Allah, or the name of their faith.

Congressman MURPHY reflected on the problems in Northern Ireland, again, violence carried out often in the name of faith. It is such a misuse of the teachings in the Old Testament, in the New Testament, and what most people would accept as a, I would say, progressive interpretation of the Koran, that that is not encouraged. What is encouraged is this peaceful dialogue. What is encouraged is this goal of us finding a way towards peace.

The analysis by many in the days since the Pope's speech at Regensburg I think are fortunately giving a second look, after the unfortunate analysis in the New York Times which criticized him for his words. Phillip Blond from the International Herald Tribune made a statement that I think is extremely poignant and to the point. He said, "Secular reason as value free and religiously neutral is meant to police interactions." Unfortunately, it really doesn't always work for us.

He states, "Little wonder then that religious people are so unable to interact about what is most crucial to them. Pope Benedict wants to change this. He wishes to restore the last time the great faiths talked to each other when he cited the High Middle Ages, when faith and reason were not separated and Christians could criticize Islamic conceptions of God and Muslims could do likewise. His address was intended to inaugurate an authentic theological engagement between the faiths. That this has been so misunderstood only stresses the urgency of this application."

I think those are the telling words we must take to heart here in the United States, in the Middle East, in Europe, throughout the world, as we seek to solve the serious problems we face: Nuclear arms in the hands of Iran, the wars that we face on extremists in Afghanistan, in Iraq, the challenges we face in our own country where people are not willing to engage and discuss the truth on a level of honesty. It is a challenge to all of us.

I am very pleased that we are taking the opportunity tonight to really analyze it a little bit more, to understand it a little bit more.

I yield back to the gentleman.

Mr. MURPHY. If I may ask the gentleman to yield to me for a moment, I appreciate that. I want to follow up with some things that my colleague from Pennsylvania was saying as part of this.

Again it is important as our words are heard, my colleagues and Mr. Speaker, that we are not standing here in a conciliatory posture. This is not a matter of asking people to surrender their beliefs or their strength or undercut that which is the basis of our Constitution. It is in fact something that strengthens it.

An article that was written in Time Magazine that just appeared commented here about an analysis of things that Pope Benedict said. It is important to note that this article, by Jeff Israely, said that "Pope Benedict spoke about the need for the West." He was saying "His questions are not reserved for the Islamic world, as he has done before. Benedict spoke about the need for the West, especially Europe, to reverse its tendency towards godless secularism. He believes that the gift of reason that he cherishes in Christianity has been warped by the West into an absolutist doctrine and that, he believes, prevents the opening of a productive channel for dialogue with a more faithful Islamic society. Reason and faith, he insists, must come together in a new way."

This is so important for where we are in this crossroads of the world. When I listened today to the President of Iran and the President of Venezuela, or listening to these incendiary words, calling out more criticism and calls for more violence among so many, and when these are underscored and peppered by comments that are meant to provoke violence on the basis of faith, this is the very thing that I believe that the Pope was trying to prevent. Unfortunately, his words were distorted, misquoted, and, in some cases, not quoted fully at all. That is in part why we are here tonight to talk about it in more detail.

Our role here as Members of Congress is punctuated and exentuated by that of which when we took our oath of office to uphold the Constitution of the United States. I remind us all that here in the very Preamble of the Constitution, where we are here to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense and promote the general welfare, here is where it is important to say that we are calling for reason and dialogue as it comes to questions of faith, and that should be something we should all agree to.

But we must also recognize that we cannot give in to those who continue to threaten violence, who would attack, would kill and do anything in that manner. We will continue to defend those principles of our Nation.

But it is something that we are so keenly aware of, because we have struggled with this as a nation. One of the reasons in our own Bill of Rights we have freedom of speech, which was included, and that itself could not have been part of the initial Constitution in 1787, we recall. They couldn't even agree how to put that in. That required another Constitutional amendment that they agreed to and didn't get in for a couple years when the States had to ratify those amendments.

This was the time when George Washington was also trying to keep our Nation together as its first President. But he had here, and this is another quote from 1783, at that time he said, "I now make it my earnest prayer, that God would have you, and the State over which you preside, in his holy protection, that he would incline the hearts of the Citizens to cultivate a spirit of subordination and obedience to Government, to entertain a brotherly affection and love for one another, for their fellow Citizens of the United States at large, and particularly for their brethren who have served in the field, and finally, he would most graciously be pleased to dispose us all, to do Justice, to love mercy, and to demean ourselves with that charity, humility and pacific temper of mind which were the Characteristics of the Divine Author of our blessed Religion, and without a humble imitation of whose example in these things we can never hope to be a happy Nation."

Indeed it is our own Nation which has struggled with issues of religious freedom, freedom of the press, freedom of the person, habeas corpus, all of those things which are part of it. We have not done those struggles without bloodshed. We have faced our own wars here, our own problems, our own riots, our own violence. And as we reflect upon those, that is perhaps why tonight we are particularly motivated to say these aspects of continuing to take things out of context, to misrepresent them and to call upon more violence, simply have to stop and the strength of our Nation and people must stand behind them.

Let me also add this, as I have talked to citizens in my district since these comments were made and watched the reactions. It is in many ways to serve as a wake-up call for all of us, that there are those factions, and I do not believe for one second these are the beliefs of all Muslims, but there are those factions who use this as an excuse to an attack the West, use it as an excuse to attack those who are Christians or Jews or even other Muslims.

Those things cannot be tolerated by anybody in the world. It is unfortunate, and yet I hope it is only a temporary thing and it is fixed soon. The U.N. has been silent on those principle. And I would hope in the midst of all this other vituperative rhetoric that has taken place in the U.N. today and continues around the world, that leaders of nations, leaders of faith, will speak out and say this is not the way we should operate as democracies and as a people who want to live together in peace.

Mr. PRICE of Georgia. I thank you so much. The silence truly has been deafening, and it is disappointing and it is disconcerting. But as a Christian, but a non-Catholic, I have struggled and attempted to find folks who have a perspective on what has occurred over the past number of days, and there are a couple individuals that I find that have given some hope. Some people have called back through history and brought my attention back to the fact that religions can grow, that spirituality can grow.

There is a quote that I would like to share before I yield again from Michael Potemra, who said, "The Koran is one of the loveliest books ever written, a distillation of monotheism that is full of spiritual wisdom, and I never fail to profit from the reading of it. But the global mainstream of Koran interpretation stresses passages that are harmful and slights those that are irenic. The Pope's words approached without quite touching this unpleasant truth. As a result of the current riots, there will be even more Western voices calling for 'a clash of civilizations against Islam itself.' Before we decide that Islam cannot be saved from its darker side, we should call to mind Christian history. Less than 150 years ago, Pope Pius IX was still formally condemning freedom of religion as a heretical notion, and John Calvin, the spiritual progenitor of the theology of America's Founding Fathers, ran a cruel theocracy in Geneva that, among other things, executed the theologian Servetus for his heresy."

I might not agree with all of that. However, I think it is important to appreciate his conclusion, and that is that "religions acted on by the spirit can change and our Muslim brothers and sisters needs our prayers and they need us to support the forces among them that are resisting the lure of religious hatred."

That ends the quote. I would be happy to yield to my good friend from Nebraska.

Mr. FORTENBERRY. I would like to thank the gentleman from Georgia. I would like to return to some of the commentary that the gentleman from Pennsylvania made, because in our founding documents, in another of our founding documents, the Declaration of Independence, here are the words, "We hold these truths to be self-evident, that all men are created equal, and are endowed by their creator with certain inalienable rights, and among these are life, liberty and the pursuit of happiness."

In other words, the founding document in a certain sense separated the institution of church and state, yet at the same time affirmed the transcended values, the transcended ideals that make democratic politics possible.

Frankly we are at a crossroads, because I think for the world to progress in the name of civil reform, in the name of civilization, we have to recognize this fundamental principle, that every person has inherent dignity and rights. That is the foundation of an order that can then be built upon justice and in charity.

That is what we are facing worldwide. It is so essential that those of us who have been given the gift of stabilized societies, who have lived with the blessings of that philosophical context, help others who are reaching out as well for civil society and to build up the institutions that can promote that very principle, that every person has inherent dignity and rights.

This is the crossroads that we face I think in the world today, because all of civilization hinges upon that key principle. We have had to work that out in our country. It has been imperfect. We have fought. It is not perfect today. And yet at the same time, this has spread beyond our shores, this idea, because of the transnationalism that has now occurred, because of the advances in communications, in technology and transportation have caused the world to shrink very, very rapidly. So we have an opportunity to rethink some of the foundations on which the very order is built.

So, again, this is an opportunity to explore it a little more deeply, some of our own history, some of the goodness embedded in our own history and perhaps what other people are longing and reaching out for.

Mr. PRICE of Georgia. I appreciate those comments. We have been joined by some others.

I yield to my good friend from Pennsylvania for their introduction.

Ms. HART. I thank the gentleman for yielding. I am pleased we have been joined by two more of our colleagues. I wanted to wrap up my points if I may.

Is this the most important thing that we need to learn, and not just us standing here when I say we, I mean everyone who is hopefully going to be part of a dialogue among the faiths toward hopefully a more peaceful world, is something better than what we see at the typical interfaith meeting or the typical interfaith discussion, something beyond we will be nice to each other for an hour and then we will go home. We need to build real understanding and real respect for each other and for each other's rights to be here.

For example, the discourse that we have been hearing that denies Israel's right to exist cannot exist in a discussion that is aimed toward peace. I would like to quote an editorial from the Wall Street Journal from a couple of days ago. "Everyone at the table must reject the irrationality of religiously motivated violence." It goes on to say, "The Pope wasn't condemning Islam. He is inviting it to join, rather than reject, the modern world."

□ 2245

I would like to turn it over if I may to my colleague from Michigan.

Mr. PRICE of Georgia. We welcome the gentleman from Michigan (Mr. MCCOTTER) to this discussion, an individual who has great wisdom, and we look forward to your comments.

Mr. MCCOTTER. Mr. Speaker, I thank the gentleman from Georgia for confusing me with someone else, but in all seriousness, as someone with a very pluralistic district, who myself have many friends in the Muslim community, I wish to join the number of voices that are echoing the call for dialogue between all of the great religions.

But I think we would be remiss if we missed a simple intelligible fact, as if one of the fundamental dialogues that must occur is within the Muslim community itself, both here and home.

While conversation amongst the religions is always very healthy, we face a dire situation in the Muslim community where there are those who are bent on the death and destruction not only of non-Muslims but upon Muslims themselves.

So I would ask my Muslim friends to engage in that dialogue amongst their co-religionists because, in the final analysis, I, as an outsider, in my own mind, in my own heart, can think of no truer definition of an infidel than someone who claims to be a Muslim, killing their fellow Muslims in the name of Allah.

Mr. PRICE of Georgia. I thank the gentleman for his comments and appropriate perspective and call once again for dialogue which I think is the underlying message that we would deliver this evening, and that is, that faith must be connected to reason and that dialogue between peoples is what will bring us to a peaceful solution.

I welcome my good friend, the honorable gentleman from Pennsylvania (Mr. ENGLISH), once again great friends from Pennsylvania joining us tonight.

Mr. ENGLISH. Mr. Speaker, I want to thank the gentleman for an opportunity to share, the opportunity to comment on I think on what has been a very important moment.

It is a sobering sign of the times, in my view, that a papal speech that was meant to address the harmony between faith and reason and deplore the idea of religious violence is contradictory to the nature of God would inspire demonstrations and violence in a large cross-section of the Islamic world.

The angry reaction of some Muslim leaders and politicians to the September 12 academic lecture by Pope Benedict XVI in Germany has disturbed Catholics and non-Catholics alike and raised many questions about the possibilities of honest dialogue between Islam and the non-Islamic world, particularly in a world of 15 second sound bites.

The Holy Father's lecture was not intended obviously to be a critique, let alone a criticism, of Islam. It was instead a very esoteric discussion of three different views on the nature of knowledge, particularly the knowledge of God. The pope used a quote by the late Byzantine emperor, not a Catholic, Manuel II Paleologus, regarding Islamic teachings on holy war and the command to spread the faith by the sword, as a starting point of his discussion.

The basic thrust of the Pontiff's remarks were that Christian theology derives from Hellenic roots that view God as the embodiment of reason and is, therefore, bound by reason because to be otherwise would be contrary to his own nature. He contrasts Christian theology with a strain of Islamic thought which, in the Holy Father's description, posits that God transcends reason and, therefore, is not bound by any restrictions whatsoever. He also contrasts Christian theology with the evolving viewpoint that reason needs no embodiment, that it stands outside of any form of divine authorship and views Christ as merely an inspired moral philosopher rather than as the Logos, the embodiment and author of reason and the creator of the physical world.

A careful reading of the pope's remarks quickly reveals that he spends more time describing the dehellenisation of Christian theology than discussing Islamic theology and never at any point disparaged or insulted Islam. In fact, he specifically describes the emperor's remarks as brusque and is astounded by the quality. At no point does the pontiff endorse the emperor's remarks or make them his own.

Mr. Speaker, there are three points that need to be made about the extreme reaction of the pope's quotation of the Byzantine emperor.

First, the current turmoil is in large part the fault of those in both the West and the East who have misrepresented the pope's words and the pope's intent. In the West, the news media has done a spectacularly poor job of reporting on the talk and putting it in context. When the pope apologized for the upset that his words caused, Jim Lehrer of PBS' Lehrer News Hour said the apology "stopped short of retracting his statement," as if the pope had made the emperor's words his own.

The persistent misreporting of the controversial quote as the words of the pope himself was evident also in the demands by Muslim leaders for a papal apology. From Turkey to Iraq to Iran to the West Bank, many leaders and politicians have exploited the controversy to suit their own ends. This kind of debased manipulation of religious sensibilities for demagogic gain should be condemned by moderate Muslim leaders in the West.

Second, both Christianity and Islam needs to come to terms with their historic mistakes and excesses. Christianity has much to answer for in its history, including inquisitions, pogroms, forced conversions and holy wars which have left scars that have yet to fully heal. Nevertheless, Islam is not without its own transgressions. From its 7th century destruction of Christian churches in north Africa to its repeated invasions of Christian Europe, Islam has a long history of conquest. Indeed, Christendom's Crusades need to be understood within the context of Islam's assaults on the Byzantine Empire and the continued threats to Europe.

Mr. Speaker, if only Muslims are allowed to express historical outrage and only Christians are required to apologize for past wrongs, there will be no chance of a deep historical and cultural dialogue. More importantly, experience demonstrates that while we may learn from history, we must put past offenses behind us if we are ever to hope to live in peace. Conflicting sects and ethnic groups from Northern Ireland to South Africa recognize that demanding Draconian justice for intergenerational grievances leads only to prolonged conflict and have chosen instead to concentrate on building a better future for their children. The Christian and Islamic worlds can and must do the same.

Third and finally, this particular controversy underscores the importance of the pope's call for a dialogue based on faith and reason. Even religions as different in their conceptions of God as Christianity and Islam must find ways to engage politically, culturally and, over time, theologically. My home State, Mr. Speaker, was founded by William Penn, a refugee of an oppressed political minority who created an environment where sects could live together and exchange views and have mutual respect and even admiration. Voltaire wrote at the time that Pennsylvania had the freest air on earth. Pope Benedict's commitment to this kind of genuine dialogue is clear.

Despite the fact that Pope Benedict never intended any offense, the pontiff has repeatedly expressed regret at the misinterpretation and misunderstanding of his remarks on Islam. He has expressed deep respect for the faith of Muslims.

Speaking at the September 21 general audience in St. Peter's Square in front of more than 40,000 people, the pope noted from his recent trip to Bavaria and told his audience, "This quotation, unfortunately, has lent itself to misunderstanding."

I think we can take him at his word. I think in my view we can let this matter die, and we should use it as a starting point for a genuine dialogue between the Christian West and those of us in the West who want to see a liberal society and also Islam.

Thank you, Mr. Speaker, for the opportunity to comment on this recent turn of events.

Mr. PRICE of Georgia. Mr. Speaker, I thank my good friend from Pennsylvania for joining us this evening and for those wonderful, wonderful words of wisdom.

We have just a very few short moments left. In closing, let me just thank my good friend also from Pennsylvania Congresswoman HART who truly organized this activity this evening. I think this has been a remarkable discussion. It has been a lofty discussion. It truly has been a privilege to come to the floor, and the privilege of service is indeed the privilege of leadership.

I guess if I were to summarize I would say that what we call our colleagues to this evening is, in fact, not just our colleagues, but all Members of the civilized world, is to an appreciation that faith and reason go hand-in-hand and that dialogue is what is absolutely necessary if we are to solve the remarkable challenges that we have as a diverse world.

Mr. Speaker, we live in a glorious and a wonderful Nation. It is a Nation of religious liberty. It is a Nation that continues to be a beacon of hope and a vessel of liberty truly to the world. The opportunity that we have here is remarkable in order to initiate that new dialogue, and it is a privilege to come to the floor Mr. Speaker.

If I may, I want to call on you and I ask all of our colleagues and all of the individuals watching in this time, in this very, very challenging time of an election season here in the United States, that the comments that you have heard before we began our discussion 59 minutes ago and the comments you are about to hear are most likely one of division, of disinformation and of misinformation. I challenge my colleagues on the other side of the aisle to raise the level of rhetoric, raise the level of discussion and debate in this body so that we may indeed join together and solve the remarkable challenges that we have as a Nation.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it is again a pleasure to be on the floor this evening with the 30-Something Working Group, and my colleague Mr. MEEK my will be joining me in a few short minutes.

But I say to my good friend from Georgia who has just issued a call to raise the tone of the dialogue, I think the Official Truth Squad would do well to engage in a little truth and acknowledge that it is they who have engaged in the vicious rhetoric that has gone back and forth for the last dozen or so years that they have controlled this chamber, and that the direction that they have moved this country in has given us neither faith nor reason to believe that this country will be able to be put on the right track unless we making some significant changes, not the least of which is in our economy.

Security, Democrats believe that security is incredibly important, not just our national security and our homeland security, but economic security, and no matter what this district is I travel to, no matter what district you represent, the people in this country are yearning for a commitment from this Congress to move this country in the right direction on economic security. That does not appear to be the commitment of the leadership of this institution. One has only to look at the commentary across the country to know that it is not just my opinion, but this is the opinion of many, many people both who have expertise in economics as well as the rank-and-file individuals who are struggling to make ends meet on a daily basis.

I want to just walk through some of the commentary that we have seen recently and compare the rosy picture that has been painted by this administration and by this Republican leadership, compared to what the reality on the ground every day for working families is.

Let us look at the economy according to essentially do-nothing Washington Republicans, and the way we are characterizing them is simply because we have spent the least amount of time at work during this 109th Congress than in history. We have worked the least number of days, produced the smallest amounts of legislation, and yet the administration and the Republican leadership continues to toot a horn that does not deserve to be tooted.

Let us look at what President Bush said just the other day. Just 2-days ago he said, I would say look at what the recent economy has done. It is strong. We have created a lot of jobs.

You also have majority leader JOHN BOEHNER say on September 1 that the American economy is strong; it continues to provide more economic opportunity and higher wage jobs to working families across the country.

What I would say to the President and to my colleague Mr. BOEHNER is that I am not sure what country they are living in or who they are speaking to, but they seem to believe that if you say something enough times and repeat it often enough that eventually it will sink in and someone will believe it.

□ 2300

But if you ask about the economy according to America's working families, let's see what one young woman talked about from her point of view. Denine Gordon, who is 32 years old and is a waitress who makes the minimum wage, news about her latest trouble. Her van has been in the shop for a week because she and her husband can't afford to fix it. "This is the least I have ever made in my entire life," the Republican and mother of three said. "The gas prices went up, and the tips went down." She said that in the newspaper as reported by AP just 2 days ago.

Debbie Brewer, a 50-year-old woman and a deli owner, rattled off her biggest complaints about the economy as she counted change while closing her register for the night. "We will never see 99 cents again," the Republican said, of gas prices. "Everything is jumping, your gas, your food, and everything, but your wages don't go up."

And what both of these young women are speaking about is the fact that in 9 years we have not had an increase in the minimum wage. We still have not provided just a minimal increase to those who make the least amount of money in the country, who certainly can't afford to uphold the costs that their families have on a minimum-wage salary. We have a Republican

Congress here that has repeatedly refused to raise the minimum wage, and no opportunity in the next 1½ weeks, it appears, that we are going to be able to do that. We have legislation that is been amended, we have the Labor and Health and Human Services appropriations bill that has an amendment sitting on it that the Republican leadership refuses to bring to the floor because it was successfully adopted in the appropriations subcommittee. As a result, that bill was stalled, never to see the light of day because, God forbid, it would give the Members an opportunity to have a straight up-or-down vote on the minimum wage. Their fear is that it actually would pass. And that is just incredibly, incredibly sad.

Let's take a look at some more reality about the economy. This is the real economic change under this President. While the minimum wage has not increased since 1997, let's look at what has increased. You look at this chart over here, all the way on the left you see zero percent increase in the minimum wage. But let's take a look at the price of whole milk. That has increased 24 percent. Let's take a look at the price of a loaf of bread. That has increased 25 percent. How about the price of a 4-year public college education? That has increased 77 percent.

Let's peruse how much health insurance has gone up. And, Mr. Speaker, I can tell you that health insurance in particular is an item that people in my district and districts all across the country, I am sure yours as well, people are totally frustrated, don't know what to do, are tearing their hair out because of the ever-increasing upwards of 15 percent increases in health care costs.

It doesn't matter whether I sit next to a mom with young kids or a small business owner or a CEO of a large corporation. I just talked to a CEO of a large corporation today. The cost of health care is their number one concern.

We have 46 million people in this country that don't have access to health insurance, and that number is constantly going up, not down. And the reason it is going up is because more and more employers have less and less of an ability to provide access to health insurance for their employees, so they are just dropping the coverage and leaving their employees on their own to figure out how they are going to get that coverage.

What it means when someone doesn't have health insurance coverage, Mr. Speaker, is that when their child is sick, when they are sick, they can't afford to go to the doctor.

And I can tell you a little story about how, when I first ran for the State legislature in Florida, which was back in 1992, I was walking door to door. And I knocked on a door. I knocked on 25,000 doors in my first election. And as I was walking door to door, it took a young woman who was home at the time a particularly long time to get to the door before she could answer it. And she called to me from inside of the apartment and said, "Just a minute, just a minute. I will be right there."

So I waited patiently. And when she finally got to the door and opened it, you couldn't help but notice that her foot was incredibly, incredibly swollen. And of course, I couldn't help but ask her what happened, what was wrong, because she was obviously in agonizing pain. And she literally said to me, and this has been an issue all the way this number of years. That was 14 years ago. She literally said to me that she now had an infection on her foot, but that she didn't have health insurance, so she now was about to actually, as I have knocked on her door, she was about to go down to the emergency room at the local hospital because she was no longer able to wait.

And she didn't have health insurance, so she couldn't take care of it and go to the doctor for just a chance for him to look at her foot when there was only something minor wrong with it; she had to wait until it was bad enough for her to take herself to the emergency room so that she could get it taken care of.

And that is the story for millions of people across the country, Mr. Speaker. And the problem with 14 years has not gotten better, it has gotten worse, a 97 percent increase in the cost of health insurance.

How about gas prices? Amazingly, people have been rejoicing or at least breathing some sighs of relief that there has been a drop in the cost of gas lately. What is sad is that there has been a drop from upwards of $3 to somewhere between $2.75 and $2.95. You know, when we are at the point in this country where people are excited about gas prices that are lower than $3, but are still higher than $2.50, there is something seriously wrong. Our expectations are out of whack, because America can certainly do better. We can certainly move this country in a new direction.

And I guess that the whole issue of gas prices boils down to, the way I summarized it, what happens, I think, in this country is that it must be on the other side of the aisle that the Republican leadership here isn't filling their own gas tank, or maybe they haven't filled their own gas tank in so long that they don't remember what the cost of a gallon of gas is. They are not standing there at the pump watching it tick dime after dime. It used to be pennies. When I was a child, when you would pump gas and when my parents were pumping gas, you would watch the pennies tick off. Now you watch the dimes tick off.

And pretty soon, if we don't get a handle on making sure that we don't totally rely on foreign oil or oil in general as a resource, we are going to probably see quarters rattle off on that end column on the gas tank as opposed to dimes or as opposed to pennies like it used to when I was a child.

That is the only explanation I can find to the callous disregard on the part of the leadership here for getting a real handle on how to address gas prices so that we don't have joy and so that we are not forced to delight in a 20-cent drop that brings us to about $2.70 or $2.50. It is just our priorities seem to be backwards.

What we need to do and what Democrats will do in our new direction for America if we are given an opportunity after November 7 is we would make a real investment in exploring alternative energy. We would make an investment in the Midwest instead of the Middle East. We would make an investment in ensuring that we can expand the use of ethanol; that we can truly, like Brazil did.

Brazil, Mr. Speaker, is now a country that has broken their addiction to foreign oil. They actually are self-sufficient. They grew their way out of the problem. They have crops that give them the ability to produce enough ethanol, and now they have American automobile manufacturers building cars for them that are sold and marketed in Brazil so that they can again be energy self-sufficient and not reliant upon OPEC and the Middle East.

And what we have is our Energizing America Plan. We have a plan to have farmers fuel America's energy independence, and we have an action plan to do that so that we can be truly energy-independent within 10 years. It is not rhetoric, it is a plan.

It is not rhetoric like what we heard here with the President's State of the Union where he talked about wanting to end America's addiction to foreign oil. Well, where is the beef, Mr. Speaker? Where is the backup behind the words? Because I haven't seen it, and I have only been here 2 years now and completing my freshman term in Congress, but I have only seen energy legislation that is written for the oil companies, that gives them the ability to not pay subsidies, that gives away the store, that gives them the ability to drill all they want without paying royalties to the government. And, the last time I checked, the oil industry is the most profitable industry on the planet.

Literally, in the fourth quarter of last year, I believe it was ExxonMobil that made more money, more profit than any company in history. And let's just take a look at the oil companies' record profits. Yet we are passing legislation that gives them even more money.

In 2002, you have the oil industry making $34 billion. In 2003, they made

$59 billion. In 2004, they made $84 billion; in 2005, $113 billion. Yet, we pass legislation here in this House that actually gave them more. Didn't make them pay the royalties and the subsidies that they would normally owe to the Federal Government. Why? Because there is no commitment on the part of this Republican Congress to actually end our addiction to foreign oil, because that would end the direction that this profit margin is going. It would make sure that there was some balance. It would make sure that we invest, like our plan would, in America, in the Midwest, and in my home State where we have sugar farmers who could benefit from producing sugar that could be made into ethanol. I have a company in my district that has the ability to do that, and if we will only give them the opportunity to help move this country in the right direction.

Let's take a look at what is happening with the individuals who work for the oil industry. This is Lee Raymond. Why is he smiling in this picture? Because he got a $398 million retirement package and a $2 million tax break. Really. When we are talking about who gets tax cuts that have been passed out of this Chamber again and again and again since you and I have been here, Mr. Speaker, this is the person and the type of person that those tax cuts are designed to help. We passed tax breaks and subsidy giveaways for the oil industry, and we refuse to raise the minimum wage for people like waitresses and our workers who are only trying to make ends meet. It is just abominable.

What we would do as Democrats is we would move this country in a new direction. We would make a real commitment to economic security. We would focus on the domestic needs of this Nation. We would make sure that we cut the student loan rate in half. It is at its highest rate ever. We would make sure that we make a real commitment to expanding access to health care, to the 46 million Americans that don't have it. We would pass a real prescription drug benefit for senior citizens, and not a prescription drug benefit that was written to benefit the pharmaceutical industry.

Right now, Mr. Speaker, the Medicare Part D prescription drug benefit, and we are getting close to September 22, which is the date in which many, many senior citizens, and they are already dropping through it as we speak, that many, many senior citizens are going to fall into what is called the doughnut hole, the point at which the Medicare prescription drug benefit that was passed in 2003, before you and I came to this Chamber, the senior citizens that we represent will fall into this doughnut hole. And this is how it is going to happen.

There is a gap in coverage in the prescription drug benefit designed in this bill that makes it so that when a senior citizen participating in a drug plan reaches $2,250 in prescription drug expenses, and now I am not talking about out-of-pocket expenses, the way you get into the doughnut hole is they take the actual cost of the drug, not what the insurance plan pays for it, but the actual cost of the drug, plus the copay, and they add that up together. When it gets to $2,250, you fall into the doughnut hole.

But it is a bait and switch. You don't get out of the doughnut hole when you reach $5,100 in those kinds of costs. You can't climb out of the doughnut hole until you reach $5,100 in out-of-pocket expenses. So what that means is that many, many senior citizens will never climb out of the doughnut hole.

How is that going to help senior citizens reduce their drug costs and not to have to choose between medicine and meals?

❑ 2315

The reason it was designed that way was so the pharmaceutical industry wouldn't have to be on the hook for losing a ton of money. The Republicans could essentially say they passed a prescription drug benefit that really does not help a lot of people.

Another problem with the prescription drug benefit is that it actually is prohibited in the law from allowing the government to negotiate for lower prices with the pharmaceutical industry. There is a specific prohibition against that.

That is outrageous. It seems like common sense that we should be able to negotiate the best possible deal for our seniors. But we can't do it, it is not allowed, even though the Veterans Administration is able to do it and is able to get better prices than the Federal Government can for our senior citizens.

That is why people are importing their drugs from Canada. It is shocking but true that they actually have American-manufactured drugs in Canada available for less money than they are available for here, even though they are developed and manufactured in America.

I was in New York over the weekend, and while I was there I heard a radio ad that shocked me. It was a bald-faced radio ad that marketed directly to seniors, that encouraged them to contact this Canadian company and buy their drugs directly from Canada.

That is what we have come to. We have to have our own citizens get their prescription drugs from outside this country because we are not taking proper care of them.

Democrats would do better. We would move this country in a new direction. We would close the doughnut hole by changing the law and allowing for the negotiation of lower prices. That savings would fill the doughnut hole so there would not be a gap in coverage.

Those are the kinds of things we would do. We would make sure that we put Americans and their economic security first and not the wealthiest few, not the CEOs of oil companies, not the oil industry itself. And we put action behind our words.

The gentleman from Georgia concluded his hour by saying we need to tone down the rhetoric. Well, if we could tone down the agenda and focus the agenda on the needs of the American people, then the rhetoric would not need to be so sharp.

Forgive me, but I happen to consider myself a direct and straightforward person. I am going to call it like I see it. The way I see it and have seen it since I have been here, Mr. MEEK, is that we are for working families; we are for making sure that we move this country in a new direction; that we expand access to health care; that we increase the minimum wage; that we cut the student loan rate in half so we can expand access to higher education; that we reduce the deficit; restore pay-as-you-go spending so we don't spend more than we take in; so we reduce the foreign debt, as you so eloquently talk about night after night; so we make sure that we reorder America's priorities so that we focus on homeland security. Only 5 percent of the containers that come into our Nation's ports are checked, and virtually no packages or cargo that is put in the belly of passenger planes are checked.

These are the things that we would do in our new direction for America. It is time. We have 48 days. Americans have 48 days to send a signal that they want us to move in a new direction. I am looking forward to November 8 when we can wake up and implement all of the things that we talk about night after night after night.

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ, I think it is important that we take this in a very serious manner. Even though it is Eastern Standard Time, it is approximately 11:20 p.m., and we have worked a full legislative day. We have a full legislative day tomorrow. And we are here to give voice to those that are counting on not only Members of Congress, but Members of Congress that have the will and desire to move us in a new direction.

Mr. Speaker, I think it is important that for those Members who want to join this side of the aisle in making sure that veterans, those who have allowed us to salute one flag, to be able to get the kind of health care that they deserve from this government, to allow those small businesses that want to provide affordable health care for their workers, all of the way up to the Fords and the GMs of the world who would like to provide health care, because we haven't addressed those issues here in this Congress. The corporate community and also the business community are suffering because of it, as well as the workers. Forty million Americans are trying to figure out how they are going to provide health care to not only children but for individuals who punch in and punch out every day.

These are issues that we are willing to address and that we have had here as it relates to legislation in this Congress. I think it is important that we focus on bringing balance to this process, not just coming to the floor, having discussions. I can see if we were just here talking about what the majority is not doing. We are not only identifying what they are not doing, but at the same time we are saying on HouseDemocrats.gov that we have plans for security. We have plans for making sure that we invest in the Midwest versus the Middle East. We have plans as it relates to a real strategy for the war in Iraq versus just a slogan that says stay the course.

We have a plan to make sure that we educate our children, an innovation agenda that has been out for a very long time. It is nothing new, nothing that we revealed in days before the election, some under 50 days before the next election.

The American people, and I am not talking about just the Democratic American people, I am saying Independents, the Reform Party, all have an opportunity to make a decision on behalf of the future of our country.

The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and the 30-something Working Group, as you know we were here earlier with Mr. DELAHUNT and Mr. RYAN, and for those others of the 30-something Working Group that were not able to make it to the floor, making sure that college is affordable for the next generation, making sure that we are not worrying about competing with the school down the street but competing with a school on another continent, we want to make sure that we do everything that we are supposed to do here in this Congress in giving every American a level playing field, if not an advantage over other countries, and making sure that they have what they need.

We have fought the obvious battle here in making sure that our troops have body armor, making sure that those families that had to buy body armor for their loved ones, husbands, wives, uncles, daughters, making sure that we fought for those issues.

I would give credit to some Members on the other side of the aisle who did stand up against the majority. But unfortunately, we have overwhelming support for a rubber-stamp majority, those individuals who are willing to follow the Republican leadership and not standing up on behalf of the American people.

I think it is important that we give voice to those individuals. I am glad Ms. WASSERMAN SCHULTZ talked about the minimum wage and she focused on domestic issues. We have a war in Iraq, but we have a huge challenge here in the United States of America. We have a huge challenge. We have blue and red States that are suing the Federal Government for lack of funding on Leave No Child Behind, which was a bipartisan piece of legislation that we felt we could move forth in a bipartisan way, not only in this Chamber but also in the Senate.

But it takes a majority to bring about true bipartisanship. We have shown that we have been able to do it. We have shown on this side of the aisle that we can balance the budget and secure the future of not only Social Security but also secure the future of our country, not having other countries having their hand in the pocket of the American taxpayer.

Earlier Ms. WASSERMAN SCHULTZ talked about the whole issue of border security. It was an hour that the majority had, not the last hour, the hour before that, talking about how we are securing America and we are strong, this, that, and the other, and coming to the floor and sharing words without third-party validators. Who are the third-party validators? Our third-party validators are the American people who are saying that they are concerned about what is happening in this country because we don't have the kind of balance that our democracy calls for.

Who is going to hold in check an administration that is willing to do anything to make sure that, you know, let's say the poll numbers, or to use 9/11, something that is not dealing with honoring those families and those first responders, but to talk about a false agenda as far as securing America. We can do a better job.

Have the majority done some things? Yes, they have done some things. I am a level-minded person, and there are some things that have been done. But have we secured America in the way we should? As it relates to our agenda and securing America, we have put that up front. Not just as it relates to uniforms and badges, but also from a fiscal standpoint, we are saying we don't want America's back broken because of the record-gaining debt of this administration and the Republican Congress.

Ms. WASSERMAN SCHULTZ, I am going to tell you right now, this poster here is very interesting because this poster is the longest-living poster that we have in the 30-Something Working Group arsenal of posters, to be able to break this down so everybody can understand.

We don't want to confuse Members or the American people by using big words and acronyms and just kind of talking inside a Washington game. We want to make sure that people understand. We want to make sure that people understand that here as it relates to our efforts on the Democratic side of the aisle, that it is not about the Democratic National Committee. That it is not about, because I am a Democrat, I am right. It is not about okay, I am going to speak to only the Democratic Members of the House, because that is not what this democracy is set up to do.

This democracy, Article I, section 1, of the U.S. Constitution, says as a legislative body, we have oversight and investigative powers. We are supposed to hold this government accountable.

The House is the only body you have to be elected to. The Senate, you can be appointed as a Senator. If a Senator was to say I have to retire, health reasons or whatever the case may be, or somebody is picked for Vice President, a Governor in that given State can appoint an American citizen to carry out that Senator's term. That has happened. That has happened in this Congress.

When we look at the House of Representatives, we are the true body of the democracy. We have to be elected. If any Member of the House has to leave, they have to hold a special election to fill a seat. Let me say, it takes the House and the executive branch to do what has happened. $1.05 trillion has been borrowed in 4 years between 2001–2005. President Bush, he is our Commander in Chief and he is our President, period, dot, but he cannot do it by himself. The Republican Congress allowed him to do it in raising the debt ceiling. We had those letters out here, and we still have those letters from the Secretary of the Treasury saying we have to raise the debt ceiling.

What does that mean? That means we haven't been responsible, the Republican majority, in administering the dollars that the American people have given in trust to this Congress and this House to do on their behalf. Spending is out of control, borrowing is out of control. Borrowing is out of control. $1.05 trillion. In 224 years, and here I am in the 109th Congress, a second generation Member of the House, okay, and this has never happened in the history of the Republic. This is not something that happened maybe 20 years ago, even 100 years ago. In 224 years, 42 Presidents have not been able to accomplish what the Bush administration and the rubber-stamp Republican Congress has been able to accomplish in allowing foreign nations to buy our debt, to have their hands in the pockets of the American people, and counting.

This chart, as far as I am concerned, when we get back here after November, we are probably going to have some new numbers. That $1.05 trillion is higher. This chart is falling apart, goodness gracious, because this chart has been the wake-up call.

We decided to come up with this chart to paint the picture, regardless of what the Members on the other side who come to the floor say about fiscal responsibility. The Government Accountability Office released a report that there are agencies that are coming to the Hill that can't explain where millions of dollars have gone.

□ 2330

And we are supposed to have oversight. We have the Secretary of Defense Donald Rumsfeld that says if anyone in the Pentagon says anything else about redeployment of troops or a different strategy than what I believe, "I believe," or that the administration has embraced, then they are fired. Ms. WASSERMAN SCHULTZ, not even a hearing, not even a Member from the Republican side outraged to the point where they are going to their party leaders saying we have got to call the Secretary of Defense in and find out what he is talking about, because this thing is supposed to be, using your own words, Mr. Speaker, using their words, saying if we hear from the military commanders on the ground what they need, we are going to give it to them.

So when you have this lack of oversight, no matter what your party affiliation is, no matter what your motivation may be to vote or not vote in November, you have to have issue with individuals that are saying, "Either it's my way or the highway." That is okay if you had a household somewhere and you are the big paycheck guy or gal or whatever the case may be and you are paying the bill. But when you are paying the bills with U.S. taxpayer dollars, we have to bring issue to that. And because of that relationship that this Republican majority has with the executive branch of this government, of our government, I must add, it is problematic when you have folks that are not willing to ask the question.

When we walk through these doors into this Chamber, Mr. Speaker, and the lights are up in this Chamber, and it says the board is open, what we call the voting board is open, and we take our voting card out, and we come in here to vote, we are voting on behalf of 600- or 700,000 Americans that have elected us to come here to represent them, not what the special interests say that we should do here in this House. There are some very obvious issues that should be resolved, that need to be resolved, but will not be resolved as long as we have a rubber-stamp Congress in place.

Ms. WASSERMAN SCHULTZ, I sleep well knowing that we spend every moment that we can here on this floor until the clock runs out by the rules of this House to allow us to come here and give voice to those Americans that deserve better. We are saying that we are willing to put this country in a new direction, not just saying it in fiction. It is on the Internet. It is on housedemocrats.gov. We have press conferences. We file amendments in committee. And the only reason why those amendments and that legislation does not have breath in the lungs of the legislation that we file, the reason why it doesn't have a heartbeat, is the fact that we are in the minority.

Now, the only way that can change, Mr. Speaker, is that we need a majority of this House to bring accountability back to this government to make sure that we have balance, to make sure we have fiscal responsibility, to make sure that we stand up on behalf of children who can't even vote, and to make sure that we give voice and to make sure that we give direction and to make sure that we have the backs of our men and women that have sand in their teeth right now in the war in Iraq, and to make sure that those individuals that are in Afghanistan that are standing on behalf of the hope and the prayer and hopefully the willing desire of this Congress, to make sure that we have their back, to make sure that we have a true coalition, to make sure that other countries can look at this country and know when that whatever the President's says, it does not necessarily mean that that is the final word.

Yes, we support our President. But at the same time, Mr. Speaker, we have to be able to allow this Congress and this legislative branch to function in a way that it is supposed to function. And right now that is not the case because individuals are willing to rubber-stamp exactly to the word, to the comma, to the period to what the President calls for. And it is on domestic policy, and it is also on foreign policy. And I think it is important, Ms. WASSERMAN SCHULTZ, that we carry out our duty.

No other President in recent times, Mr. Speaker, I must add, has been able to celebrate the kind of rubber stamp that the Bush administration has received. That is not good for America. That is not good for any party affiliation anyone may have, and that is not good for the future of our country. And that is the reason why we are here in that light.

Ms. WASSERMAN SCHULTZ. Thank you so much, Mr. MEEK. And I have to tell you that I know I am less senior than you are. I came here a term behind you, and I am just completing my second year in the Congress. And what I have been shocked by is the lack of oversight. I sit on the Judiciary Committee and Financial Services. And in the Judiciary Committee in particular, which is supposed to be the place where we are protecting our civil liberties and protecting the Constitution of the United States of America, even in the Judiciary Committee in this House, we have ceded our authority, our authority for oversight, and holding the administration's feet to the fire to the executive branch. The Republican leadership here has thrown up their hands and said, you do whatever you want. It is okay.

Honestly, sometimes I ask myself, other than our taking the floor each night and individually trying to do what we can and as a caucus collectively trying to do what we can to hold the administration's feet to the fire, I wonder why these people who are running this institution bother showing up to work, because what are they doing? We have worked less. We have been in session fewer days than even the "Do-Nothing Congress" of the 1940s.

We aren't passing significant legislation. Two weeks ago we literally, the only piece of, quote, unquote, major legislation we passed out was a bill that would prohibit the slaughter of horses. And yet we still have Americans who are twisting in the wind, who are struggling to make ends meet, who are toiling at a minimum wage rate where they can't possibly pay all the bills, and the Republicans just continue to paint a rosy picture.

And what you always say, and I quoted you earlier, is maybe if they just think if they say it enough times that people will believe it, or it will magically come true. Let us just look at what they said and what the reality is.

Essentially we know that Americans are not fooled by this rosy picture that is being painted. Let us look at the recent polling. A respected poll, NBC-Wall Street Journal poll, 52 percent of those polled disapproved of the President's handling of the economy. That was not a long time ago. That was on September 15, a few days ago. A Bloomberg-L.A. Times poll showed 60 percent of self-described Independents said the economy was doing badly, 60 percent. That was on September 5. And really what we are dealing with here is Americans are facing a different reality than the Republicans' statistical spin.

Let us look at the situation with the minimum wage. It is now at its lowest level in 50 years adjusted for inflation. Real household has declined nearly $1,300 under this present administration. The cost of family health insurance has skyrocketed 71 percent since the President took office. And the cost of tuition and fees at 4-year public institutions, 4-year universities, has exploded by 57 percent. We are talking people who are caving in under money pressures. We have an economic squeeze that really in 48 days I believe, we believe, is going to affect how people make their voting decisions.

Look at hourly wages. They are down 2 percent since 2003. Up 20 percent from just a year earlier are gas prices. Consumer confidence is down by 7 percent in just the past month.

When the economy is rosy, Mr. MEEK, and I am no economist, but usually the consumer confidence index is not in this direction when the economy is doing well.

What is up 97 percent since this President took office, mortgage debt.

You and I know we live in now what is one of the most expensive communities in the country. Who knew that South Florida would end up being as costly as it is? But our school districts actually just realized that they lost and had an unexpected drop in the number of schoolchildren in each of our school districts, and they are baffled as to how that happened, except the only thing they can attribute it to is that the cost of housing has exploded to such a degree that people have just moved because they can't afford to live in our community anymore.

And that is the case with communities all across America. Only where are they going to go? Every place is expensive. The average cost of a house in our communities now is over $300,000. Yet we continue to pass tax cuts for the wealthiest few off this floor and out of this Congress and send those things to the President. At least we have the Senate as a backstop.

One of the other things I wanted to touch on, we have been talking about our 2006 agenda, our new direction for America; and we have covered our commitment to real security at home; our commitment to better jobs, specifically not sending jobs overseas; increasing the minimum wage; cutting the student loan rate; really making a commitment to energy independence and affordable access to health care.

One of the things that we talked about in the 30-Something Working Group a lot last year was the privatization scheme that President Bush proposed for Social Security. And what Leader PELOSI has emphasized so often with us is don't let the American people forget that this is not off the agenda or off the table for this Republican leadership or this President. They are absolutely still committed to privatizing Social Security, and if we take control of this Congress, we will ensure that that will not happen. President Bush literally has said he hopes to revise his plan to overhaul the U.S. Social Security retirement program if his party keeps control of the Congress in the November midterm elections.

And you talked about third-party validators. That is whom we rely upon for our information that we disseminate on this floor each night. That was the Wall Street Journal just on September 9, just 10 days ago.

The bottom line is that the threat of privatizing Social Security is not over, and we need to make sure that we have a party and a caucus and Members who are committed to preserving Social Security.

Just look at the quote of Secretary of the Treasury Henry Paulson. He said, "Social Security was created in 1935. Today people are living longer than that they did in 1935. Yet Social Security's basic structure has barely changed. Just 3.3 workers are paying into the system to support each beneficiary while 16 workers did so in 1950. The President put forward a plan last year to strengthen and modernize Social Security. The longer we wait to fix this problem, the more limited will be the options available to us, the greater cost, and the more severe the economic impact on our Nation."

And all of the people in the administration, there is quote after quote after quote that describes their underlying intent to privatize Social Security, pull the rug out from under our senior citizens from the most successful program in American history that is the floor through which we will not allow our senior citizens to fall. And we have just got to make sure that 48 days from now we are able to make sure that our senior citizens can be protected not just in their retirement security, but in terms of their health care security, in terms of making sure that they have a prescription drug benefit that truly protects them, that truly gives them affordable access to prescription drugs, that is consistent, that does not have a doughnut hole that they fall through, and that allows the Federal Government to negotiate for lower prices. Those are the things that are reflected in our agenda.

And you can see by the Republicans' agenda here that they have been committed to nothing remotely close to that. They have been committed, since I have been here, to increasing tax breaks for the wealthiest few. They have been committed to giving subsidies to the oil industry. I mean, sometimes I feel like they are committed to reducing access to health care because they have done absolutely nothing to move that ball down the field. It has just been a real shock to me. And the fact that they have allowed the aftermath of Katrina to continue by contracts going out the door unchecked, millions and millions of dollars not accounted for, no-bid contracts awarded to companies that are essentially the friends of Republicans.

We have got former House Speaker Newt Gingrich, certainly no friend of the Democratic agenda, who has commented that "they are seen by the country," they being the Republicans, his party members, "they are seen by the country as being in charge of a government that can't function." And that is because they are giving away the store. They are letting things happen completely unchecked, ceded the oversight authority of the Congress to the executive branch and, on top of that, in the war in Iraq, also allowed for contracts to be let without a bid with absolutely no oversight of how those funds are spent; one contract where $9 million went out the door, and no one knew what it was spent on.

It is just shocking. These are facts. These are not things that we are making up, and it is not hyperbole or exaggeration. I just don't understand how they look at themselves in the mirror every morning when they wake up. My parents raised me that you have got to make decisions that are going to make you comfortable and that are going to allow you to look yourself in the mirror when you wake up in the morning and put your head down on the pillow and rest comfortably at night. And I honestly don't understand how any of the Members on that side of the aisle can do that when they take out that rubber stamp that you bring to the floor each night that we are and they just stamp it. They just repeatedly pound it over and over for the agenda of this President, which is clearly out of step with the average American.

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ, I can tell you that as you start to go down the line of the facts and not fiction of what has happened and what has not happened here in this House, you can't help but think that we only have tomorrow that we will be in session, and we have next week that we will be in session.

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There are a number of conference reports out there, bills that have passed both House and Senate that are in limbo that a conference committee has not even been appointed by the leadership of the House on a bipartisan, in a bipartisan way or partisan way to even deal with those issues.

We have an immigration bill that the American people would like to see some action on. No action whatsoever. And I can sit here with great confidence to say that it will not happen. A lot of things have, you know, a lot of talk on the majority side about an immigration bill. A lot of talk about protecting our borders and bringing legislation to the floor, if it even made it through a committee, and I will take out my Sharpie here of a double-lined fence to protect our border and bringing it to the floor for a vote.

And you take out the legislation and you start to do something, what my teachers used to say, reading is fundamental, and you do not see here where the money has been appropriated to even build a double-line fence that we are coming to the floor and being asked to vote on. It is not a joke.

Ms. WASSERMAN SCHULTZ. There is no money?

Mr. MEEK of Florida. No money. Yes, we are going to build this fence. It is going to be for 200, or if someone sat in the back room somewhere off the chamber and said, do not make it 200, make it a 300-mile fence, let's build a fence all of the way, let's put one in the middle of the Gulf, and we are going to run a fence underwater, folks have to put on masks and SCUBA equipment, put it underwater, yeah, that is the ticket. But no money to be able to pay for the fence.

Better yet, I think that folks find some sort of gratification or, I guess to prove a point, to say we are tough on security. But we are not going to put our money where our mouths are.

The same thing, Mr. Speaker, as it relates to Leave No Child Behind. The same thing as it relates to what, Mr. Speaker, Ms. WASSERMAN SCHULTZ talked about as it relates to the minimum wage.

The 30-Something Working Group night after night pounds the Republican majority as it relates to the imbalance of accountability on behalf of the American people that are making minimum wage. We have a proposal on this side of the aisle to raise the minimum wage to $7.25, that will take other workers who are not on the minimum wage, that are making $10, $15 or $20 an hour, their wages will go up.

Meanwhile, CEOs are getting everything that they want, making triple-diple time of the worker who is going in there and working every day. Need it be someone that is retired, that is trying to make ends meet, they are going in, they are punching in and punching out every day, 15 minutes in the morning, 15 minutes in the afternoon and 30 minutes for lunch if they get that.

The CEOs are getting what they want, and guess what? The Members of Congress are getting what they want. These numbers that you see up here are not minimum wage or even salaried workers in the United States of America. The minimum wage worker has not received an increase since 1997. Look at it. Zeros across the board for the American people. But look at Members of Congress. Now, here is the difference between the minority, those of us that are the Democrats and the majority, those that are in the majority, that has the power and the influence and the committee chairpersons that are able to move legislation, and the speakership and the majority leader, and the Senate, and the White House.

What has happened? They all got raises. And the difference between us and them is that we said we will not participate in another pay raise for Members of Congress until the American people receive a pay raise. And that is a fact. And that is a promise. And the other promise that we have made on this side of the aisle is in the majority, within the first 100 hours that the American people will receive an increase in the minimum wage. And that is a fact. That is not fiction. That is fact. That is on the RECORD. That is in legislation that was filed in the 109th Congress that cannot see the light of day because the majority does not want it to happen.

Now, here is the other issue as it comes down to accountability. There is a big differences from that side of the aisle and this side of the aisle. We have said we are willing to move forth in a bipartisan way and tackle the major issues that are facing this country today and tomorrow. The Republican majority has already shown that they do not have the will nor the desire to follow through on anything that I am talking about at the levels that we are talking about.

We are talking about moving this country in a new direction to make sure that every American can participate, whether they are driving a pickup truck or a flex vehicle here in the United States, making sure that Democrats, Republicans, independents, members of the American people in general, those who cannot even vote will have the opportunity.

We have a proposal on reversing the cost increases that the Republican majority has put on the backs of the American worker and the American family and in educating the next generation of leaders that are here to make sure that they have enough money to attend college, that makes sure that there is no devolution of taxes. And what do I mean?

In the 30-Something Working Group, we do not believe in big slogans and Washington inside talk. We believe in making sure that the American people understand. Devolution of taxes is saying we cut their taxes here, and that we do not put it on the backs of the States, because by their constitution, by State constitutions, they have to balance.

Here in Washington, they just put it on the credit card or they ask a foreign country to pay for the mismanagement of this Republican majority.

So there is a big choice here. The big choice is that do we want to continue to go in the wrong direction, from a fiscal standpoint and a respect standpoint as it relates to our veterans and their services, also as it relates to health care, or do we want to go in a new direction in making sure that we deal with our fiscal issues?

Because on this side of the aisle, we balance the budget. Not one Republican on this side can say that they had anything to do with balancing the budget.

We are almost going to run out of time. But I am just going to say go to www.housedemocrats.gov, or www.house.gov/dems. The Members can go on and see the report on making sure that we keep Social Security as a public program versus privatization. A member actually came to the floor after we finished last week and said that no one in my party ever said anything about privatization of social security.

I kind of wanted to ask the gentleman to yield, Mr. Speaker, because I wanted to bring a statement out that the President said less than 10 hours earlier saying that if they get the majority and he is able to get the next Congress, as he has it now, to rubber stamp, you are going to pursue the privatization of Social Security once again.

So we want to make sure the American people know about it.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, we have all of the charts and particularly the quotes about Social Security, and what the administration has said about their desire to privatize Social Security and the direction they would take Social Security on our website, our 30-Something website, www.housedemocrats.gov/30something.

We also have our New Direction for America pamphlet on that as well. We encourage the Members and anyone else who would like to learn a little bit more about the direction we would take the country to go on to that website.

Mr. Speaker, we thank Leader PELOSI for the opportunity to talk to the Members tonight. Mr. MEEK, thank you for joining me once again and for your leadership in the 30 Something Working Group.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WOLF (at the request of Mr. BOEHNER) for today until noon on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. ZOE LOFGREN of California, for 5 minutes, today.

Ms. ESHOO, for 5 minutes, today.

Mr. HONDA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Ms. KILPATRICK of Michigan, for 5 minutes, today.

Mr. WATT, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. AL GREEN of Texas, for 5 minutes, today.

Ms. MOORE of Wisconsin, for 5 minutes, today.

Mr. JEFFERSON, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Ms. FOXX, for 5 minutes, September 21.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, today and September 21.

Mr. TIAHRT, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. KUCINICH and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,599.

ENROLLED BILL SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5684. An act to implement the United States-Oman Free Trade Agreement.

ADJOURNMENT

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Thursday, September 21, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9500. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures: Miscellaneous Amendments [Docket No. 30507; Amdt. No. 3179] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9501. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Kalispell MT [Docket No. FAA-200523157; Airspace Docket No. 05-ANM-15] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9502. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Pinedale, WY [Docket No. FAA-2005-23361; Airspace Docket No. 05-ANM-17] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9503. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of the Norton Sound Low Offshore Airspace Area; AK [Docket No. FAA-2006-23926; Airspace Docket No. 06-AAL-10] (RIN: 2120-AA66) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9504. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Fremont, MI [Docket No. FAA-2006-23902; Airspace Docket No. 06-AGL-01] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9505. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revocation of Class E2 Surface Area; Elko, NV [Docket No. FAA-2006-25252; Airspace Docket No. 06-AWP-12] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9506. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revocation of Class D Airspace; Elko, NV [Docket No. FAA-2006-24243; Airspace Docket No. 06-AWP-11] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9507. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Redesignation of VOR Federal Airway V-431; AK [Docket No. FAA-2005-20551; Airspace Docket No. 06-AAL-18] (RIN: 2120-AA66) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9508. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS-365N2, AS 365 N3, EC 155B, EC155B1, SA-365N, N1, and SA-366G1 Helicopters [Docket No. FAA-2004-18850; Directorate Identifier 2004-SW-19-AD; Amendment 39-14694; AD 2004-16-15 R1] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9509. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-212-CC Airplanes [Docket No. FAA-2005-22504; Directorate Identifier 2003-NM-281-AD; Amendment 39-14691; AD 2006-15-11] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9510. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Airplanes; Model A310 Airplanes; and Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes) [Docket No. FAA-2006-24779; Directorate Identifier 2006-NM-044-AD; Amendment 39-14689; AD 2006-15-09] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9511. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Airbus Model A310-200 and -300 Series Airplanes [Docket No. FAA-2005-22630; Directorate Identifier 2001-NM-323-AD; Amendment 39-14690; AD 2006-15-10] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9512. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-212-CC Airplanes [Docket No. FAA-2005-22505; Directorate Identifier 2003-NM-283-AD; Amendment 39-14692; AD 2006-15-12] (RIN: 2120-AA64) received September 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9513. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; and Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes) [Docket No. FAA-200623690; Directorate Identifier 2004-NM-133-AD; Amendment 39-14684; AD 2006-15-04] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9514. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-200, -300, and -400 Series Airplanes [Docket No. FAA-2005-20731; Directorate Identifier 2004-NM-260-AD; Amendment 39-14685; AD 2006-15-05] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9515. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2-203 and A300 B4-203 Airplanes; Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310-200 and -300 Series Airplanes [Docket No. FAA-2006-23675; Directorate Identifier 2001-NM-320-AD; Amendment 39-14686; AD 2006-15-06] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9516. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes [Docket No. FAA-2006-24092; Directorate Identifier 2006-CE-18-AD; Amendment 39-14682; AD 2006-15-02] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9517. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McCauley Propeller Models B5JFR36C1101/114GCA-0, C5JFR36C1102/L114GCA-0, B5JFR36C1103/114HCA-0, and C5JFR36C1104/L114HCA-0 [Docket No. FAA-2006-25173; Directorate

Identifier 2006-NE-24-AD: Amendment 39-14693; AD 2006-15-13] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9518. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Mitsubishi Heavy Industries, Ltd. MU-2B Series Airplanes [Docket No. FAA-2006-23645; Directorate Identifier 2006-CE-04-AD; Amendment 39-14687; AD 2006-15-07] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9519. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701, & 702) Airplanes, Model CL-600-2D15 (Regional Jet Series 705) Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No. FAA-2006-24074; Directorate Identifier 2005-NM-213-AD; Amendment 39-14676; AD 2006-14-05] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9520. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 F4-600R Series Airplanes and Model A300 C4-605R Variant F Airplanes [Docket No. FAA-2006-24367; Directorate Identifier 2006-NM-041-AD; Amendment 39-14677; AD 2006-14-06] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9521. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and A330-300 Series Airplanes, and Airbus Model A340-200 and A340-300 Series Airplanes [Docket No. 2002-NM-247-AD; Amendment 39-14673; AD 2006-14-02] (RIN: 2120-AA64) received september 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9522. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-300 Series Airplanes, and Model A340-541 and A340-642 Airplanes [Docket No. FAA-2005-22524; Directorate Identifier 2005-NM-135-AD; Amendment 39-14672; AD 2006-14-01] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9523. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Airplanes [Docket No. FAA-2006-25537; Directorate Identifier 2006-NM-160-AD; Amendment 39-14708; AD 2006-16-08] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9524. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200, -300, -300ER Series Airplanes [Docket No. FAA-2006-24173; Directorate Identifier 2005-NM-262-AD; Amendment 39-14652; AD 2006-12-26] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9525. A letter from the Regulations Coordinator, CMS, Department of Homeland Security, transmitting the Department's "Major" final rule — MedicareProgram; Part A Premium for Calendar Year 2007 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement [CMS-8028-N] (RIN: 0938-AO18) received September 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GINGREY: Committee on Rules. House Resolution 1018. Resolution providing for consideration of the bill (H.R. 4830) to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one's land) the construction or use of a tunnel or subterranean passageway between the United States and another country; for consideration of the bill (H.R. 6094) to restore the Secretary of Homeland Security's authority to detain dangerous aliens, to ensure the removal of deportable criminal aliens, and combat alien gang crime; and for consideration of the bill (H.R. 6095) to affirm the inherent authority of State and local law enforcement to assist in the enforcement of immigration laws, to provide for effective prosecution of alien smugglers, and to reform immigration litigation procedures (Rept. 109–671). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. STEARNS (for himself, Mr. MATHESON, and Mr. MCINTYRE):

H.R. 6113. A bill to direct the Federal Trade Commission to prescribe rules to prohibit deceptive conduct in the rating of video and computer games; to the Committee on Energy and Commerce.

By Mr. KUCINICH (for himself, Ms. WOOLSEY, Mr. PAYNE, Ms. LEE, Mr. ANDREWS, Mr. PALLONE, Ms. CARSON, Mr. HINCHEY, Mr. RANGEL, Mr. GRIJALVA, Mrs. JONES of Ohio, Mr. OLVER, Mr. GUTIERREZ, Mr. WEXLER, Mr. DAVIS of Illinois, Mr. SERRANO, Ms. SCHAKOWSKY, Mr. CONYERS, Ms. NORTON, Mr. OWENS, Mr. RUSH, Mr. MICHAUD, Ms. WATSON, Ms. WATERS, Mr. MCGOVERN, Ms. MCKINNEY, Ms. KAPTUR, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. FILNER, and Mr. FARR):

H.R. 6114. A bill to assist States in establishing a universal prekindergarten program to ensure that all children 3, 4, and 5 years old have access to a high-quality full-day, full-calendar-year prekindergarten education; to the Committee on Education and the Workforce.

By Ms. PRYCE of Ohio (for herself, Ms. WATERS, Mr. GERLACH, Mr. FRANK of Massachusetts, and Mr. TIBERI):

H.R. 6115. A bill to extend the authority of the Secretary of Housing and Urban Development to restructure mortgages and rental assistance for certain assisted multifamily housing; to the Committee on Financial Services.

By Mr. ROGERS of Alabama (for himself and Mr. ISSA):

H.R. 6116. A bill to recruit and retain Border Patrol agents; to the Committee on Homeland Security, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD (for himself, Mr. ALLEN, Mr. NORWOOD, Mr. BOOZMAN, Mr. LEWIS of Kentucky, and Mr. HALL):

H.R. 6117. A bill to amend the Fairness to Contact Lens Consumers Act to require contact lens sellers to provide a toll-free telephone number and a dedicated email address for the purpose of receiving communications from prescribers; to the Committee on Energy and Commerce.

By Mr. HAYWORTH:

H.R. 6118. A bill to amend title XVIII of the Social Security Act to permit a physician assistant, when delegated by a physician, to order or provide post-hospital extended care services, home health services, and hospice care under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DICKS:

H.R. 6119. A bill to provide for the equitable settlement of claims of Indian tribes in the region of Puget Sound, Washington regarding treaty rights to take shellfish from lands in that region, and for other purposes; to the Committee on Resources.

By Mr. UPTON (for himself, Mr. RUSH, Mr. WYNN, Mr. PITTS, Mr. SHIMKUS, Mr. TERRY, Mr. PENCE, Mr. WOLF, Mr. HOEKSTRA, Mrs. BLACKBURN, Mr. WELDON of Pennsylvania, and Mr. CAMP of Michigan):

H.R. 6120. A bill to prohibit deceptive acts and practices in the content rating and labeling of video games; to the Committee on Energy and Commerce.

By Mr. BAKER:

H.R. 6121. A bill to amend the Federal Water Pollution Control Act to reauthorize a program relating to the Lake Pontchartrain Basin, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HOLT:

H.R. 6122. A bill to amend the Internal Revenue Code of 1986 to provide an additional standard deduction for real property taxes for nonitemizers; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 6123. A bill to include costs incurred by the Indian Health Service, a federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of title XVIII of the Social Security Act and to provide a safe harbor for assistance provided under a pharmaceutical manufacturer patient assistance program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself and Mr. FOSSELLA):

H.R. 6124. A bill to provide protections and services to certain individuals after the terrorist attack on September 11, 2001, in New York City, in the State of New York, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 6125. A bill to prohibit discrimination by group health plans and employers based on genetic information; to the Committee on Government Reform, and in addition to the Committees on Education and the Workforce, Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PEARCE:

H.R. 6126. A bill to suspend temporarily the duty on certain structures, parts, and components for use in an isotopic separation facility; to the Committee on Ways and Means.

By Mr. PEARCE:

H.R. 6127. A bill to suspend temporarily the duty on certain structures, parts, and components for use in an isotopic separation facility; to the Committee on Ways and Means.

By Mr. ROSS:

H.R. 6128. A bill to provide for the distribution of excess manufactured housing units located at Hope Municipal Airport, Arkansas, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ROYCE (for himself, Mr. KANJORSKI, Mr. PRICE of Georgia, Ms. BEAN, Mr. BACHUS, Mr. SCOTT of Georgia, Mr. SESSIONS, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 6129. A bill to amend the Credit Repair Organizations Act to clarify the applicability of certain provisions to credit monitoring services, and for other purposes; to the Committee on Financial Services.

By Mr. LANTOS (for himself, Mr. HYDE, Ms. ROS-LEHTINEN, and Mr. ACKERMAN):

H. Res. 1017. A resolution affirming support for the sovereignty and security of Lebanon and the Lebanese people; to the Committee on International Relations.

By Mr. LEWIS of Kentucky:

H. Res. 1019. A resolution honoring the life of Carl Brashear, the first African-American Navy Master Chief Diver; to the Committee on Armed Services.

By Mr. MARKEY:

H. Res. 1020. A resolution directing the Secretary of Defense to provide certain information to the House of Representatives relating to Maher Arar; to the Committee on Armed Services.

By Mr. MARKEY:

H. Res. 1021. A resolution directing the Secretary of Homeland Security to provide certain information to the House of Representatives relating to Maher Arar; to the Committee on Homeland Security.

By Mr. MARKEY:

H. Res. 1022. A resolution directing the Secretary of State to provide certain information to the House of Representatives relating to Maher Arar; to the Committee on International Relations.

By Mr. MARKEY:

H. Res. 1023. A resolution requesting the President to provide certain information to the House of Representatives relating to Maher Arar; to the Committee on International Relations.

By Mr. MARKEY:

H. Res. 1024. A resolution directing the Attorney General to provide certain information to the House of Representatives relating to Maher Arar; to the Committee on the Judiciary.

By Ms. McKINNEY:

H. Res. 1025. A resolution honoring the life and achievements of the late Oscar Davis, Sr., of Baldwin County, Georgia, for his public service as a leader in the State of Georgia and dedication to the cause of civil rights; to the Committee on Government Reform.

By Ms. McKINNEY:

H. Res. 1026. A resolution for the re-opening of investigative hearings into the Counter-Intelligence Program (COINTELPRO) and other intelligence and law enforcement programs and agencies, and an expansion of those hearings to include reneweal of previously curtailed abuses, and other activities sanctioned by the USA PATRIOT ACT; to the Committee on Intelligence (Permanent Select), and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California:

H. Res. 1027. A resolution commending the life's work of Stephen Robert Irwin and extending heartfelt sympathy to his family; to the Committee on International Relations.

By Mr. SOUDER (for himself, Mr. TOM DAVIS of Virginia, Mr. CUMMINGS, Mr. CALVERT, Mr. TERRY, and Mr. HINOJOSA):

H. Res. 1028. A resolution supporting the goals and ideals of Red Ribbon Week; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 111: Mr. INSLEE.

H.R. 196: Mr. KUHL of New York.

H.R. 615: Mr. MICA, Mr. KELLER, Mr. BACHUS, and Mr. MURPHY.

H.R. 752: Mr. MURTHA.

H.R. 817: Mr. AKIN, Mr. GINGREY, and Mr. BACA.

H.R. 997: Mr. BILBRAY.

H.R. 1000: Mr. WALSH, Mr. MEEHAN, and Mr. TOWNS.

H.R. 1106: Mr. NADLER and Mr. DOYLE.

H.R. 1227: Mr. NEUGEBAUER.

H.R. 1376: Ms. DELAURO.

H.R. 1384: Mr. BOUSTANY.

H.R. 1472: Mr. BISHOP of New York, Mr. KING of New York, Mrs. MCCARTHY, Mr. ISRAEL, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. BOEHLERT, Mr. SWEENEY, Mrs. Lowey, Mr. REYNOLDS, and Mr. MCHUGH.

H.R. 1498: Ms. SCHWARTZ of Pennsylvania.

H.R. 1707: Mr. SIMMONS.

H.R. 2184: Mrs. CHRISTENSEN.

H.R. 2356: Mrs. BIGGERT.

H.R. 2629: Mr. SHAYS.

H.R. 2804: Mr. DOOLITTLE.

H.R. 2861: Mr. BOUSTANY, Mr. RAMSTAD, Mr. MURPHY, Mr. LOBIONDO, and Mr. CAPUANO.

H.R. 3103: Mrs. KELLY.

H.R. 3111: Mr. LEWIS of Kentucky.

H.R. 3151: Mr. CAPUANO.

H.R. 3436: Mr. BISHOP of Georgia.

H.R. 3561: Ms. MOORE of Wisconsin.

H.R. 3616: Mr. CASTLE.

H.R. 3875: Mr. BOUSTANY, Mr. GOODE, and Mrs. CAPITO.

H.R. 3954: Mr. ROTHMAN and Mr. MCINTYRE.

H.R. 4098: Ms. PRYCE of Ohio, Mr. FITZPATRICK of Pennsylvania, and Mr. KENNEDY of Minnesota.

H.R. 4217: Mr. GRAVES.

H.R. 4277: Mr. JONES of North Carolina.

H.R. 4341: Mr. SPRATT and Mr. BILIRAKIS.

H.R. 4511: Mr. LINDER.

H.R. 4597: Mr. EVANS and Mrs. BONO.

H.R. 4708: Mr. WATT.

H.R. 4727: Mr. INSLEE, Mr. HINOJOSA, Mr. BROWN of Ohio, and Mr. MCINTYRE.

H.R. 4734: Mr. WEXLER.

H.R. 4740: Mr. MORAN of Virginia.

H.R. 4746: Mr. JONES of North Carolina and Ms. BORDALLO.

H.R. 4830: Mr. GARY G. MILLER of California, Mr. DAVIS of Kentucky, Mr. SESSIONS, Mr. MARCHANT, Mr. HAYWORTH, Mrs. MUSGRAVE, Ms. FOXX, Mr. MCCOTTER, and Mrs. DRAKE.

H.R. 4861: Mr. DEAL of Georgia.

H.R. 4904: Mr. WELDON of Pennsylvania.

H.R. 4924: Mr. SWEENEY, Mr. WALSH, Mr. HASTINGS of Washington, Mr. TIBERI, Mr. LATOURETTE, Mr. BOEHNER, Mr. SIMPSON, Mr. BOEHLERT, Mr. HINCHEY, Mr. MOORE of Kansas, Mr. HINOJOSA, and Mr. MCNULTY.

H.R. 4925: Ms. SCHAKOWSKY.

H.R. 4949: Mr. CUELLAR.

H.R. 4956: Mr. CARNAHAN.

H.R. 4993: Mr. KUCINICH.

H.R. 5035: Mr. GUTIERREZ.

H.R. 5092: Mr. SAM JOHNSON of Texas, Mr. BOUSTANY, and Ms. GRANGER.

H.R. 5100: Mrs. MILLER of Michigan, Mr. ROGERS of Michigan, and Mr. KNOLLENBERG.

H.R. 5120: Mr. CONYERS and Mr. GOHMERT.

H.R. 5139: Mrs. MCMORRIS RODGERS.

H.R. 5147: Mr. MCDERMOTT, Mr. STARK, Mr. RANGEL, Mr. WAXMAN, Mr. DINGELL, and Mr. PALLONE.

H.R. 5171: Mr. KENNEDY of Minnesota.

H.R. 5242: Mr. CARTER, Mr. WILSON of South Carolina, Mr. GARRETT of New Jersey, Mr. SODREL, Mr. PEARCE, Mr. TANCREDO, Mr. SAM JOHNSON of Texas, Mr. GARY G. MILLER of California, and Mr. KLINE.

H.R. 5246: Mr. LATOURETTE and Mr. CAMPBELL of California.

H.R. 5250: Mr. CAPUANO.

H.R. 5280: Mr. PRICE of North Carolina and Mr. TOWNS.

H.R. 5396: Mr. PRICE of North Carolina.

H.R. 5476: Mr. SAM JOHNSON of Texas.

H.R. 5513: Ms. KAPTUR, Mr. ADERHOLT, and Mr. DELAHUNT.

H.R. 5642: Mr. CAPUANO, Mr. PASCRELL, Mr. GUTIERREZ, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Ms. BERKLEY, Mr. SMITH of Washington, Mr. DEFAZIO, Mr. TIERNEY, Mr. DELAHUNT, Mr. CARNAHAN, Ms. ROYBAL-ALLARD, and Mr. CROWLEY.

H.R. 5708: Mr. SERRANO, Mr. REYNOLDS, and Mr. ISRAEL.

H.R. 5717: Mr. WEXLER and Mr. CONYERS.

H.R. 5730: Mr. SHIMKUS.

H.R. 5733: Mr. FILNER and Ms. SCHAKOWSKY.

H.R. 5743: Mr. LINDER.

H.R. 5746: Mr. DEAL of Georgia.

H.R. 5751: Mr. SOUDER.

H.R. 5771: Mr. OBERSTAR, Mr. HOLT, Ms. LINDA T. SÁNCHEZ of California, and Ms. SLAUGHTER.

H.R. 5772: Ms. FOXX.

H.R. 5795: Mr. MCGOVERN.

H.R. 5829: Mr. DOGGETT, Ms. WOOLSEY, Mr. GONZALEZ, Ms. MILLENDER-MCDONALD, Mr.

LARSON of Connecticut, Mr. HONDA, and Mr. ETHERIDGE.

H.R. 5834: Mr. RUPPERSBERGER.

H.R. 5862: Mrs. MCMORRIS RODGERS and Mr. MCCAUL of Texas.

H.R. 5875: Mr. FARR and Mrs. MALONEY.

H.R. 5896: Mr. DAVIS of Alabama.

H.R. 5906: Mr. MCNULTY.

H.R. 5930: Mr. ADERHOLT.

H.R. 5960: Mr. SALAZAR, Ms. BORDALLO, and Mr. MCINTYRE.

H.R. 5965: Ms. KILPATRICK of Michigan, Mr. GUTIERREZ, Mr. HASTINGS of Florida, and Mr. LANTOS.

H.R. 6036: Mr. SIMPSON, Mr. BASS, and Mr. FORTUÑO.

H.R. 6044: Mr. DAVIS of Alabama.

H.R. 6064: Mr. UPTON.

H.R. 6067: Ms. WASSERMAN SCHULTZ, Mr. BROWN of Ohio, Mr. SPRATT, and Mr. KILDEE.

H.R. 6074: Mr. OTTER.

H.R. 6076: Mr. LEWIS of Georgia, Mr. JEFFERSON, and Mr. MORAN of Virginia.

H.R. 6083: Mr. WYNN, Mr. CONYERS, Mr. BUTTERFIELD, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Mr. CUMMINGS, Ms. WATSON, and Mr. DAVIS of Illinois.

H.R. 6092: Mr. SAM JOHNSON of Texas.

H.R. 6102: Mrs. JO ANN DAVIS of Virginia, Mr. GOODE, Mr. GOODLATTE, Mr. FORBES, and Mr. CANTOR.

H.R. 6109: Mr. SOUDER and Mrs. JO ANN DAVIS of Virginia.

H. Con. Res. 197: Ms. DELAURO.

H. Con. Res. 222: Mrs. MCCARTHY.

H. Con. Res. 404: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEACH, Ms. SCHAKOWSKY, and Ms. BALDWIN.

H. Con. Res. 424: Mr. WEXLER, Mr. WOLF, Mr. MCINTYRE, Mr. DOOLITTLE, Mr. LARSEN of Washington, Mr. CUELLAR, Mr. PALLONE, Mr. CUMMINGS, Ms. SCHAKOWSKY, Mr. MARSHALL, Mr. BASS, Mr. CONYERS, Ms. KAPTUR, and Mr. DINGELL.

H. Con. Res. 428: Mr. JOHNSON of Illinois.

H. Con. Res. 434: Mr. DOGGETT and Mr. WEXLER.

H. Con. Res. 455: Ms. GRANGER.

H. Con. Res. 457: Mr. BACHUS, Mr. MCCOTTER, and Mr. ROTHMAN.

H. Con. Res. 470: Ms. PELOSI, Mr. BLUMENAUER, Mr. THOMPSON of California, Mr. MORAN of Virginia, and Mr. ACKERMAN.

H. Con. Res. 471: Mr. HASTINGS of Florida, Mr. KIND, Mr. DUNCAN, Mr. TANNER, Mr. COBLE, Mr. BOYD, Mr. WELLER, Mr. LATOURETTE, Mr. OXLEY, Mr. SMITH of Texas, Mr. MANZULLO, Mrs. BLACKBURN, Mr. MATHESON, Mr. SIMPSON, Mr. PASTOR, Ms. GINNY BROWN-WAITE of Florida, and Mr. LINCOLN DIAZ-BALART of Florida.

H. Con. Res. 473: Mr. BILBRAY, Mr. FARR, Mr. WILSON of South Carolina, Mr. RADANOVICH, Mr. MCKEON, Mr. HALL, Mr. DELAHUNT, Mr. LYNCH, Mr. MORAN of Virginia, Mr. SMITH of Washington, Mr. BURGESS, Mr. DOOLITTLE, Mr. ROYCE, Mr. MCCOTTER, Mr. CAMPBELL of California, Mr. POMBO, Ms. BORDALLO, Mr. BUTTERFIELD, Mr. NUNES, Mr. GALLEGLY, Mr. MCCAUL of Texas, Mr. WICKER, Mr. PITTS, Ms. HART, Mr. SHUSTER, Mr. BONNER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SHERWOOD, Mr. WALSH, Mr. CONAWAY, Mr. BARRETT of South Carolina, Mr. CHOCOLA, Mr. GRAVES, Mr. CAMP of Michigan, Mr. PEARCE, Mr. LOBIONDO, Ms. BEAN, Mr. GARY G. MILLER of California, Mr. MCINTYRE, Mr. HINOJOSA, Mr. BERMAN, and Mr. MCNULTY.

H. Con. Res. 476: Mr. ALLEN, Mr. BAKER, Mr. BARTON of Texas, Mr. BLUNT, Mr. BRADLEY of New Hampshire, Mr. BRADY of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. CANNON, Mr. CARTER, Mr. CLAY, Mr. CRENSHAW, Ms. DELAURO, Mr. MARIO DIAZ-BALART of Florida, Mr. FEENEY, Mr. FOLEY, Mr. GARRETT of New Jersey, Mr. GINGREY, Ms. HERSETH, Mr. HINOJOSA, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK of Michigan, Mr. DANIEL E. LUNGREN of California, Ms. MATSUI, Mr. MCINTYRE, Mrs. MCMORRIS RODGERS, Mr. GARY G. MILLER of California, Mrs. MILLER of Michigan, Mrs. MUSGRAVE, Mr. PEARCE, Mr. PENCE, Ms. PRYCE of Ohio, Mr. PUTNAM, Mr. RENZI, Ms. ROS-LEHTINEN, Mr. SHADEGG, Ms. SOLIS, Mr. STEARNS, Mrs. TAUSCHER, Mr. TERRY, Mr. UPTON, Mr. WAMP, Mr. WAXMAN, Mrs. WILSON of New Mexico, Mr. WOLF, and Ms. WOOLSEY.

H. Res. 402: Ms. SCHAKOWSKY, Mr. DEAL of Georgia, Mrs. MYRICK, Mr. ENGEL, Mr. SCHWARZ of Michigan, Mr. CONYERS, Mr. RUSH, Mr. TOWNS, Mr. PENCE, Mr. TOM DAVIS of Virginia, Mr. GOODE, Mr. CARTER, Mr. KLINE, Mrs. JO ANN DAVIS of Virginia, Ms. GRANGER, Mr. STEARNS, Mr. BONILLA, Ms. PRYCE of Ohio, Mr. NEUGEBAUER, Mr. THORNBERRY, Mr. SIMMONS, Mrs. BLACKBURN, Mr. FRANKS of Arizona, Mr. HERGER, Mr. ROGERS of Michigan, Mrs. WILSON of New Mexico, Mrs. MUSGRAVE, Mr. MCCOTTER, Mr. WELDON of Florida, Mr. YOUNG of Alaska, Mr. SHAYS, Mr. CULBERSON, Mr. HALL, Mr. SHIMKUS, Mr. SHUSTER, Mr. ROHRABACHER, Mr. MCCAUL of Texas, Mr. ENGLISH of Pennsylvania, Mr. TAYLOR of Mississippi, Mr. GIBBONS, Ms. HARRIS, Mr. FOLEY, Mr. RANGEL, Mr. SESSIONS, Mr. POMEROY, Ms. HART, Mr. BILBRAY, Mr. OTTER, Mr. SMITH of Texas, Mr. MARIO DIAZ-BALART of Florida, Mr. CRENSHAW, Mr. BRADY of Texas, Mr. WALSH, and Mr. MCDERMOTT.

H. Res. 518: Mr. LEWIS of Kentucky.

H. Res. 745: Mr. MARSHALL.

H. Res. 748: Mr. WESTMORELAND, Mr. WHITFIELD, Mr. FRANKS of Arizona, Mr. PENCE, Mr. COBLE, Mr. DEAL of Georgia, Mr. BILIRAKIS, Mrs. MYRICK, Mr. THORNBERRY, Mr. BOEHNER, Mr. CLYBURN, Mr. BROWN of South Carolina, Mrs. CAPITO, Mr. DUNCAN, Mr. WELDON of Florida, Mr. GALLEGLY, Mr. JENKINS, Mr. GILCHREST, Mr. JONES of North Carolina, Mr. PAUL, Mr. SMITH of New Jersey, Mr. DOOLITTLE, Mr. RYUN of Kansas, Mr. CALVERT, Mr. WICKER, Mr. HEFLEY, Mr. BOOZMAN, Mr. BASS, Mr. BRADLEY of New Hampshire, Mr. SULLIVAN, Mr. DAVIS of Kentucky, Mr. TOWNS, Mr. MCKEON, Mr. LEACH, Mr. SESSIONS, Mr. LAHOOD, Mr. LOBIONDO, Mr. FRELINGHUYSEN, Mr. OXLEY, Mr. FORTENBERRY, and Mr. ADERHOLT.

H. Res. 790: Mr. ABERCROMBIE, Mr. BAIRD, Ms. BEAN, Mr. BECERRA, Mr. BERRY, Mr. BLUMENAUER, Mr. CARDOZA, Mr. DEFAZIO, Ms. ESHOO, Mr. FRANK of Massachusetts, Mr. INSLEE, Ms. ZOE LOFGREN of California, Mr. MCNULTY, Mrs. TAUSCHER, Mr. WU, Mr. HINCHEY, and Mr. GERLACH.

H. Res. 944: Mr. BLUMENAUER, Mr. HOLT, Ms. WASSERMAN SCHULTZ, Mr. MEEHAN, and Mr. HONDA.

H. Res. 954: Ms. MCCOLLUM of Minnesota and Mr. CONYERS.

H. Res. 960: Mr. KENNEDY of Minnesota.

H. Res. 962: Mr. HINOJOSA, Mr. LANTOS, and Mr. COBLE.

H. Res. 971: Mrs. SCHMIDT.

H. Res. 973: Mr. MILLER of North Carolina.

H. Res. 974: Mr. GILLMOR, Mr. LATHAM, Mrs. MALONEY, Ms. HART, Mr. BEAUPREZ, Mr. MORAN of Virginia, Mr. MCDERMOTT, Mr. REYES, Mr. MILLER of North Carolina, Mr. FOLEY, Mr. MARSHALL, Mr. PALLONE, Mr. LANGEVIN, Mr. DEFAZIO, Mr. GARRETT of New Jersey, Mr. MOORE of Kansas, Mrs. LOWEY, Mr. ROTHMAN, Mr. BISHOP of New York, Mr. LOBIONDO, Mr. SMITH of Washington, Mr. OBERSTAR, Mr. PAYNE, Mr. ENGEL, Mr. CARNAHAN, Mr. WELDON of Pennsylvania, Mr. ANDREWS, Mr. PASCRELL, and Mr. SAXTON.

H. Res. 989: Mr. UPTON, Mr. WELDON of Pennsylvania, and Mr. CAMPBELL of California.

H. Res. 991: Mr. TOM DAVIS of Virginia, Mr. WAXMAN, Mr. SOUDER, Mrs. MILLER of Michigan, Mr. RUPPERSBERGER, Mr. ISSA, Mrs. MALONEY, Mr. KUCINICH, Mr. LANTOS, Mr. BILBRAY, Mr. TOWNS, Mr. CLAY, Mr. KANJORSKI, Mr. SHAYS, Mr. KING of New York, Ms. FOXX, and Mr. DAVIS of Illinois.

H. Res. 993: Mr. AKIN and Ms. MATSUI.

H. Res. 995: Mr. BLUMENAUER, Mr. PAYNE, Mr. BOOZMAN, Mr. MEEKS of New York, Ms. WOOLSEY, Mr. CONYERS, Mrs. JO ANN DAVIS of Virginia, and Mr. MCGOVERN.

H. Res. 1012: Mr. SENSENBRENNER, Ms. WATERS, and Ms. MCKINNEY.

EXTENSIONS OF REMARKS

HONORING BISHOP J. NEAUL HAYNES

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it gives me great pleasure to take this opportunity to recognize and congratulate the accomplishments of Bishop J. Neaul Haynes. A graduate of the University of North Texas, Bishop Haynes has a long-standing commitment to the ministry and the Oak Cliff community.

Prior to his appointment as Prelate of Texas Northeast Jurisdiction, Bishop Haynes served the Jurisdiction in many capacities. He became a member of the Texas Northeast Jurisdictional Trustee Board; appointed District Superintendent of the Dallas West District in 1967; began serving as Assistant to the Jurisdictional Secretary in 1969, and was appointed as Administrative Assistant to the Jurisdictional Bishop in 1973. J. Neaul Haynes was elevated to the episcopacy as Prelate of Texas Northeast Ecclesiastical Jurisdiction in 1978.

Bishop Haynes also served the Church of God in Christ on a National level in varied capacities. In 1972 became a member of the National Trustee Board, and from 1972 to 1984 he served as Assistant General Secretary/Registration. In 1984, Bishop Haynes was elected to serve as a member of the General Board (Presidium) of the Church of God in Christ, Inc. He became the Secretary of the General Board in November, 1988. In November 1995, Bishop Haynes ascended to the position of Second Assistant Presiding Bishop of the Church of God in Christ, Inc. And in April, 1997, Bishop Haynes was further promoted to the position of First Assistant Presiding Bishop of the Church of God in Christ Worldwide. In November, 2000, the Church of God in Christ elected a new Presiding Bishop, Bishop Gilbert E. Patterson. Bishop Haynes is now serving in the new administration as the Second Assistant Presiding Bishop of the Church of God in Christ.

Bishop Haynes's community involvement and civic contributions demonstrate that he is a man of great vision and excellence.

Mr. Speaker, it is an honor to stand before my colleagues on behalf of the citizens of Dallas to congratulate Bishop J. Neaul Haynes on his selfless dedication to the Saintsville Church of God in Christ and to the Oak Cliff community. May God bless Bishop Haynes and allow him to continue his service to those in need of faith, hope, and charity.

TRIBUTE TO SAINT GEORGE ROMANIAN ORTHODOX CHURCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. VISCLOSKY. Mr. Speaker, it is with great enthusiasm and sincerity that I take this time to congratulate Saint George Romanian Orthodox Church as they join together in celebration of their 100th anniversary. The church, formerly of Indiana Harbor and now located in Lansing, Illinois, will be celebrating this exceptional milestone with festivities beginning on September 23, 2006, and continuing through the following day.

The cornerstone for Saint George's, laid in Indiana Harbor on November 4, 1906, represented the culmination of the efforts of the first Church Council, led by Father Moise Balea, President. These Council members, realizing the need for a church due to the growing Romanian population in Northwest Indiana, began fundraising efforts that eventually led to the completion of the first Saint George Rumanian Orthodox Church, dedicated on November 23, 1908, by the parish's first priest, the Reverend Father Ioan Tatu.

The Very Reverend Father Simion Mihaltian took the reins of Saint George's on June 20, 1908, and he remained the church's leader for an astonishing 55 years. Under Father Mihaltian's spirited guidance, Saint George's continued to grow. While fires posed challenges, the church continued to expand, relocating within the Indiana Harbor and adding a dining hall and, eventually, a school. Though he passed away on New Year's Eve in 1963, Father Mihaltian's impact on his parish continues to touch the lives of the members today. Father Mihaltian resonates today as a shining example of selfless service and unwavering commitment to the community.

From their modest beginnings, Saint George's has emerged as a pillar of the Romanian community. In 1976, Saint George's relocated to Lansing, Illinois, where it remains today. The move came under the leadership of the Very Reverend Father John Bugariu, who realized the need for more opportunities for its members and planned the construction of a recreation center. After serving the parish for 16 years, Father Bugariu, who had been named to the esteemed position of Archdiocesan Vicar, retired in 1979.

In 1979, Saint George's current leader, the Very Reverend Father Ioan Ionita, was named parish priest. A highly educated and esteemed member of the religious community, Father Ionita has faithfully served the parish for the past 27 years. A testament to his dedication and to the community's admiration of him, Father Ionita was appointed Vicar of the Archdiocese by Archbishop Nicolae Condrea in 2003.

The celebration of Saint George's 100th anniversary will begin on Saturday, September 23, 2006, with a hospitality night and will continue on Sunday, September 24, with a very special liturgy, presided over by Archbishop Nicolae Condrea. The liturgy will be followed by a gathering at the Wicker Park Social Hall in Highland, Indiana and will conclude with Saint George's Anniversary Banquet at the same location.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating Saint George Romanian Orthodox Church on their 100th anniversary. Throughout the years, the clergy and members of Saint George's have dedicated themselves to providing spirituality and guidance through the protection of the Romanian Orthodox faith and traditions.

Their constant dedication and commitment is worthy of our admiration.

RECOGNIZING VIRGIL REYNOLDS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Virgil Reynolds, a very special man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 138, and in earning the most prestigious award of Eagle Scout.

I join with your family and friends in expressing best wishes on your significant achievement. I commend you on attaining such a high honor and your superior contributions to your community. Becoming recognized for your remarkable achievement reflects both your hard work and dedication. I am sure you will continue to hold such high standards in the future.

Mr. Speaker, I proudly ask you to join me in commending Virgil Reynolds for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Virgil in the United States House of Representatives.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

INTRODUCING A RESOLUTION COMMENDING VILLA PARK POLICE DEPARTMENT UNDER THE DIRECTION OF VILLAGE PRESIDENT JOYCE STUPEGIA AND CHIEF OF POLICE JOHN J. PAYNE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. HYDE. Mr. Speaker, I rise today to commend the Villa Park Police Department under the direction of Village President Joyce Stupegia and Chief of Police John J. Payne. The Department is constantly working to find ways to improve the level of service and renew their commitment to be better prepared to handle both manmade and natural emergencies that may arise. The September 11, 2001 attack on New York, as well as other attacks both here and abroad since then, demand that we prepare ourselves for emergency response levels that we had not previously thought necessary.

The outcome of this self-evaluation and the efforts to improve and enhance traditional police service for the community has resulted in many significant accomplishments. These changes have been implemented to create safer neighborhoods and build a more informed and involved public. A number of the community programs were made possible as a result of obtaining various State and Federal grant monies. The Police Department has been fortunate in this, as a number of these programs would not have been possible without these grant programs.

Listed below is a summary of programs that highlight what they have been working on during the last 2 years to develop useful, community orientated law enforcement programs that are relevant to the needs of the community. The members of the department have worked hard as a group to not only put these programs together, but also to see that they remain successful in their continued implementation.

Expansion of the Citizens Police Academy (CPA)—They have enhanced the academy by enrolling citizen graduates into an alumni association that receives ongoing law enforcement educational presentations.

Establishment of a Citizens Voluntary Emergency Response Team—This program educates graduates of our citizen police academy in disaster preparedness, training them in basic disaster response skills. They then have the opportunity to join a roster of volunteers that can be called upon to assist the police department as the need arises.

I.D.O.T. Mini-Alcohol Influence Grant—Received a grant in the amount of $28,000, which allowed the department to substantially increase their enforcement efforts of the impaired driver that included public awareness education as well.

School Emergency Response Plans—Established a working forum to include the police department and all school districts located in Villa Park to establish uniform protocols to follow in case of emergencies.

Inter-operable Communications—Enhanced our inter-communications capability with local schools through radio installations at the local schools allowing for direct contact with patrol officers, as well as with surrounding area police agencies.

School Mentoring Program—Officers volunteered their time to participate in school sponsored mentoring programs to establish better relationships with school age individuals and open up better lines of communication.

National Incident Management System (NIMS)—Completed NIMS training at various levels to be better prepared for the coordinated efforts needed during times of emergency and disasters.

Cultural Sensitivity and Awareness—Provided training to all members of the Police Department to better equip them when interacting with individuals of different cultures.

Illinois Law Enforcement Alarm System (ILEAS)—Became members of ILEAS, which is a state wide mutual aid/response system to provide assistance when needed. It was through this program that we sent two officers, a vehicle, and equipment/supplies to assist in Louisiana for two weeks during the Katrina Hurricane aftermath.

Tactical Weapon Acquisitions—Established membership with the Federal LESO surplus equipment acquisition program resulting in being able to upgrade tactical weapons at no cost, allowing for improved emergency response capability by our patrol officers.

Landlord Training Seminars—Established landlord training seminars to better educate landlords in the management of their property. This contributed to the reduction of gang and drug related incidents, and provided landlords with additional resources to improve the upkeep of the properties.

Operation Prom Night—Developed program Operation Prom Night, being an educational presentation; including graphic recreations of accidents to illustrate to high school level students the dangers of drinking and driving.

Senior and Law Enforcement Together (SALT) Group and the Elderly Service Officers Program—The department meets regularly with community seniors to address issues pertinent to senior citizens and continue to educate them as to the scams and dangers that are often directed toward their age group. They also maintain a unit of Elderly Services Officers that involves a select group of specially trained, state certified officers to assist our elderly community. It has a number of facets related to education, crime investigations, service referrals, and well being checks.

IDOT Extra Enforcement Efforts—The Department has been recognized by IDOT (Illinois Department of Transportation) on numerous occasions for our enforcement efforts to increase the use of passenger restraint systems in vehicles via the Click it or Ticket Campaigns and Seatbelt Enforcement Zones. The department received a $5,000 grant to aid us in this enforcement.

Public Education and Enforcement Research Program (PEERS)—Successful application for grant monies of $32,000 allowed for increased education and enforcement efforts to reduce the frequency of train and pedestrian accidents. The Police Department has been recognized as being a leader in our efforts to reduce the frequency of these types of accidents. Prior to this year the department developed and implemented this program without grant money assistance.

Radio Inter-operability Enhancement Radio Grant—Participated in a competitive grant process which provided the department $40,000 to obtain radio equipment to enhance our radio communications capabilities with other first responder agencies.

Illinois Traffic Safety Challenge Award Recipient—The Villa Park Police Department was recently recognized for its efforts in addressing traffic safety issues by the Illinois Chiefs of Police Association. The department achieved first place in the 26 to 50 sworn officers' category in this highly competitive program. They were also recognized with the prestigious President's Award, which recognizes the best overall agency in the state.

Alliance Against Intoxicated Motorists Award (AAIM)—The Department has been recently recognized by AAIM for its impaired driver's enforcement efforts and was the recipient of the Guardian Award. This award is to recognize the highest DUI arrest rate per officer in the state. We have received awards from AAIM consistently for a number of years now.

Roadside Safety Checks—As a part of their traffic safety efforts the Police Department operates Roadside Safety Checks in Villa Park and assists surrounding law enforcement in their safety checks. These are conducted randomly throughout each year.

Child Safety Seat Education Program—The department conducts child safety seat inspections/installations any time a request is made as well through roadside drive-through operations. The officers that manage this program have specific state certification training. This program includes a means to provide seats for those parents that can not afford one.

Night Vision Grant—Obtained a grant from the Department of Homeland Security, in the amount of $6,000, to acquire night vision equipment to enhance enforcement efforts during times of darkness.

Operation 64—The department works regularly with a number of police departments to provide for a coordinated traffic enforcement plan throughout an 11 mile stretch of highway in efforts to reduce the high traffic accident rate.

Mobile Command Center—Acquired a Mobile Command Center through the federal LESO Program surplus acquisition program to provide enhanced emergency responses, and community event operations.

D.A.R.E.—The department has one full time D.A.R.E. program certified officer. D.A.R.E. is a program that we have been very committed to since its inception in 1987 that teaches the dangers of drugs and alcohol to school age children.

Gang Resistance Education and Training Grant (G.R.E.A.T.)—They successfully applied for a grant in the amount of $7,800, which helps them to maintain their longstanding G.R.E.A.T. program providing increased education efforts to assist in reducing gang violence in the community.

Juvenile/Parent Traffic Notification—They are in the process of developing a parental notification system where if a minor (under 18 years of age) receives a traffic ticket, his/her parents are notified of this by certified mail.

NIPAS (Northern Illinois Police Alarm Service)—Unit is comprised of 99 adjoining communities; including Villa Park, that provide highly trained emergency service teams as well as specially trained officers to respond to civil disorders and disasters.

Railroad Safety—The department has initiated Operation Lifesaver. This provides Certified Instructors that teach a recognized course of instruction in the local school districts as well as working with public interest groups. The plan includes enforcement of railroad right-of-way trespass and gate crossing violations.

CIT—Crisis Intervention Teams—They are presently working with Mental Illness health provider groups to formally train selected officers of the department in the handling of mentally disturbed individuals. They will work as a team with the local mental health providers to improve our capabilities in recognizing and handling these types of calls.

Neighborhood Watch Groups—The department has officers assigned to assist residents to set up and maintain neighborhood watch groups. A large part of the village now has neighborhood watch groups. Their goal is to have a group that every resident can be a part of. These watch groups act as the eyes and ears of their neighbors and the police. This allows them to meet regularly with representatives of the neighborhood to maintain open lines of communication.

Truck Enforcement—One full time officer enforces the laws regarding 2nd Division truck violations.

Major Traffic Crash Investigators—Consists of a team of highly trained officers, who received certification training through Northwestern University Traffic Institute. They are available 24 hours a day for call-out to conduct in-depth investigations on all serious personal injury and fatality crashes.

Major Crimes Task Force—They are a participating member of this multi jurisdictional task force that investigates all major crimes committed within the participant's jurisdictions.

Arson Investigation Unit—Created an Arson Investigation Unit within the police department, consisting of a state certified arson investigator. This unit also participates in a county wide arson task force.

Saved by the Belt Awards—The department recognizes citizens, who are involved in serious traffic accidents, who otherwise might have lost their lives if they had not been wearing their seatbelts.

Community Cultural Program—Local students, whose artwork is considered exceptional, can display their art in public surroundings.

Bulletproof Vest Partnership—The $2,500 competitive federal grant program provided funds to assist in the purchase of bulletproof vests for Law Enforcement Officers.

Tobacco Compliance Check Program—The department was awarded a grant in the amount of $4,290 from the Illinois Liquor Control Commission's Tobacco Program to assist them in policing the sale of tobacco products to minors.

Willowbrook High School Liaison Officer—The department assigns a full time officer to the high school to work directly, on a daily basis, with school administrators and students.

Automated External Defibrillator—The department purchased automated external defibrillators that are utilized on patrol by all officers. These officers are trained in the AED's use and respond to all potential medical emergencies that have the potential for the need of this device.

School Bus Safety Plan—This program has officers randomly follow school buses along their routes taking enforcement action on vehicles that pass in violation of the bus's warning signs. Also, upon receiving vehicle information from school bus drivers on these violations, warning letters are sent out to the vehicles owners.

The Police Department has been both proactive as well as reactive in their efforts to maintain a safe community through both education and enforcement. They are now better prepared to handle emergencies, both manmade and natural, but their work is not done. They will continue to search out new and innovative ways to provide quality services to the residents of Villa Park. While they are proud of these programs and accomplishments, they remain cognizant of the dedication of the many officers that daily provide traditional patrol and investigative services to the Village of Villa Park, Illinois.

ROFEH RECOGNIZES OUTSTANDING LEADERS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, for years now I have had the honor of sharing with our colleagues the news of the awards being presented by the organization ROFEH International—New England Chassidic Center. ROFEH International is an extremely important organization helping make the first-rate health facilities that are available in Boston to people who might not otherwise be able to benefit from them. The health profession constitutes one of the great assets of Greater Boston. It is at the same time an extraordinary source of benefit to those who receive the world-class treatment that is available, a major engine for our region's economy, and through the people it employs a significant contributor to the vibrant cultural life of our region. ROFEH International, ably led by its founder, Grand Rabbi Levi Horowitz, works closely with these institutions in many ways, and annually honors leaders in the health fields, both health professionals and those who have supported the important work that these health professionals do.

Mr. Speaker, this year the recipients are Dr. Robert M. Goldwyn and Mr. Michael P. Albert. Dr. Goldwyn receives the International Distinguished Service Award. Mr. Albert is the recipient of the ROFEH International-New England Chassidic Center "Man of the Year" award. Both are extremely well deserved, and reflect the commitment to both improving our health facilities and making them widely available that marks the work of ROFEH International.

Mr. Speaker, in the interests of sharing this news and perhaps inspiring others to take similar actions, I ask that the biographies of Dr. Goldwyn and Mr. Albert be printed here as examples of the people who work with project ROFEH and the good that they do.

ROBERT M. GOLDWYN, MD, ROFEH INTERNATIONAL DISTINGUISHED SERVICE AWARD

Dr. Robert M. Goldwyn is Clinical Professor of Surgery at the Harvard Medical School; Division of Plastic Surgery at the Beth Israel Deaconess Medical Center, Boston, Massachusetts.

Distinguished surgeon and educator, Dr. Robert M. Goldwyn has authored or coauthored more than 350 articles, more than 50 chapters and has edited many books. Dr. Goldwyn was among the first to perform experimental microsurgical transfer flaps and limb transplantation. Early in his career, he investigated the use of cryotherapy in the treatment of vascular tumors, of palliation of unresectable recurrent breast cancers of the chest wall. He developed new techniques for reduction mammoplasty, a major focus of his clinical activity. He was a founding member of Physicians for Social Responsibility and has written numerous articles on world peace, opposition to chemical and biological warfare, medical ethics, and medical history.

Awards include the Dieffenbach Medal, the Honorary Kazanjian Lectureship, the Special Achievement Award, and the Presidential Citation of the American Society of Plastic and Reconstructive Surgeons.

MICHAEL A. ALBERT, ROFEH INTERNATIONAL NEW ENGLAND CHASSIDIC CENTER MAN OF THE YEAR AWARD

Mr. Albert is Chairman and CEO of Harodite Industries, Inc. He is a prominent leader in the world of business. His involvements in the New England Jewish community has been the roles he played as Past Board Member Combined Jewish Philanthropies, Past President Temple Reyim, Past President of the Board of B'nai B'rith Hillel Foundation at Boston University, Board Member American Apparel and Footwear Association, Past President Etacol International, LTD, Past Chairman of the Advisory Board for the Ben Gurion/Boston University MSG Program in Israel, Past Board Member Associates Ben Gurian University of the Negev.

The Albert family continues to make landmark contributions in every aspect of the Jewish communal life and is well aware of the valuable work of ROFEH International and its positive impact on the entire Jewish community worldwide.

TRIBUTE TO GREG COOKE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in great sadness to pay tribute to my good friend and one of Texas' most outstanding public servants, Greg Cooke. Greg Cooke passed away recently at the age of 51.

Mr. Cooke served as the top ranking EPA official in the area that encompasses Texas, Louisiana, Arkansas, Oklahoma, and New Mexico.

Mr. Cooke was an outstanding and dedicated citizen, and his commitment to Texas was instrumental in developing clean air plans for both Dallas-Ft. Worth and Houston-Galveston in partnership with the State of Texas.

These plans contained innovative provisions that incorporated economic incentives, as well as, traditional mandatory measures. His clean air plans also included development of an innovative "compact" to facilitate early compliance with EPA's upcoming 8-hour standard for such cities as Austin and San Antonio, Texas.

Mr. Cooke served as Regional Administrator of EPA Region VI for the past 4½ years. He was appointed to the post by President Clinton and was the only political appointee in the EPA retained by current President George W. Bush.

Greg Cooke exuded class—not only in the way he practiced law but also in the way he lived his life. He had a straight-ahead, just-the-facts writing style that belied his passion for environment.

Mr. Speaker, with Greg Cooke's passing, we have lost an impressive individual and a true leader. He championed the interests of Texas and environmental issues. Greg Cooke was a caring and compassionate man and a tremendous political leader and public servant. I extend my deepest sympathy to Greg Cooke's family.

TRIBUTE TO THE CROATIAN SONS LODGE NUMBER 170

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Croatian Sons Lodge Number 170 of the Croatian Fraternal Union on the joyous occasion of its 99th anniversary and Golden Member banquet on Sunday, September 24, 2006.

This year, the Croatian Fraternal Union will hold this gala event at the Croatian Center in Merrillville, Indiana. Traditionally, the anniversary celebration includes a ceremonial appreciation of the Union's Golden Members, those who have achieved 50 years of membership. This year's honorees that have attained 50 years of membership include: Angeli Cirrincione, Barbara Demers, Rosemary Gard, Catherine Grcevich, Catherine Jelovcic, Elizabeth Lukacek, Nikola Majetic, Margaret J. Milos, Virginia A. Mostak, Ruth Jean Mrzlak, Rudolph J. Pavletich, Sandra Louise Regan, Luandre Rozmanich, Robert Lee Scott, Ann Louise Smoljan, Mary Ann Troksa, and Madeline Vukobratic.

These faithful and devoted individuals share this esteemed tribute with 482 additional Lodge members who have previously attained this significant designation.

This memorable day will begin with a morning mass at Saint Joseph the Worker Catholic Church in Gary, Indiana, with the Reverend Father Stephen Loncar officiating. The Brace Tamburitza Orchestra will perform at this gala event. A formal dinner banquet in the afternoon will end the day's festivities.

Mr. Speaker, I urge you and my other distinguished colleagues to join me in commending Lodge President Betty Morgavan, and all the other members of the Croatian Fraternal Union Lodge Number 170, for their loyalty and radiant display of passion for their ethnicity.

The Croatian community has played a key role in elevating the quality of life and culture of Northwest Indiana. It is my hope that this year will bring renewed possibilities, admiration, and success for all members of the Croatian community and their families.

RECOGNIZING BROCK SMITH FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Brock Smith, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 633, and in earning the most prestigious award of Eagle Scout.

Brock has been very active with his troop, participating in many scout activities. Over the many years Brock has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Brock held the principal leadership position of Senior Patrol Leader and has actively supported the Southern Platte County Athletic Association in Kansas City, North.

Mr. Speaker, I proudly ask you to join me in commending Brock Smith for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. HYDE. Mr. Speaker, on September 19, 2006, I was absent for votes for personal reasons. Had I been present, I would have voted: Vote No. 451, H. Con. Res. 210 Supporting Elimination of Cancer by 2015, "yea"; Vote No. 452, H. Res. 622 Honoring Filipino World War II Veterans, "yea"; Vote No. 453, H. Con. Res. 415 Condemning the Repression of the Iranian Baha'i Community, "yea."

IN HONOR AND RECOGNITION OF TOM McCAFFREY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Tom McCaffrey, beloved husband, devoted musician, and teacher to so many. Mr. McCaffrey dedicated his life to encouraging and inspiring Clevelanders and brought them that which they had never felt and taught them the joy, warmth, power and strength of Irish traditional music.

Mr. McCaffrey was born in 1916, in Mohill, County Leitrim, Ireland, where he worked on the family farm until coming to America in 1955. Mr. McCaffrey was unable to resist the allure of music and at 10 years of age he took up the fife and flute. After a year of flirtation with the woodwinds, Mr. McCaffrey found his true love and calling in the fiddle. For knowledge Mr. McCaffrey turned to his father, also a teacher and player of the fiddle, and sought all musicians who traveled through town. It was not long before he mastered the fiddle and with his fine, strong voice, Mr. McCaffrey was requested at local festivals and dances. In Cleveland, he teamed up with Tom Byrne, a master flute player and fellow inspirer, to record the album Irish Music From Cleveland. Mr. McCaffrey and Mr. Byrne had a lifelong friendship full of music and laughter.

At the age of 83, Mr. McCaffrey found his other great love, Alice Kelly. Mr. McCaffrey was known to always have a smile and story ready and never hesitated to share his wealth of knowledge or his music. Recorded at the Smithsonian Institute, Mr. McCaffrey's music will truly live on in those whom he taught and in the hearts of all that have heard him play.

Mr. Speaker and colleagues, please join me in honor and remembrance of Mr. Tom McCaffrey, whose smile, charm, wit, and Irish wisdom will be remembered and shared and whose memory will live in the tunes and tales. I offer my deep condolences to his wife, Alice, to all his family and friends, and to the many who have been inspired and touched by all that he has given.

HONORING PATRICIA HOLSINGER RYAN

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mrs. BLACKBURN. Mr. Speaker, I ask my colleagues to join me today to honor Patricia Holsinger Ryan for her years of service to our Middle Tennessee community.

While Patricia recently passed away, we know her legacy is one of charity and dedication. We know that her memory lives on in our memories and in those who benefited from her good works.

Patricia was known for her compassion and care for those in Williamson County's senior homes and Alzheimer centers. She brought her warmth and compassion to those in need.

Her work with mistreated pets across the State meant homes for thousands of unwanted animals, and was yet another sign of Patricia's commitment to giving back more to her community than she took.

We won't forget Patricia and our community is a better place for her life and her work.

INTRODUCTION OF TAXPAYER PROTECTION FROM GENETIC DISCRIMINATION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. PAUL. Mr. Speaker, I am pleased to introduce the Taxpayer Protection from Genetic Discrimination Act. This bill ensures that no American taxpayer will be denied health care because of his or her genetic history by any agency of the federal government, a state or local government, or a government contractor. Some people have raised concerns that, while recent advances in genetic testing bring much hope of improved medical treatment, the increased use of genetic tests may also result in many people being denied access to health insurance, or even refused employment, because of their genetic history.

I recently met with some of my constituents who are concerned that people with polycentric kidney disease, which can be identified with a genetic test, often lose their insurance coverage because their insurance companies or employers discover they have polycentric kidney disease. Whatever long-term reforms designed to address this problem one favors, I hope that all my colleagues could agree that Congress should make sure that American citizens are not forced to subsidize government agencies or contractors who deny health insurance based on someone's genetic profile. I therefore hope all my colleagues support the Taxpayer Protection from Genetic Discrimination Act.

RECOGNIZING JAMES FRAZIER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize James Frazier, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 633, and in earning the most prestigious award of Eagle Scout.

James has been very active with his troop, participating in many scout activities. Over the many years James has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. During his scouting tenure, James has earned the Philmont Scout Ranch Arrowhead, the BSA 50-Miler Patch, and the World Conservation Award.

Mr. Speaker, I proudly ask you to join me in commending James Frazier for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF SATISH KUMAR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Satish Kumar, for a lifetime dedicated to teaching and serving as an inspiration to all. Mr. Kumar has done more, seen more, accomplished more and walked more than most and has never ceased in bringing his message to others.

Mr. Kumar started as a Jain monk at the age of nine before being called to greater causes. At 18, Mr. Kumar sought to make Gandhi's vision of a renewed India and peaceful world a reality. To this end Mr. Kumar walked, more than 8,000 miles, from India to four nuclear powers: Russia, France, Britain and the United States, to bring the leader of each a bag of tea and a message of peace and understanding. Carrying no money, he crossed deserts, traversed mountains, withstood snow and was even thrown in jail. Though Herculean in scale, Mr. Kumar's quest was completed, the tea was delivered, and he is still working to bring the message of peace to the world.

Mr. Kumar settled in England in 1973 to become the editor of Resurgence magazine, a post he maintains to this day, as well as the founder of the Small School in Hartland. The school focuses on combing education with ecological and spiritual values. In 1991, Mr. Kumar helped found Schumacher College, an international center for ecological studies, and serves as its Director of Programmes. Mr. Kumar has also co-founded Jain Spirit, an international magazine that provides insight and information on Jain values and teachings, and helped to etablish the School of the Seed, a college devoted to sustainable living in India. At 70, he still offers a weeklong course on Gandhian Values.

When Mr. Kumar was 50 years old he undertook another pilgrimage, once more with no money, he walked the holy sights in Britain, Glastonbury, Canterbury, Lindisfarne and Iona. In 2000, Mr. Kumar was awarded an Honorary Doctorate in Education from the University of Plymouth and in 2001 an Honorary Doctorate in Literature from the University of Lancaster. Mr. Kumar continues to teach, lecture, and run workshops on ecology, holistic education and voluntary simplicity and authors books on the same subjects.

Mr. Speaker and Colleagues, please join in honor, gratitude and recognition of Satish Kumar. His neverending quest to encourage and teach serves as an inspiration and his messages of world peace and simple living continues to affect the lives of many. I wish Mr. Kumar, his wife June Mitchell, and son, Mukti Kumar Mitchell, an abundance of health, peace and happiness as he continues his journey onward from here.

PERSONAL EXPLANATION

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Ms. HARRIS. Mr. Speaker, on rollcall vote No. 451, had I been present I would have voted "yea"; on rollcall vote No. 452, had I been present I would have voted "yea"; on rollcall vote No. 453, had I been present I would have voted "yea".

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 21, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 22

9:30 a.m.

Foreign Relations

To hold hearings to examine the nomination of Clyde Bishop, of Delaware, to be Ambassador to the Republic of the Marshall Islands.

SD–419

SEPTEMBER 26

9:30 a.m.

Judiciary

To hold hearings to examine how widespread is the problem and is there adequate criminal enforcement relating to illegal insider trading.

SD–226

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the New Basel Capital Accord.

SD–538

Veterans' Affairs

To hold hearings to examine the nomination of Robert T. Howard, of Virginia, to be an Assistant Secretary of Veterans Affairs (Information and Technology); to be followed by a business meeting off the floor after the first roll call vote, to consider the nomination of Mr. Howard.

SR–418

10:45 a.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the Federal government's implementation of pay for performance systems for its senior executives, focusing on the regulatory structure for the systems, the agency certification process, and the effectiveness of the role of the Office of Personnel Management in evaluating and monitoring these systems.

SD–342

2 p.m.

Judiciary

To hold hearings to examine judicial nominations.

SD–226

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, and International Security Subcommittee

To hold hearings to examine uncollected taxes and issues of transparency relating to deconstructing the tax code, focusing on the 2006 updated estimate of the tax gap by the IRS, examine IRS efforts to close the tax gap as well as legislative solutions to increase tax payer compliance, and explore the transparency of the tax code.

SD–342

3 p.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine the Shanghai Cooperation Organization and its impact on United States interests in Central Asia.

SD–538

3:15 p.m.

Commerce, Science, and Transportation

Foreign Relations

To hold joint hearings to examine International Polar Year.

SR–253

SEPTEMBER 27

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nominations of Christopher A. Padilla, of the District of Columbia, to be an Assistant Secretary of Commerce, and Bijan Rafiekian, of California, to be a Member of the Board of Directors of the Export-Import Bank of the United States.

SD–538

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR–253

Homeland Security and Governmental Affairs

To hold hearings to examine new technologies to improve care for people with diabetes and reduce the burden on the health care system, focusing on the development of an artificial pancreas.

SD–342

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 3599, to establish the Prehistoric Trackways National Monument in the State of New Mexico, S. 3794, to provide for the implementation of the Owyhee Initiative Agreement, S. 3854, to designate certain land in the State of Oregon as wilderness, H.R. 3603, to promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate the Boulder-White Cloud Management Area to ensure the continued management of certain National Forest System lands and Bureau of Land Management lands for recreational and grazing use and conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, and H.R. 5025, to protect for future generations the recreational opportunities, forests, timber, clean water, wilderness and scenic values, and diverse habitat of Mount Hood National Forest, Oregon.

SD–628

2:30 p.m.

Health, Education, Labor, and Pensions

Bioterrorism and Public Health Preparedness Subcommittee

To hold hearings to examine measures to improve emergency medical care.

SD–430

3 p.m.

Judiciary

Immigration, Border Security and Citizenship Subcommittee

To hold an oversight hearing to examine United States refugee admissions and policy.

SD–226

SEPTEMBER 28

9:30 a.m.

Armed Services

To hold hearings to examine issues relating to military voting and the Federal Voting Assistance Program.

SH–216

10 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine new aircraft in the National Airspace System.

SR–253

HOUSE OF REPRESENTATIVES—*Thursday, September 21, 2006*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
September 21, 2006.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of our ancestors in faith, and animator of faith in the American people today, we come before You with humility and gratitude. As Christians and people of other faiths, we join our Jewish brothers and sisters as they approach Rosh Hashanah. Together we offer prayers of forgiveness, both as individuals and as a Nation.

If we cannot admit our mistakes before you, O Lord, and firmly desire to turn a new page, how can we become the people You require us to be, and where will people of virtue and true leadership be found in a world searching for stability and hope?

As the festival of Rosh Hashanah celebrates all the freshness of a new year and the abundance of a rich harvest, we ask You, Almighty Lord, to bless this Nation in its fullness and in all its institutions of lawful government.

Let our people taste the sweet honey of Your presence and serve You and one another with a refreshed perspective and renewed heart, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five 1-minute speeches per side.

LONE STAR VOICE: JASON PITTS, SABINE PASS, TEXAS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, last year the tiny coastal community of Sabine Pass, Texas, was literally drowned by Hurricane Rita. A year later it is still in shambles. Now the people who live in Sabine Pass say that they survived Rita, but they may not survive the illegals hired to repair the area.

Jason Pitts writes about these fears. In the morning hundreds of vehicles loaded with illegals make their way into my town of Sabine Pass. The traffic problems caused by the illegals are terrible. These drivers have no regard for traffic laws. They pass on the top of bridges, and they speed like they are in a NASCAR race.

To add to the insult, free washers and dryers were brought in for Sabine Pass citizens who lost everything. Soon, illegals were dropping off their clothes and their wives so they could get clothes cleaned for free.

My family and neighbors lost everything they own. There is no way to purchase food or fuel in my hometown. Immigration officials will not send anyone to Sabine Pass to perform immigration checks, because they have been mandated not to do so. This is not acceptable.

Madam Speaker, Jason Pitts is right. Seal our borders, crack down on employers hiring illegals, or risk losing the quality of life of our own citizens.

And that's just the way it is.

SIGNS OF WAR PREPARATION

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Madam Speaker, all the signs of preparation for war against Iran are there for anyone who can see. Covert action, the Strategic Air Command, the selection of 1,500 targets, and a plan for a naval blockade, a faked or hyped intelligence report on the degree of uranium enrichment and the manipulation of the media.

It is Iraq all over again, but instead of a Nation of 25 million, Iran is a Nation of 70 million sitting right next to Iraq, where 130,000 U.S. troops are in danger simply because of the war planning.

Today, while our government borrows money from China, Japan and Korea to pay for a war in Iraq that could cost up to $3 trillion, the administration is preparing to spend more money for a war against Iran. This Congress must not permit this administration to open up another war without permission, without oversight, without justification, without the financial resources, without the human resources, without a shred of common sense or realism.

Bombs are no substitute for diplomacy. You can bomb the world to pieces, but you can't bomb the world to peace.

COMMENDING 125TH ANNIVERSARY OF NORWOOD, NORTH CAROLINA IN STANLY COUNTY

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Madam Speaker, today I want to recognize the town of Norwood, North Carolina, for its 125th anniversary. Norwood has a rich and vibrant history as the area's earliest settlers arrived in the 1750s, and the town officially was incorporated in 1881.

In the beginning, Norwood was a town thriving on agriculture and newly established railroad lines. Local entrepreneur Troy J.W. McKenzie relocated his business to Norwood and commented that the town will very soon, unless indications are false, become an important trade center.

McKenzie was correct. In the 21st century, Norwood is the home of many local and international manufacturing companies, and this business-friendly environment has the potential for continued economic growth. Today I say congratulations to the town of Norwood for 125 years, many exciting years to come.

FEDERAL CONTRACTS AND SUDAN

(Ms. LEE asked and was given permission to address the House for 1 minute.)

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Ms. LEE. Madam Speaker, more than $600 million of Federal contracts has gone to companies whose business in Sudan may directly or indirectly support the Sudanese Government's campaign of genocide in Darfur. No one should have to worry that their tax dollars are supporting genocide, and that is why I am introducing the Darfur Accountability and Divestment Act of 2006.

This bill is designed to wash the blood off of our Federal contracts and increase the financial pressure on Khartoum to end the genocide in Darfur. It also protects the rights of States to divest their own public pension funds from companies doing business in Sudan, because some in the other body insist on stripping that language out of the Darfur Peace and Accountability Act.

Divestment played a critical role in ending apartheid in South Africa, and it is unconscionable that anyone in Congress would try to prevent people from washing the blood from their pensions and doing their part to end this genocide. We have a moral responsibility to use every tool at our disposal to end this genocide.

I call on my colleagues to cosponsor my bill and support the growing national divestment movement.

PROTECT OUR BORDERS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, it has been more than 5 years since the terrorist attacks on September 11. In looking back, we have made great progress in uprooting the terrorists from their havens and liberating millions of people. We also have provided our law enforcement and intelligence agencies with new tools to combat these threats. Yet there is so much more to do. We are at war with terrorists, and we must protect our borders.

If we cannot control our borders, how can we prevent those who would murder us from entering our Nation? Millions attempt to enter our Nation illegally every year. Many are apprehended.

I commend our Border Patrol for their fine work under difficult situations; however, millions have crossed the border successfully in the past 5 years, and we do not know how many terrorists there are. Our borders are another battleground in the war on terror.

HOLD ON FDA COMMISSIONER OVER RU–486

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, I rise today to comment on Senator JIM DEMINT's decision to put a hold on Andrew van Eschenbach's nomination to head the FDA. This has to do with a drug, an abortifacient called RU–486. This drug has been linked to eight deaths, nine life-threatening incidents and more than 200 hospitalizations.

The FDA is charged with safeguarding public health, so it only makes sense that the FDA Commissioner would support suspension of the drug, RU–486, until a full investigation can be completed on its effect on women's health. Nine other drugs have been suspended in the past 8 years that didn't cause a single death, yet this known health threat remains on the market as we speak. Madam Speaker, this is nothing less than irresponsible, and it is time the FDA exerted some leadership on the issue.

Senator DEMINT has acted in the interest of women's health and common sense. I thank him for his leadership.

CONGRESS IS ACTING ON ILLEGAL IMMIGRATION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, faced with two conflicting bills regarding illegal aliens, the House-passed border security bill and the Reid-Kennedy amnesty plan, House Republicans left Washington in August tasked with answering one question: How did the American people want us to handle this issue? After holding multiple field hearings and town hall meetings across America, we are back in Washington, and the American people expect us to act, and that is just what we are doing.

We began by passing the Secure Fence Act last week, and today we will consider three more bills vital to securing our borders and restricting the flow of illegal aliens into our country. It is time to curtail the invasion of illegal aliens, and we must begin at our borders. House Republicans are keeping up our end of the bargain. Now it is time for the Senate to follow suit.

In conclusion, God bless our troops, and we will never forget September 11.

APPOINTMENT OF MEMBER TO HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 501(b), and the order of the House of December 18, 2005, the Chair announces the Speaker's appointment of the following Member of the House to the House Commission on Congressional Mailing Standards:

Mr. EHLERS, Michigan, Chairman.

PROVIDING FOR CONSIDERATION OF H.R. 4830, BORDER TUNNEL PREVENTION ACT OF 2006; FOR CONSIDERATION OF H.R. 6094, COMMUNITY PROTECTION ACT OF 2006; AND FOR CONSIDERATION OF H.R. 6095, IMMIGRATION LAW ENFORCEMENT ACT OF 2006

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1018 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1018

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4830) to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one's land) the construction or use of a tunnel or subterranean passageway between the United States and another country. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

SEC. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 6094) to restore the Secretary of Homeland Security's authority to detain dangerous aliens, to ensure the removal of deportable criminal aliens, and combat alien gang crime. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

SEC. 3. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 6095) to affirm the inherent authority of State and local law enforcement to assist in the enforcement of immigration laws, to provide for effective prosecution of alien smugglers, and to reform immigration litigation procedures. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

□ 1015

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, H. Res. 1018 provides for consideration of H.R. 4830 under a closed rule. It allows 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, it waives all points of order against consideration of the bill, and provides one motion to recommit H.R. 4830.

In addition, the rule provides for consideration of H.R. 6094 under a closed rule. It allows 1 hour of debate in the House, again equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, it waives all points of order against consideration of the bill, and provides one motion to recommit H.R. 6094.

Finally, Madam Speaker, the rule also provides for consideration of H.R. 6095 under a closed rule. It allows 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, waives all points of order against consideration of the bill, and provides one motion to recommit H.R. 6095.

Madam Speaker, last December the House of Representatives debated and passed H.R. 4437, the Border Protection Antiterrorism and Illegal Immigration Control Act with a 57-vote margin. However, despite phone calls and letters from constituents, our hard work in December met difficulty because some of our colleagues in the other body opted to support an amnesty program that simply cannot be substituted for border security.

The need for immigration reform is critical and long overdue. I remind my colleagues that we need to secure our borders before we consider any other immigration proposal, of which amnesty should never be a part.

Just about every congressional district in this country is affected by illegal immigration, not just border States. Securing our borders is not a Democratic versus Republican issue, and it is not about the election in 7 weeks. It is an issue of protecting our Nation and restoring integrity to our system of immigration.

If immigration were a Republican issue, 64 Democrats would not have voted last week for the Secure Fence Act. Indeed, we are a Nation of immigrants, but we are also a Nation of laws based on the principles found in the United States Constitution.

In 1986, President Reagan pushed for reforms to address the problem of illegal immigration. In 1996, the 104th Congress pushed for more reforms. And now, 10 years later, this Congress once again has an opportunity to debate how to best secure our borders and remove incentives for illegal immigration by enacting these meaningful changes.

Today this Congress continues an ongoing and difficult debate, and I want to thank Chairman SENSENBRENNER and Chairman DREIER for the bills being considered under this rule, H.R. 6094, the Community Protection Act of 2006, H.R. 6095, the Immigration Law Enforcement Act of 2006, finally H.R. 4830, the Border Tunnel Prevention Act of 2006.

Together, these three bills, along with the Secure Fence Act we passed last week, reaffirm some of the highlights from the House-passed legislation in December, almost a year ago.

By addressing these issues separately, we have a better chance of achieving at least some degree of immigration reform in 2006. Procrastinating or ignoring this problem will simply not make it go away. Every day we put off debating and passing immigration reform creates more and more opportunities for illegal immigrants to break our laws and violate our borders. Each and every one of these offenses has social, economic and, indeed, security repercussions.

For instance, according to the United States Census Bureau release last month, there are an estimated 795,419 illegal immigrants who live in my home State of Georgia, almost double the same estimate from 2 years ago.

During the August district work period, I had an opportunity to visit some of the more porous areas on our southern border with my colleague Mr. SODREL from Indiana and Mr. PRICE from Georgia. After meeting with Border Patrol and Immigration and Custom Enforcement agents, inspecting the infrastructure, checking out places for improvement, the most important lesson that we learned was that with the right tools and with the right manpower, securing our border can be a reality, and it is not a lost cause, as some would suggest.

The morale of these dedicated men and women who are protecting our southern border is at an all-time high, because, as they said to us, Congress is finally paying attention.

Some of the improvements needed include more Border Patrol agents, more fencing and uniform penalties for smugglers, it is unbelievable that we don't already have that, and removing the question of jurisdiction for local law enforcement, an issue that my colleague from Georgia, Dr. Norwood, in his CLEAR Act has just emphasized over and over again and, thank goodness, was part of our original bill in December. We also need more on-site immigration judges, we are woefully inadequate in that manpower, border tunnel detection and criminal detention and removal.

The three bills we are considering under this bill address many of the problems that Customs and Border Patrol and ICE agents brought to our attention during that August trip to the three sectors of our border with Mexico.

The Community Protection Act of 2006 includes language from the Dangerous Alien Detention Act, the Criminal Alien Removal Act, and the Alien Gang Removal Act.

One of the most eye-opening moments on my tour of the border was seeing the transport of prisoners at an airport in El Paso, Texas. An airplane landed with prisoners for Mexico and so-called OTMs, other countries south of the border. These individuals were not being held and deported just simply because they had illegally crossed the border seeking jobs. No, these individuals were being sent back to their home countries after serving out sentences in this country for rape, murder, child molestation, and grand larceny.

The scenario addressed in H.R. 6094 would involve detaining individuals with similar offenses and also, also, Madam Speaker, in cases of highly contagious diseases and mental illnesses, detaining them longer than current law allows, a 6-month limit which begins when they are ordered removed. This legislation would make sure that these criminals are not released back into our society because of that 6-month rule to cause serious safety problems in our local communities.

Also included in H.R. 6095 is the Alien Gang Removal Act to deport alien gang members such as MS–13 and prevent them from being protected under this out-dated asylum law that we are burdened with. It is important to stop these gang members from entering and staying in the United States so that we can make progress toward not only deterring violent crime, but also the spread of the methamphetamine plague.

The Immigration Law Enforcement Act of 2006 would reaffirm, indeed, codify, the authority of local law enforcement officers to have jurisdiction in Federal immigration laws, CHARLIE NORWOOD's CLEAR Act. Many officers want to enforce immigration law, but they fear repercussions at the Federal level. This language would allow local officers to assist Immigration and Custom Enforcement agents apprehending and removing illegal aliens from our cities and local communities, in essence, Madam Speaker, to deputize them and codify it.

Also included in H.R. 6095 is language to end this catch-and-release system that I mentioned earlier and expedite the process of removal of illegal immigrants. The legislation includes the Alien Smuggler Prosecution Act to create uniform guidelines, let me repeat, to create uniform guidelines for the prosecution of smuggling offenses.

On our trip to the southern border, we had a night tour at the Arizona sector. In our group, Congressman SODREL, the gentleman from Indiana, Congressman PRICE from Georgia and myself, we watched agents catch an individual trying to bring close to 400 pounds of marijuana into this country. The reason why, we were told by Customs and Border Patrol agents, that he chose 400 pounds was because in that particular area, in that particular county, there would be no prosecution for anything less than 500 pounds. So he was playing it safe, gaming the system, if you will. While some areas prosecute for 5 pounds, others will not budge for anything under 500. So we are addressing this problem of smuggling. We need uniform and stringent guidelines to prevent these smugglers from overwhelming certain areas of the border; and as I said, they are attempting to use this loophole to game the system. That has got to stop, Madam Speaker.

Finally, Border Tunnel Prevention Act, the Border Tunnel Prevention Act of 2006 introduced by Chairman DREIER to address the problem of these border tunnels. H.R. 4830 would increase penalties for border tunnel construction, with up to 20 years' imprisonment.

One of the agents I met in Nogales, Arizona, mentioned that they really need more tools to combat border tunnel construction, tougher penalties and a means to detect tunnels before their completion. Often organized crime on both sides of the United States-Mexican border will invest substantial resources into the construction of tunnels for drug smuggling and human trafficking. The tunnels, if we find them, they are filled with cement as soon as they are detected, but we don't know how many pounds of drugs or the number of illegal immigrants have made it through the tunnel before it was closed for business. Despite the aggressive nature of our Border Patrol, it is still difficult for them to detect tunnels and discourage their construction. H.R. 4830 takes the first step by increasing the penalties for that construction.

Madam Speaker, once again, I reiterate that border security is eminently doable. Our Immigration and Customs Enforcement and Border Patrol agents are making progress, but they still need help. They know that border security is possible, and they work long hours trying to achieve that goal.

Our Border Patrol has not given up on us, and it is important for Congress not to give up on them. The three bills we are considering today will help them tremendously.

So I encourage all my colleagues on both sides of the aisle, please support this rule and support the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank the gentleman from Georgia (Mr. GINGREY) for yielding me the customary 30 minutes.

Madam Speaker, immigration and border security are not new issues. These issues have been around for a while. They are serious issues, but they have been issues that have been ignored by this Republican leadership and this Republican Congress for years.

Notwithstanding the fact that President Bush has challenged us to come up with comprehensive immigration reform, which also includes tight border security, and notwithstanding the fact that this Congress passed what I believe is an objectionable immigration reform bill and the Senate has passed a more acceptable immigration reform bill and we are supposed to go to conference and work out the differences and produce a comprehensive immigration reform bill, as the President has requested, the leaders of this House have chosen to do nothing, not a thing.

So while many of us may disagree on some of the issues, this is a high priority for all Members of Congress. But some of us are questioning, why not do what we are supposed to do? Why not go to conference and work out the differences and come out with a comprehensive immigration reform bill that deals with border security and that deals with the issue that a lot of people are concerned about, what do you do with the 12 million people here in the United States who are undocumented?

□ 1030

Madam Speaker, the rule before us and the bills that will be considered if this rule is adopted is not about border security and immigration. That is not what we are doing here today. For those who are watching, this is not about real legislative progress. No, Madam Speaker, this rule and these bills are about politics. It is about a press release and trying to convince the voters that we in this Congress are actually doing something when, in fact, we are doing nothing.

Now, before my friends on the other side of the aisle roll their eyes and say, there he goes again, let me urge them to look at the calendar. The Republican leadership cancelled votes for tomorrow and plans to adjourn for the elections next Friday, September 29. The Senate is following a similar schedule. That gives us 1 week to consider these bills in both Chambers, pass and reconcile them before next Friday.

Now, it is not impossible, but the truth is there are competing comprehensive immigration and border security bills that have been passed by the House and Senate, as I have mentioned. The House passed its bill on December 16, 2005, and the Senate passed its version on May 25, 2006, but again, this House has refused to go to conference. It is puzzling because the Republicans, Madam Speaker, control the White House, the Republicans control the House of Representatives, and the Republicans control the Senate. One would think that since the Republicans control everything, they can get along with each other and actually move important legislation forward.

Madam Speaker, what we see on the issue of immigration reform and border security, quite frankly, is a failure of leadership. You have a dismal record on protecting our borders, a dismal record on dealing with illegal immigration. This is a failure of being able to legislate, to be able to do your job.

Instead, we are here again with another set of immigration and border security bills. Let us be honest with the American public. This is not a serious effort to legislate. No, Madam Speaker, this is about election politics. This is about the Republican leadership in the House trying to appeal to the cheap seats and gain some political points 1 week before we adjourn for the November election.

The gentleman from Georgia mentioned with great pride this legislative accomplishment that we passed last week, the border fence security bill which the Senate is now dealing with. It is important to point out to the American people that while it sounds nice, there is no money in it. There is no money to provide for the construction of such a fence. The chairman of the Homeland Security Committee before the Rules Committee last week could not even tell me how much it was going to cost, but we know it is going to be hundreds of millions of dollars, if not billions of dollars. So we pass a bill saying we want to do this, but no money. Guess what? Without the money, you cannot build it.

So what are we really doing here? Are we protecting the borders, or are we trying to put on a show for the American people before elections that somehow we are doing something meaningful when, in fact, we are not? We are wasting time.

The American people want comprehensive, compassionate immigration reform, and they want strict border security plans, not partisan legislation and not just a show to imply that somehow we are doing something when, in fact, we are not.

Madam Speaker, for 5 years the Republican-controlled House, Senate and White House have failed to move forward on comprehensive immigration and border security. Done nothing. We have a crisis today. It is a serious crisis in border security because Republican infighting has crippled anyone's ability to enact comprehensive reform.

Madam Speaker, with 1 week left before we adjourn, we should be considering meaningful legislation that will actually affect people's lives today. Where is a clean bill increasing the minimum wage? The Federal minimum wage is at $5.15 an hour. It has been that way for 9 years. I mean, how can you live on $5.15 an hour? We need to pass an increase in the minimum wage, not a minimum wage increase tied to a tax break for millionaires, but let us all agree that $5.15 an hour is not enough for somebody to live. They cannot get out of poverty on $5.15 an hour. Why can we not pass a clean minimum wage bill today? That would be something meaningful. That would impact people's lives today. We had time this year to vote ourselves a pay raise here in the Congress. Do you not think we could take a few minutes and pass a pay raise for those workers who are earning $5.15 an hour?

Where is legislation implementing the rest of the 9/11 Commission's recommendations? The gentleman talks about homeland security and the need to protect our border security. The nonpartisan 9/11 Commission has given this Congress Ds and Fs on implementing homeland security legislation. We should be ashamed of ourselves. We should be ashamed of ourselves that we have not enacted all of those recommendations. We need to do that. We could do that today. We should stay in session to tomorrow and do it.

Where is the Labor-HHS appropriation bill? Where are some of the other important pieces of legislation?

Madam Speaker, the truth is that this Republican leadership has proven that they are incapable of running the House of Representatives. Their priorities just do not mesh with those of the American people. Bringing divisive bills to the floor to be used as political ammunition in the upcoming elections is not leadership, but time and time again it is how the Republican leadership in the House operates. Instead of doing what is right for the American people, they continue to do what they think is necessary to be reelected.

Madam Speaker, the American people are sick and tired of business as usual. It is time for a change in leadership in this House. It is time for a new direction.

One other thing, Madam Speaker, this is a closed rule. It is a closed rule, which means you cannot amend it. You have to take it as is. No amendments are in order, not one. If these issues are so important, why can Members not have the opportunity to deliberate and to legislate, to be able to offer amendments? Why can we not amend these bills? Why does this have to be brought up under a closed process?

This is one rule we are debating on which is a closed rule, but really it is three closed rules because there are three separate bills we are going to be taking up and all of them under a closed process; you cannot amend them.

Now, it is not surprising that it is being brought to the House in this manner because democracy is dead in the House of Representatives. This place is run poorly and cynically. It has lost the trust of the American people. Every public opinion poll out there shows that we are held in the lowest esteem possible. People have had it. They know the way this place operates. They want this to be the people's House, not the House where a few special interests get to call the shots.

Madam Speaker, over the last several years, the Democrats have tried to offer amendments to various bills to improve our border security. Over the last 5 years, if these amendments were adopted, there would be 6,600 more Border Patrol agents, 14,000 more detention beds and 2,700 more immigration and enforcement agents along the border that now exists. That would be a positive thing if those things were adopted, but each and every time they have been objected to by the Republican majority in this House. They have been against increasing Border Patrol agents, against increasing detention beds, against more immigration enforcement agents along our border that now exists. Instead, we get a fence bill that is not paid for. Instead, we get these bills that are before us today that in all likelihood are going nowhere before we adjourn for Congress.

This is not the way we should run the House of Representatives. This is not the way to deal with border security issues and immigration reform. This is cynical what is going on here today. This is a rifleshot approach to a problem that needs a comprehensive approach.

We need to do so much better. So I am asking my colleagues to defeat this rule.

Madam Speaker, I reserve the balance of my time.

Mr. GINGREY. Madam Speaker, I yield to myself such time as I may consume to respond to a couple of the comments that my good friend made in regard to the point of the Senate-passed bill that is more acceptable, the so-called comprehensive reform bill.

Well, I will tell you, my colleague said that would be more acceptable. That comprehensive reform bill, by the way, is just a euphemism for amnesty, and 90 percent of my constituents would beg to differ with him, and I think that is true across this country.

He also made the point about this Congress not doing its work and taking off tomorrow. Well, he knows and all of us know that the reason we are not going to be in session tomorrow is because the leadership of both the Democratic Party and the Republican Party, in deference to the fact that tomorrow is a high Jewish holiday, that we not be in so that people could worship and observe these holidays.

So it is disingenuous these things that my good friend and colleague is mentioning.

The other thing about going to conference with the Senate. Well, he knows that in the Senate bill there is a revenue provision which makes their bill unconstitutional. If they want to remove that provision and then send that bill back over, we can go to conference. So it is just a game that they are playing.

My colleague also, and he is perfectly within his rights to do this, he talks about some issues that are more important to him and maybe to his party and his leadership and brings up the issue of the minimum wage and a stand-alone minimum wage bill. Madam Speaker, if we solve this problem of porous borders and prevent these millions of illegal immigrants from flooding into this country, taking jobs away from American citizens and legal immigrants and, in the process, driving down wages, if we can stop that hemorrhaging, then we will not need to increase the minimum wage because it will be increased automatically by employers.

So he wants to take a rifle approach and say we are taking a shotgun approach. We are going to get the job done, and we are going to solve many of these problems with this bill.

Madam Speaker, I proudly yield 2½ minutes to the gentleman from Colorado (Mr. TANCREDO), my good friend who knows of what he speaks in regard to immigration and secure borders.

Mr. TANCREDO. Madam Speaker, I thank the gentleman for yielding.

We have used a lot of analogies here to describe what is happening, and, of course, I have one, too, and that is that we are looking at a patient that is the United States of America, and we are hemorrhaging at our borders. When that occurs, you first do something to stop the hemorrhaging. You may want to think about how you may treat the patient subsequent to that, but you stop the hemorrhaging, and this is what we are trying to do on the border. That is the first way of addressing this horrible problem that we have got.

It is important for us to do this and important for us to keep reminding the American people that there are things that can be done, that should be done by the Federal Government in order to try and protect them and do what we should be doing to live up to our responsibilities under the Constitution.

One of the bills today is of particular interest to me. It is the State and Local Law Enforcement Cooperation Act, and it talks about what we need to do and the authority of the State and local law enforcement to voluntarily investigate, identify, apprehend, arrest, detain, and transfer to Federal custody aliens in the U.S. in order to assist in the enforcement of the immigration laws.

Let me tell you how important this. Just yesterday it was reported in Colorado, another event of one of hundreds that are around the country of a similar nature, where someone who was in the country illegally comes in contact with the local police. In this case, he was driving a car that had a warrant out for it across the country. He was driving without a license. He was driving with a forged identifier, something that was observable to the policeman, who said he saw that the picture had been cut out. That happened in early April. He was taken in and let go. No contact was made with ICE whatsoever.

Just a few days ago he dragged another person, we are not even sure who this other person is because there is not much left of the body, but dragged her behind a truck until she was dismembered.

Now, if the everybody had done their job there, including the Federal Government, and the job had been done at the local level, this gentleman would have been off of the streets. If it was done at the Federal level, he would have never gotten into the country. If the local police had been able to do their job, except for their sanctuary city provisions that stop them, he would have been off the streets in April and would not have been able to commit this horrible crime.

But all these things are happening. They happen on a daily basis. We need to engage the local communities in this effort to help us, and the Federal Government must take on the responsibility here to secure our borders. It is our true and one single responsibility.

I thank the gentleman for yielding the time.

Mr. McGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me again point out to everybody in this Chamber that the Republicans have controlled this place for a long time, and for the last 5 years, they have even controlled the White House. It is puzzling to me why they are all lamenting that we need to get things done when they have been in charge. Why can they not work with each other? Why can you not get things done?

The gentleman from Georgia talked about this comprehensive immigration bill. The one in the House he voted for. The one in the Senate he may not like. When the Senate passes a bill, and the House passes a bill, in this case Republican control both Houses, you get together, work out the differences and come up with a compromise.

□ 1045

You know, we should have a conferees meeting and work out that compromise and do what you are supposed to do, your job. This is not a radical or controversial idea. Let's work it out; let's do it right.

And he has yet to explain why all this has to be brought up under a closed process. Why can't we open this to amendments? We proposed last night in the Rules Committee, the Democrats, that this be an open rule, that Members be able to come down and amend this as they see fit. And that was voted down along party lines: all the Democrats voted for an open process, the Republicans as usual stuck together and voted to shut this process down. That is objectionable. This is so important, we should be able to, it should be open to amendments to any Member.

You know, again, I would say to the gentleman from Georgia, Democrats, if you would follow our lead and you had adopted the amendments that we proposed over the last 5 years, there would be 6,600 more Border Patrol agents, there would be 14,000 more detention beds, and 2,700 more immigration enforcement agents along our border than now exist. That, to me, would have been a positive accomplishment. But you rejected all that time and time again.

So I object to the manner in which you are bringing these bills up. This is all about politics. This is about trying to imply that you are doing something when you are not. And I object, once again, to a closed process. We need a little democracy in the House of Representatives. This should be an open process: it should be open to amendments.

I reserve the balance of my time.

Mr. GINGREY. Madam Speaker, at this time I want to proudly yield as much time as he may consume to the distinguished chairman of the Rules Committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. Madam Speaker, I first want to extend my congratulations to my Rules Committee colleague, Dr. GINGREY, and thank him for his fine work on this rule as he does such a great job on so many other measures that we bring forward from the Rules Committee.

You know, this issue of working together which my friend from Massachusetts has just talked about is something I am very proud of. Included in this measure is a package that was first brought to my attention by my Democratic colleague from California who serves in the other body, DIANNE FEINSTEIN, and she raised concern about the issue of tunnels going between Canada and the United States and Mexico and the United States. And she and I spoke about this, and we said let's see if there would be a way in which we could put into place a commonsense reform.

She was shocked, my Democratic Senator, DIANNE FEINSTEIN, as I was shocked, when we found that it is not a crime to bore a tunnel from Mexico into the United States or to bore a tunnel from Canada into the United States. It is not a crime to use property in the United States for the tunnel to come out and for drugs, human trafficking, other contraband to come through.

So we sat down, we joined with our colleagues DUNCAN HUNTER from San Diego, I know that J.D. HAYWORTH is strongly in support of this effort: and one of the items that we have here is something that I think again is a commonsense reform. Anyone can come to the conclusion that the idea of boring a tunnel between our two countries is just plain wrong. And so I believe that we have done the right thing. We have recognized that border security is national security. And while there is no evidence whatsoever of a Mexican terrorist, the threat of someone utilizing one of those tunnels to pose a terrorist threat to the United States is still there, and I believe that we need to do everything that we can to make sure that we secure it.

Madam Speaker, since September 11 of 2001, 38 tunnels have been discovered between the United States and Mexico and Canada and Mexico. Frankly, 37 of them between Mexico and the United States, one from Canada into the United States. And just this past weekend a tunnel was discovered from Mexicali to Calexico, in my State of California.

We have a problem. It needs to be addressed, and it is being addressed in a bipartisan way: Democrats and Republicans in the House working together, Democrats and Republicans in the Senate working together to try and step up to the plate and deal with this issue.

It is a very clear measure that we have, and I am very proud again to have such strong support for it. We criminalize the utilization of property, and we criminalize those who would bore under the border and come into the United States. And what we also do is we double the penalties for the areas where there already is criminalization. If the drugs are brought by way of a tunnel, we double the penalty, because it is outrageous that this kind of thing is being used.

We have a wide range of things that we have done. I heard my friend talk about the fact that we haven't been able to do a lot of things. The Senate just yesterday had a vote on cloture on bringing up the issue of building these strategic fences. Now, I don't believe that we can fence the entire border. I think that we have got 21st-century technology that can be utilized, with motion detectors, unmanned aerial vehicles, other things that can be used. But in heavy urban areas and in the five areas where we see a large problem with human and drug trafficking, building a fence is the right thing to do.

And I regularly heard my friends in the Rules Committee say, oh, the Senate is never going to bring this up. We passed it last week, and part of the criticism of it was the Senate wasn't going to bring it up. The Senate has brought it up, and they are going to pass it. And so what we have done is we have found areas of agreement.

It is true there are aspects of the immigration debate that have great disagreement. But when we can find areas of agreement like securing our border and we in the House of Representatives can provide leadership to do that, it is something that needs to be done. Why? Because the American people are expecting us to do this. It is our responsibility; it is the Federal Government's responsibility to secure our borders.

Madam Speaker, I am proud of all three pieces of legislation that we have here. I am proud of the other things that we have done to make sure that we do secure our borders. It is our job to do it, and I am very happy that we are stepping up to the plate and doing that.

I thank my friend for yielding.

Mr. McGOVERN. Madam Speaker, first let me say to my colleague, the chairman of the Rules Committee, that I am glad he can point to an instance where he has worked with a Democrat. My question remains, why can't Republicans work with Republicans? The comprehensive Senate immigration bill has a fence provision in it. And if the Senate and the House can go to conference and start working out these differences, he could get his fence and we could also get a lot of other issues solved as well.

Mr. DREIER. Madam Speaker, will the gentleman yield?

Mr. McGOVERN. I yield to the gentleman from California.

Mr. DREIER. Madam Speaker, I would simply say to the gentleman that I very much want us to be able to complete and address a wide range of issues. The fact that we are able to come together now in a bipartisan way and address these areas of agreement is something I think that can be celebrated, because Republicans are working with Republicans, but Republicans are also working with Democrats who are like-minded to try and deal with some of these very important security issues. I thank my friend for yielding.

Mr. McGOVERN. Again, it is frustrating that when the President of the United States is urging us to approach this issue in a comprehensive way, that the Republican leadership of this House can't get together with the Republican leadership of the Senate and address a whole range of issues.

I think it is also important to point out so that there is no misunderstanding for those who may be observing these proceedings that, even if the Senate passes the so-called fence bill, they should be under no illusion that all of a sudden a fence is going to be built along the southern border of this country. The fact of the matter is there is no money for it. This is an authorization, not an appropriation; and nobody has been able to identify where the money is going to come from.

The other thing is, again, I go back to what I said before. We need more border security agents on the border right now. We need more detention beds. We need more immigration enforcement agents along the border. We have tried, we have tried over and over and over again to get the majority to allow us just the right to offer amendments to be able to address some of these issues and have been rejected over and over and over again.

So I would simply restate what I said in the very beginning, and that is that what is going on here today is somewhat cynical, because I think the other side knows that at least with the three bills that we are talking about here today, the chances of them being enacted by the Senate are almost zero between now and a week from Friday; and we are not going to accomplish anything except a press release. And at the same time, we are not addressing the challenge that President Bush has put before us, which is comprehensive immigration reform.

Madam Speaker, I yield 6 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished member of the Rules Committee, and I thank him for highlighting some of the failures in our Achilles heel in this process.

Certainly as a member of the House Judiciary Committee and the ranking member on the Judiciary Committee on Immigration, none of these bills have come through the committee. There have been no hearings, no fact finding. Certainly the reason might be given by our colleagues on the other side of the aisle is because we have already passed this bill. This bill is a clone of the Sensenbrenner bill passed through the House and ready for conference.

I think it is important to note that even though my friends in the other body have come to cloture on the tunnel provision or the fence provision, let me make it very clear that Senator FRIST, the majority leader, has indicated that there is a heavy, heavy agenda for next week. When the Senate goes out at the end of the week, the question is whether or not this will be an item that will be addressed.

What really should have happened 2 months ago, 3 months ago when both bills had been passed, the Senate passed a bill, the House passed a bill, we could have gone to conference. Maybe my colleagues don't realize that there was fencing language in the Senate bill. That means when you go to conference, you can expand that language if that was the desire.

Now, I know many of my friends on the other side of the aisle will talk about the immigration hearings that they attended, and I would venture to say that at many of them I met them because I had the responsibility and privilege of attending at least one-third to one-half of them. And those hearings were redundant testimonies by people that had already been to Washington. They drove a wedge in whatever community we went to with protesters on both sides. There was a lot of maligning of innocent individuals who happened to be of Hispanic surname, suggesting in one hearing in California that all of the jailhouses were filled up with individuals from Mexico and other places, the mental facilities were filled up, the hospitals were filled up. It was an imbalance.

So we are simply asking that there be a comprehensive approach. And Democrats are not taking a back seat to border security, and that is why I am offering the previous question that indicates the hard work of Democrats, particularly as it relates to the idea of alien smuggling, and that we have offered amendments to enhance immigration enforcement resources. And as my good friend from Massachusetts has said, if our amendments had passed, we would have 14,000 more detention beds today, 2,700 more immigration agents along the borders.

I went to the borders. I saw our Customs and Border Protection agents working 7 days a week, 24 hours a day. And when they have to have what we call a secondary inspection, when you stop a car and then you say it doesn't look right, you must send them to the other building for a secondary inspection. Do you know that there is nobody there because we don't have enough staff. So it befuddles me when my Republican colleagues come forward with these three separate bills that are already in the bills we passed and we can just go to conference right now. And that is why we are offering this previous question so that we can ensure that you know on the record that out of this we will get 250 more immigration agents; detention officers by 250; U.S. marshal officers by 250; 25,000 more detention beds; and by 1,000 the number of investigators of fraudulent schemes and documents would increase.

□ 1100

None of this has happened. But on the other hand, we have three border bills that my friends on the other side of the aisle know for sure have poison pills. We are okay with the tunnel. Who wants to have our Nation exposed? But we want real border security, not forcing local jurisdictions to engage in civil enforcement.

Let me remind you of the Canadian citizen who was mislabeled as a terrorist and sent wrongly to Syria. This bill has provisions to detain people indefinitely who may be just children, mothers, fathers who have come across the border for economic reasons. Of course we want to regulate this process and make sure that we address comprehensively the immigration concern. We want to ask and answer the questions of Americans.

But Democrats have gone on the record year after year, these bills represent a series of poison pills that, if you read them, embedded in them is violations of the rule of law. The alien gang removal possibly will remove people who live in a house where a gang member is.

So we believe that you vet a bill so that the American people can have confidence in this process. And we have these bills already passed.

My friend is going to get up and show horrific pictures. I come from Texas. There is a drug war at the border, but I go down to the border. I have friends at the border. I interact with the sheriffs and the mayors. There is also trade and jobs at the border. So they want a comprehensive approach. They want the bad guys arrested, drug dealers and smugglers, which we can do. Nobody here is talking about the Drug Enforcement Agency. Nobody is telling you that the Colombia cartels that were raging in the 1990s have been somewhat stomped out, and they moved to Mexico. Mexicans don't want the drug violence going on. Texans don't want the drug violence going on.

But it is not an immigration issue. We need to secure the borders, but we don't want to mix apples and oranges. We want to get rid of the alien smugglers and the drug smugglers, but these poison pills, and these bills are not the way to comprehensive immigration reform. I ask my colleagues to defeat the rule so the previous question can go forward.

I rise in opposition to House Rule H. Res. 1018, which provides for a closed rule on the Border Tunnel Prevention Act, H.R. 4830; the Community Protection Act, H.R. 6094; and the Immigration Law Enforcement Act, H.R. 6095. We need an Open Rule for these immigration bills so that they may properly be considered debated.

The Bush Administration has been in office for 6 years, and the majority has controlled Congress for more than 10 years, but only now, in an election year, have we begun to examine how to address the critical need to fix our broken immigration security systems.

The House and Senate passed their bills on immigration reform and border security months ago. Under regular order, we should be appointing conferees and engaging the process of reconciling the two bills. However, in a substantial deviation from normal practice, the House Majority Leadership decided to launch a traveling road-show of committee hearings in States across the country. The American people saw through this charade and condemned the hearings as a waste of time and taxpayer money, when Congress should have been focused on resolving the immigration problem in conference.

Now that it is September, and the nationwide hearings are over, the House Leadership continues to skirt its duty to conference with the Senate, hiding behind procedural hold-ups and creating busy-work by bringing these same provisions that were passed in H.R. 4437 last December to the floor again, just before the election.

Consistently, the majority has sought great fanfare land publicity for their supposed border security initiatives. But consistently, they have refused to fund these promises and have failed to carry out the security measures for which they seek public acclaim. The problem is that immigration has become about talk and show, and winning elections.

The majority has done nothing to pass real, meaningful immigration reform that addresses all needs—including the 12 million undocumented already in our Nation, the needs for improved family reunification policies, and reforms to the non-functional workplace enforcement, in addition to the critically needed border security and enforcement enhancements.

We know that 5 years after 9–11, the Bush Administration still does not have any control over the borders. If the Bush Administration had properly secured the border, we would not be facing the security issue of millions of unknown people in our country.

If the Bush Administration had enforced the workplace laws, we wouldn't have more than 7 million undocumented aliens working in the United States.

If Congress had funded the 9–11 Commission's recommendations or conducted proper oversight, we would not be voting on these same enforcement provisions for the second or third time. We would be in conference, hammering out a compromise with the Senate as we were elected to do.

When we bring these bills to the floor, bills which we held no hearings on, which did not go through committee, we owe the American people a meaningful debate. We must have an Open Rule and an opportunity to debate our Amendments in the Nature of a Substitute to address the real needs of immigration and border security reform.

I urge you to vote against House Rule H. Res. 1018.

Mr. GINGREY. Madam Speaker, I would like to yield 3 minutes to the gentleman from California (Mr. ROYCE), who, in his capacity as chairman of the Subcommittee on International Terrorism and Nonproliferation, held hearings in August.

Mr. ROYCE. Madam Speaker, I rise in support of this rule.

We do have a philosophical disagreement over open borders. Some of us support fencing those borders. We do have a philosophical disagreement over a massive amnesty. Some of us believe that massive amnesty in 1986 made the situation worse. That is why we don't want to go forward with another amnesty of that type.

Let me say I did chair the hearings in San Diego and in Texas. I toured that southern border with local law enforcement and immigration officials. I heard their arguments in favor of putting up that border fence and their arguments about doing something about these tunnels. This was a tunnel that was six ballfields long. I went through this tunnel. Contraband was trafficked illegally over these cement floors, under electric lighting. The tunnel had water pumps, full ventilation, and a system of pulleys through it. There have been other tunnels discovered since. I don't believe in open borders. We are going to criminalize the action of putting up these tunnels.

We are also, with the Immigration Law Enforcement Act, we are going to allow local law enforcement, and there are 700,000 local law enforcement. Wouldn't it be nice to allow them to voluntarily assist the 2,000 ICE agents in this country so when we have a situation in the future like we had on 9/11 where four of those hijackers had been stopped by local police for speeding prior to the attacks, they can call into that hotline and, if there is suspicious activity, can look into the immigration status of those people who are here in this country illegally.

Let me also say that the Community Protection Act is coming up under this rule, and criminal gangs today like MS-13 are no longer just the neighborhood kids who may be up to no good, the kinds of gangs we remember from our youth, because we have transnational criminal gangs active around the country that now resemble organized crime syndicates. They have highly organized leadership and organizational models, and networks that stretch across this Nation. They operate across the border. They will bring, in the words of one sheriff, anything or anybody across that border for a price.

I don't believe post-9/11 that we can have an open borders policy. I think we have to fence the borders. I think we need these commonsense bills to pass without that massive amnesty that our friends would like to attach to it. I urge passage of this measure.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I think we need to be careful with words. Nobody is advocating amnesty. I don't think President Bush is advocating an amnesty. I don't think Senators HAGEL or MARTINEZ or MCCAIN are advocating amnesty.

What people want is action. What people are frustrated with is the fact that this Republican Congress has done nothing. We passed the comprehensive immigration reform bill in the House. They passed one in the Senate. We want to go to conference to work out the differences and come up with an approach that will work.

Instead, what have you done? You have gone around the country holding hearings at taxpayers' expense, and the reviews have been dismal. The headlines from the leading newspapers from across the country are "All Talk No Action on Immigration," and "Immigration Hearings Misfire." "Field Hearings a Waste of Time and Money." "Immigration Hearing Staged to Run Out the Clock" so we don't do anything meaningful. That is not what we want; we want real action.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I thank the gentleman for yielding me this time, and I urge a "no" vote on the previous question and on the rule.

Mr. Speaker, America needs comprehensive immigration reform. I think every American who is paying any attention agrees we need comprehensive immigration reform.

Everybody in this people's House, Democrats, Republicans, and even the Independent, understands that we need comprehensive immigration reform, and every Member of the other body, every Republican, every Democrat, and their Independent, understands that America needs comprehensive immigration reform.

Now every Member of this body, Republican and Democrat and Independent, every Member understands that in order to get a reform bill passed and signed by the President, that one has to have a single piece of legislation that is agreed to by both of the bodies.

So everyone knows that for immigration reform of a comprehensive form to become law, that that must pass both bodies in exactly the same form and be signed by the President or passed over with the President's veto.

Now, the process of doing that is not understood by everybody in this country, but in general form much of the country understands that. And I am not sure whether the majority party here believes that people in this country are not knowledgeable, ignorant of those processes, so much that they think that this kind of a sham that we are going through can be carried out.

The majority party in the House of Representatives is the Republican Party. The majority party in the other body is also the Republican Party. This process that we are engaged in today is a sham. It is meant to mislead people that something is actually being done about immigration before we go home for the elections in November, before we recess for those elections, when, in fact, nothing really is being accomplished.

In our people's House on the 16th of December last year, the Border Protection Antiterrorism and Illegal Immigration Act passed by 239–182, a margin much larger than is the margin by which the majority party holds the majority. So it was a bipartisan bill in part.

In the other body on the 25th day of May of this year, 4 months ago, their Comprehensive Immigration Reform Act was passed by a vote of 62–36, again by a margin much larger than the margin by which their majority party, also the Republican Party, passed the bill. It is again a comprehensive and bipartisan bill.

So this process where we have legislation where two of the bills are in large part within the legislation that is being put forward today, and also is part of the bill that passed back in December by this body, by this people's body, and the other one has been passed in a different form by the other body, all one has to do is go to conference. It would be possible to go to conference and work out the differences between those two pieces of legislation so a single bill could go to the President and be signed and provide what everyone in America, everyone in this body and everyone in the other body would call comprehensive immigration reform.

That is the way that this ought to be done. The process that we are involved in today is a sham, and we should defeat the previous question and defeat the rule and go to comprehensive immigration reform by going to conference and doing it the way it has to be done in order to have a law be passed in this country.

Mr. GINGREY. Mr. Speaker, I am proud to yield 1½ minutes to the gentleman from Arizona (Mr. HAYWORTH), a member of the Ways and Means Committee.

Mr. HAYWORTH. Mr. Speaker, my colleagues, I rise in strong support of the rule and the legislation. Let me start with this observation.

With all due respect to my colleague from Massachusetts, it is never a sham when we come to the people's House with legitimately different points of view to be articulated. That is the strength of our constitutional Republic.

And to my other friend from Massachusetts managing the rule for the other side, let me respectfully suggest that this is not a Republican problem or a Democratic problem, it is an American problem.

Now, with the preceding speaker, I take great exception to the notion that somehow this is a masquerade. I appreciate the delineation of process, and following that logic, let's make this point. What we do in process is prioritize.

I, for example, have a provision in the underlying legislation that deals with outlawing the tunnels, which is not a crime, believe it or not. This is a reasonable and necessary action. This is a reasonable and necessary action to be taken.

My friend from Texas got up and spoke about a bill that had passed through the Senate dealing with a fence. The problem was that in the final bill passed by the Senate, there was a provision to ask for the Mexican Government's permission to have such a fence. Clearly that doesn't sit well with the American people.

Although my friends lament taking the hearings to the people out of Washington, D.C., it is exactly what we should have done. We have heard from the people. Support the rule and the legislation. Let's make these tunnels illegal, let's strengthen the border, and we can do it for America, not for either political party.

Mr. McGOVERN. Mr. Speaker, I would just respond to the gentleman that I think he has conceded that this is a sham by virtue of the fact that it is being brought up under a closed rule, a closed process.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in strong support of the rule for H.R. 4830, the Border Tunnel Prevention Act. Our Nation's border security is essential to having effective homeland security. However, since September 11, 2001, foreigners have breached our borders with no less than 38 tunnels, and these are only the tunnels about which we know.

During July I was at a veterans' post in Florida in my district, and a gentleman had this shirt on. This, ladies and gentlemen, is what America wants. They want the borders closed. They want to make sure that people are not entering into our country illegally, either crossing the borders or via the tunnels.

We all know that coyotes use them to bring illegal aliens into the United States, bypassing our legal immigration system.

Listen up, America. Congress should not ignore these consistent breaches of our security.

□ 1115

And that is what the bill before us is all about. The bill before us will do just that. That is one reason why we absolutely need to pass this rule, because we need to make it a crime to build or finance an unauthorized tunnel into the United States.

I urge my colleagues to support the rule and the underlying bill.

Mr. McGOVERN. Mr. Speaker, I yield myself the balance of my time.

I hope that all Members will join me and vote "no" on the previous question so I can amend the rule and allow the House to consider an amendment by Representative JACKSON-Lee that would really take on the issue of border security rather than just pay it lip service. The proposal would amend H.R. 6095 to equip the Department of Homeland Security with the resources the 9/11 Commission says we need to secure our borders, to shut down the alien smuggling business, and to catch and hold illegal immigrants entering our country.

Mr. Speaker, I ask unanimous consent to print the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. WAMP). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Mr. Speaker, the Republican majority in this House continues to approach border security and immigration control in its usual ineffective and piecemeal approach, putting election-year politics ahead of real and responsible solutions. Republicans are big talkers when it comes to border security and immigration reform, but they have never been willing to put their money where their mouth is. The bills we will consider on the House floor today are more of the same. This debate and these bills are supposed to remind voters that Republicans are somehow tough on immigration, but instead they just remind all of us that Republicans have not been able to make any progress on the urgent issue of border security.

So I urge all Members of this body to vote "no" on the previous question so that we can bring up this amendment to actually do something about the problems on our Nation's borders instead of just talking about it.

The 9/11 Commission has given this Congress Ds and Fs when it comes to homeland security, and we have a particularly low grade when it comes to protecting our borders. Let us not only do the right thing. Let us do something that is real.

People are cynical. They are tired of politics as usual in this House. They are tired of these last-minute bills that come up before elections to somehow imply that we are doing something when we are not. We have a serious problem on our borders. We need serious action. This is not serious action.

I urge my colleagues to vote "no" on the previous question. If that vote does not prevail, vote "no" on a closed rule. If these issues are important, we should be able to amend these bills. We need a little democracy in this House. Let's get this right.

Mr. Speaker, I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing, I want to once again thank Chairman SENSENBRENNER, Chairman DREIER, and the House leadership for continuing the debate in favor of securing our borders. The pattern in recent years has been to address the issue of immigration and border security once a decade. In 1986 we had an immigration reform bill. In 1996 we had an immigration reform bill. But the results at best were mixed, and this year we have yet another opportunity to get it right. Ninety percent of the American people are demanding that we secure our borders and secure our borders now.

The legislation offered under this rule will help our current agents detain and apprehend criminals, not just those crossing in search of work, Mr. Speaker, but truly dangerous individuals as well. Security on our borders remains a crisis. Our agents on the border need our help. Our constituents are forcefully voicing their support for immigration reform, with an emphasis on border security.

And I ask my colleagues, please support this rule and the underlying bills so we can start to solve this problem and solve it now.

Mr. UDALL of Colorado. Mr. Speaker, it's often said legislating is like making sausage—stuffing various ingredients into one product. But sometimes it's more like slicing salami—cutting something into pieces, to be swallowed one at a time.

Today, the Republican leadership clearly has decided that sliced salami will be the blue plate special, and that there can be no changes or substitutions. They are saying they favor a piecemeal approach to immigration reform and are more interested in political posturing than in trying to enact legislation that will meet all the challenges involved in strengthening our borders, reducing illegal immigration, and addressing the status of illegal immigrants now in the United States.

So they have cut three pieces off the immigration bill the House passed last year, and are bringing them to the floor under this rule which prohibits us from even debating any amendments or offering any additions to the menu.

In other words, it's take it or leave it, and forget about trying to make any improvements—just like it was with last week's serving, the bill for 730 miles of high-price fencing along the border. I think that is wrong, and I cannot support that procedure.

However, I will vote for the three separate bills covered by this rule, because while I have some concerns about some of their provisions, on balance I think they would improve current law and policies.

That was why last year I voted for H.R. 4437, the Border Protection, Antierrorism, and Illegal Immigration Control Act of 2005, the overall bill from which today's bills have been sliced.

Among other ingredients, that bill also included provisions added by the amendment by our colleague from California, Mr. HUNTER. As I mentioned, those provisions were sliced off last week and served up as H.R. 6061, the so-called Secure Fence Act.

I am not opposed to the construction of fencing or other barriers along our borders, but I am not convinced Members of Congress should attempt to substitute our judgment about technical questions of engineering and law enforcement for the expertise of those responsible for border security.

I voted against the Hunter amendment, and against H.R. 6061, because Immigration and Customs Enforcement (ICE) authorities—those with the most experience in border security have not requested such a mandated expenditure, and in fact, have expressed a preference for different resources and tools to do their job. Moreover, I am skeptical that the kind of fence-building mandated by the Hunter amendment and H.R. 6061 is a cost-effective response to the problem of illegal entries into the United States.

According to the Department of Homeland Security, about 730 miles of new fencing would be required by H.R. 6061. They say that it costs about $4.4 million for a single layer of fencing per mile—but the bill calls for double-fencing, which costs more, and also for building all-weather roads in the middle. So, using a conservative estimate of $9 million a mile, it would cost nearly $6.6 billion to build the 730 mile fence called for in H.R. 6061.

I think it would be better from Congress to resist the temptation to micro-manage the Department of Homeland Security and instead to allow it the discretion to spend those billions of dollars on a variety of measures—fences in some places and other kinds of barriers in other places, plus other technology and increased border patrol manpower—that it decides, based on experience and expertise, will do the best job of securing the border.

And if those steps turned out to cost less than 730 miles of double fencing, the Department could put the rest of the money to good use.

For example, $2 billion would pay for the 35,000 detention beds called for the Intelligence Reform and Terrorism Prevention Act of 2004 (the 9/11 Act) that are need to implement the ending of the so-called catch and release of illegal aliens apprehended after they cross the border. It would take only $360 million to hire, train and equip 2,000 border patrol agents, while $400 million, 250 more port-of-entry inspectors and 25 percent more canine detection teams could be added to the field. Or for $400 million every U.S. port of entry could have a radiation portal monitor, so that all incoming cargo can be screened to detect nuclear or radiological material.

The three bills we will consider today are not perfect, but they are less problematical and I will vote for them.

H.R. 4830, the Border Tunnel Prevention Act would establish new criminal penalties for people involved with constructing illegal tunnels beneath our borders, including those who knowingly finance such actions, with particularly severe penalties for using such tunnels to smuggle illegal immigrants, drugs, weapons of mass destruction or other illegal goods into the United States. I strongly support this strengthening of current law.

H.R. 6094, called the Community Protection Act, like corresponding parts of the larger bill I supported last year, would allow for longer detentions of illegal aliens prior to deportation if they have refused to comply with deportation proceedings, pose a threat to community safety or public health, because they have a highly communicable disease, or if their release would threaten national security or have serious adverse consequences for American foreign policy. It includes provisions for periodic review of such detentions and affords these detained aliens an opportunity to seek reconsideration of their cases and to present evidence in support of their release. In addition, it would centralize judicial review of legal challenges to the detention of illegal immigrants—something that I think is of dubious value but not so bad as to outweigh the rest of the legislation.

Further, the bill would explicitly bar admission to the United States of members of criminal street gangs, allow the deportation of illegal aliens who belong to gangs convicted of threatening or attempting crimes, and requires that they be held in detention prior to deportation and makes criminal street gang members ineligible to receive asylum or temporary protected status. I strongly support these provisions, because criminal street gangs whose members include illegal aliens are a serious and growing problem in too many communities.

Finally—for today, at least—H.R. 6095, the Immigration Law Enforcement Act would establish new procedures to speed resolution of lawsuits brought against the Federal Government that are based on the implementation of immigration laws and require the Justice Department to hire more people to prosecute human smuggling cases.

It also includes language reaffirming the existing inherent authority of the States, their political subdivisions, such as counties or cities, and their law-enforce agencies to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens in the United States . . . for the purposes of assisting in the enforcement of the immigration laws of the United States in the course of carrying out routine duties. I find this acceptable because the bill says "Nothing in this section may be construed to require law enforcement personnel of a State or political subdivision of a State to—(1) report the identity of a victim of, or a witness to, a criminal offense to the Secretary of Homeland Security for immigration enforcement purposes; or (2) arrest such victim or witness for a violation the immigration laws of the United States."

In other words, this is not a mandate and will not interfere with the ability or any state or local government to decide whether and how it will undertake to respond to question of immigration law and policy, matters which are essentially the responsibility of the federal government.

Mr. Speaker, nobody should think that passing these bills today—something I support—will come close to completing the work that Congress needs to do regarding immigration.

This plateful of slices is not even the full salami the House passed last year—a bill that, by itself, dealt with only part of the full menu of issues that must be addressed.

I voted for that bill because I think improving border security is absolutely necessary. But I am convinced it is not sufficient.

It does not address the most difficult and challenging aspect of immigration reform, namely the question of how to deal humanely and effectively with the millions of illegal immigrants currently living and working in this country or the difficulties that their employers including many Colorado companies that have contacted me—during the transition to a changed labor market that may follow revisions in current immigration laws.

As we all know, the Senate has passed what its supporters—including President Bush—say is intended to be a comprehensive immigration reform measure. We should follow their lead.

Following the Senate's lead does not mean simply accepting their bill as it stands. I think that would be a mistake, because I think that bill has defects that must be remedied. Instead, it means recognizing the full dimensions of the problems that must be addressed and the need to address them without unnecessary delay. It means appointing House conferees and directing them to meet with their counterparts from the other body to resolve differences and shape a final, comprehensive bill that addresses those problems in a way that is in the best interests of our country and the American people.

If that effort succeeds—as I think it can and am convinced it must—the result not only will be better than any of the bills before us today, it will be better than either the bill we passed last year or the bill that the Senate passed earlier this year and in fact will deserve to be sent to the President for signing into law.

Mr. FARR. Mr. Speaker, how long will the Republican Majority continue to bring to this House Floor piecemeal legislation that purports to fix the immigration crisis in our country?

H.R. 4830, H.R. 6094 and H.R. 6095 are not real reform. In fact, these bills are largely a repacking of previously enacted bills dressed up to look like the Republicans are serious about immigration reform. Higher monetary and sentencing penalties, more enforcement and the usurping of du process are all tactics that have been tried throughout the years and have brought us to the situation we find ourselves today. The American people are being duped into thinking these three Republican bills will prevent illegal immigrants from entering our country. I cannot in good conscience vote for these three bills not because I don't want to stop illegal immigration but because they are hollow authorizations without any funding to implement them. What we should be voting on and what I would support is the implementation of the 9/11 Commission immigration recommendations which I have voted for seven times in Committee or on the Floor. Those seven votes would have authorized and funded thousands of new immigration agents and detention beds. Instead we are voting to impose a HUGE unfunded mandate in our local law enforcement by deputizing them to be first line immigration officers. If the leadership in the House and Senate want real immigration reform, they need to fully fund all the immigration agents, detention officers as called for by the 9/11 Commission report.

I do not support illegal immigration and believe that anyone who enters the US in violation of U.S. immigration laws should be penalized. But our country is in need of an immigration policy that accounts for the fears 9/11 instilled, in addition to the hope that immigrants bring to our nation.

Immigration reform should include family reunification, asylum and refugee admissions, and employment-based immigration. It must be compassionate and humanitarian and strike the delicate balance between American jobs, border safety and national security interests. H.R. 4830, H.R. 6094, and H.R. 6095 do none of this.

I urge a "no" vote on these bills.

Mr. VAN HOLLEN. Mr. Speaker, I stand to explain my votes on the immigration bills that this Congress considered today.

I applaud our decision to pass the Border Tunnel Prevention Act (H.R. 4830), which would make it illegal for any person to build or finance a cross-border tunnel and for any person to use such a tunnel to smuggle drugs, weapons, or undocumented immigrants. These tunnels have become remarkably sophisticated ways for lawbreakers to enter our country, and I strongly support this bill to ban their construction and use. This is, at least, a small step to better border patrol.

But though we took one small step forward today, it is not enough. Instead of working on real reform, we passed the so-called "Community Protection Act" (H.R. 6094). This bill is not about protecting our community; it is about election-year scare tactics and fearmongering.

We need to fight crime and we need to deport criminals. But we can already do that. This bill does not deal with people who are in our country illegally. We can already deport individuals who are here illegally. Nor does this bill relate to non-U.S. citizens who are legally in the United States but commit a crime. We can already deport gang members and any foreign national who is convicted of a crime ranging from murder to shoplifting. This bill gives the Executive Branch unprecedented powers to deport legal immigrants who have not committed any crime. It gives the Attorney General of the United States the unprecedented power to declare any group a gang. And it gives the Department of Homeland Security the power to deport any non-citizen who is legally residing in the United States if they declare, without any due process, that such an individual is a member of those groups. This means the Department of Homeland Security can deport a legal immigrant who has obeyed all of our laws. This violates our First Amendment right of association and our Fifth Amendment right to be treated as individuals and not as guilty by association.

This bill also has an expedited removal process that severely curtails due process and could lead to erroneous removal of people who should not have been deported. This includes U.S. citizens who cannot provide proof of citizenship in the seven-day window, or someone abused or eligible for asylum who cannot build their case in time.

We all want to stop gang violence. It is an insidious problem in my district and in the districts of many of my colleagues. But we already have laws to deport criminals. We need to stop wasting time passing laws we don't need to deport people who aren't committing crimes and start working on real solutions to solve gang violence.

Unfortunately, it seems this Congress consistently passes laws that allow us to avoid real reform. The misnamed "Immigration Law Enforcement Act" (H.R. 6095) also passed today, is one such example. This bill should be renamed the "Pass the Buck for Immigration Law Enforcement Act." While it claims to simply "reaffirm" the authority of states to enforce immigration law, it actually distracts local law enforcement from their most important job—safeguarding our communities—and forces them to do the job that this Congress has repeatedly failed to do. We should enact real border security and comprehensive immigration reform; instead, we are passing the buck to our local communities and, without direction or funding, making them carry out complicated immigration enforcement. Enforcement of our immigration laws is a federal responsibility. Let's not shirk that responsibility. Let's not pretend this is someone else's problem.

The Montgomery County and Prince George's County Police in my district are opposed to this legislation. They do not have the time or the resources to handle the increased workload that immigration enforcement brings. It is not their job. It is the job of the federal government. And we need to do our job. If we abdicate our responsibility on vital issues, we are failing the American people. Moreover, it is irresponsible to make local police forces handle immigration without giving them any additional resources or any training in immigration law. Our police are already overburdened. We cannot ask them to do our job, too.

I want to be clear—I believe that we should have tougher enforcement of our immigration laws. But we need to do it in a way that makes sense. And it does not make sense to pass the buck to local communities. This is another unfunded mandate from a Congress that repeatedly fails to seriously address the important issues.

So today this Congress has approved a bill that creates a law we don't need to punish those who don't break the law and a bill that passes the buck to local law enforcement. When is Congress going to do the work we were elected to do? When are we going to pass real immigration reform and real security instead of superficial band-aid bills? It's time to stop playing politics, and to start protecting our borders.

Mrs. MALONEY. Mr. Speaker, our Nation desperately needs comprehensive immigration reform, but the Republican majority is more interested in playing politics with this issue than working towards a true solution.

We need to make sure that we have control of our borders. That is why I support H.R. 4830, the Border Tunnel Prevention Act, and why I have previously supported other efforts to secure our border including the expansion of physical barriers and fencing in key areas.

H.R. 4830 supports the sound policy of amending the federal criminal code to prohibit the construction or financing of an unauthorized tunnel under our border and we are right to ensure strict penalties for anyone who does this.

However, if the Republican leadership was truly serious about securing our borders and preventing the entry of undocumented immigrants, they would fully fund the additional 10,000 border agents that we authorized when we passed the Intelligence Reform and Terrorism Prevention Act, Public Law 108–458, last year. The addition of these agents, which had broad bipartisan support, was a provision that would have a direct impact on securing both our Southern and Northern borders and had broad bipartisan support. However, when it comes time to fund these additional agents, Congress consistently comes up short.

There are two other provisions that we are considering that I do not support—H.R. 6094, the so-called Community Protection Act and H.R. 6095, the so-called Immigration Law Enforcement Act.

I oppose H.R. 6094, the so-called Community Protection Act, because it would overturn two Supreme Court decisions that currently prevent unlawful indefinite detention of noncitizens. If passed, it would permit the indefinite and perhaps permanent detention of noncitizens who cannot be deported due to no fault of their own.

The severe curtailment of Due Process in this provision will lead to erroneous removal of people who should not have been deported, such as U.S. citizens who could not quickly provide proof of their U.S. citizenship, or an abused spouse or child who could not quickly show their eligibility for relief under VAWA or someone who was not in fact inadmissible due to a criminal ground of inadmissibility but could not timely hire a lawyer who knew the complex case law that governed his or her admissibility.

I oppose H.R. 6095, the so-called Immigration Law Enforcement Act, which would harm the relationship between the police and immigrants and citizens. It will obstruct police in their mission of keeping our streets safe. Essentially the bill is asking the State and local police to pick up the slack for the Federal Government.

That is why it is opposed by scores of professional law enforcement associations including the International Association of Chiefs of Police, the International Association of Chiefs of Police and the Major Cities Chiefs Association. They know this is a bad idea and I urge my colleagues to join them in opposition to this bill.

Finally, I want to reiterate my support for comprehensive immigration reform. Not only do these bills fail to adequately address that need, but they could actually make our system more dysfunctional. These bills do not significantly enhance border security or address undocumented immigration; rather, they would limit the basic rights and protections this nation were founded upon.

Mr. Speaker, unfortunately the Republican majority is more interested in looking like they are doing something, than actually solving the problem. The American people know better and they know political maneuvering and inaction when they see it.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today in strong opposition to H.R. 6095—the Immigration Law Enforcement Act of 2006—and H.R. 6094—the Community Protection Act. Like my colleagues, I am firmly committed to protecting our borders and strengthening our immigration policies. However, these bills do neither.

Instead of a comprehensive immigration reform bill that provides real security to our Nation's borders, these bills are band aids with harmful provisions that will not make us safer or fix our broken immigration system.

For example, the Immigration Law Enforcement Act will empower state and local police to enforce immigration laws. This provision, which is opposed by state and local officials, will take valuable time and resources away from urgent police responsibilities, weakening their ability to respond to serious crimes such as murder, rape, and gang activity. State and local law enforcement officials are also opposed to the legislation because this provision will break down any trust that has been established between the police and local communities and will deter immigrants from reporting crimes or talking to state and local officials, for fear that their immigration status or that of a loved one could come under scrutiny. As a result, crimes and dangerous situations will go unreported, allowing criminals to roam free, and make us all less safe. Dealing with our Nation's immigration issues should remain the responsibility of the federal Department of Homeland Security.

The Community Protection Act would also permit the indefinite and permanent detention of noncitizens, who through no fault of their own, cannot be deported. This includes asylum seekers fleeing persecution from countries such as Iran, North Korea and Vietnam. Mr. Speaker, our government already has clear authority to detain immigrants and seek prolonged detention of suspected immigrants; it is inhumane and dangerous to our democracy and the rule of law to grant the government nearly unrestricted authority to lock up indefinitely individuals who are not serving a criminal sentence.

Finally, the Community Protection Act renders deportable a noncitizen whom the government only suspects to be a gang member. I strongly support efforts to deport criminal aliens out of our country and our efforts to combat gang violence, which threatens communities throughout the country. My objection to this bill is that it makes people deportable who have never committed a crime, but are merely considered by DHS to be a member of a group deemed by the Attorney General to be bad. This makes it possible for immigrants to be deported with little or no opportunity to defend themselves even in the case of guilt by association. Mr. Speaker, this bill is unnecessary because our government can already deport gang members, or any other foreign national convicted of an aggravated felony, or a misdemeanor such as shoplifting.

If we are truly to protect our borders and address our immigration issues, Congress must resolve the differences between the House and Senate passed immigration bills and pass comprehensive immigration and border protection legislation. No one can deny that our borders need protection or that our immigration system is broken and that it is in serious need of overhaul. These bills do nothing to effectively address these critical issues.

It is unfortunate that as serious as our border and immigration problems are these bills ignore the real solutions necessary to effectively address our legitimate immigration and border problems. I urge my colleagues to join me in defeating these two bills.

The material previously referred to by Mr. MCGOVERN is as follows:

PREVIOUS QUESTION ON H. RES. 1018. RULE FOR: H.R. 4830—BORDER TUNNEL PREVENTION ACT. H.R. 6094—COMMUNITY PROTECTION ACT. H.R. 6095—IMMIGRATION LAW ENFORCEMENT ACT

In the Section 3 of the resolution strike "and (2)" and insert the following:

"(2) the amendment printed in Section 4 of this resolution if offered by Representative Jackson Lee or a designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 60 minutes equally divided and controlled by the proponent and an opponent; and (3)"

At the end of the resolution add the following new section:

"Sec. 4. The amendment to H.R. 6095 referred to in Section 3 is as follows:

Insert the following in section 201(a):

"(2) Alien smuggling is a continuing threat to our nation's security, leaving the United States vulnerable to terrorist attacks.

(3) Alien smuggling continues to be a threat to the security of the United States

because of the record of failure of the Republican House, Senate and Administration, including:

(A) Seven times over the last four and a half years, Democrats have offered amendments to enhance immigration enforcement resources, which would have enhanced efforts to combat alien smuggling. If these Democratic amendments had been adopted, there would be 14,000 more detention beds, and 2,700 more immigration agents along our borders than now exist. Each time, these efforts have been rejected by the Republican majority.

(B) In the 9/11 Act of 2004, the Republican Congress promised to provide 8,000 additional detention beds and 800 additional immigration agents per year from FY 2006 through FY 2010. Over the last two years, the Republican Congress has left our nation short 5,000 detention beds and nearly 500 immigration agents short of the promises they made in the Intelligence Reform (or 9/11) Act of 2004, to the detriment of efforts to combat alien smuggling.

(C) From 1993-2000, the Clinton Administration added, on average, 642 new immigration agents per year. Despite the fact that 9/11 highlighted the heightened need for these resources, in its first five years, the Bush Administration added, on average, only 411 new immigration agents, to the detriment of efforts to combat alien smuggling.

(4) Alien smuggling continues to be a threat to the security of the United States because of continuing inaction by the Republican congress, including the failure to go to Conference to resolve differences between competing immigration reforms, was valuable resources and time on a series of field hearings during the Congressional recess that excluded the input of local citizens and leaders, and engaging in political showmanship by using the last few days of the Congress to consider new immigration legislation when it has failed to complete work on immigration bills that have already passed the House and Senate."

Insert the following after section 201(c):

"(d) ADDITIONAL RESOURCES TO PROTECT AGAINST ALIEN SMUGGLING BY IMPLEMENTING THE 9/11 COMMISSION ACT.—In each of fiscal years 2007–2010, there are authorized such sums as may be necessary to increase by 2000 the number of Immigration agents, by 250 the number of detention officers, by 250 the number of U.S. Marshals, by 25,000 the number of detention beds, by 1000 the number of investigators of fraudulent schemes and documents which violate sections 274a, 274c, 274d of Title 2, Chapter 8 of the Immigration and Nationality Act."

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. GINGREY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 1018 will be followed by 5-minute votes as ordered on adopting the resolution, and suspending the rules and passing S. 418.

The vote was taken by electronic device, and there were—yeas 225, nays 195, not voting 12, as follows:

[Roll No. 461]

YEAS—225

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)

Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Brown (OH)
Capuano
Case
Cubin
Gohmert
Harris
Kirk
Meehan
Moore (KS)
Ney
Ryan (OH)
Strickland

☐ 1145

Messrs. OBEY, HOLDEN, GEORGE MILLER of California, DICKS and HOLT changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. KIRK. Mr. Speaker, on rollcall No. 461 I was unavoidably detained. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 195, not voting 10, as follows:

[Roll No. 462]

AYES—227

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Brown (OH)
Capuano
Case
Cubin
Harris
Meehan
Moore (KS)
Ney
Ryan (OH)
Strickland

☐ 1154

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MILITARY PERSONNEL FINANCIAL SERVICES PROTECTION ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 418.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. DAVIS) that the House suspend the rules and pass the Senate bill, S. 418, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 3, not voting 11, as follows:

[Roll No. 463]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Flake
Kolbe
Paul

NOT VOTING—11

Bilirakis
Brown (OH)
Capuano
Case
Cubin
Harris
Meehan
Moore (KS)
Ney
Ryan (OH)
Strickland

☐ 1208

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, I did not have the opportunity to cast a recorded vote on S. 418. Had I been present, I would have voted "yea."

BORDER TUNNEL PREVENTION ACT OF 2006

Mr. SENSENBRENNER. Madam Speaker, pursuant to House Resolution 1018, I call up the bill (H.R. 4830) to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one's land) the construction or use of a tunnel or subterranean passageway between the United States and another country, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Tunnel Prevention Act of 2006".

SEC. 2. CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 554. Border tunnels and passages

"(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be imprisoned for not more than 20 years.

"(b) Any person who recklessly permits the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be imprisoned for not more than 10 years.

"(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi))) shall be subject to twice the penalty that would have otherwise been imposed had the unlawful activity not made use of such a tunnel or passage.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"554. Border tunnels and passages.".

(c) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by inserting "554," before "1425,".

SEC. 3. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 554 of title 18, United States Code, as added by section 1.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 554 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) provide adequate base offense levels for offenses under such section;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(B) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(4) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(5) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(6) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to House Resolution 1018, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4830, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 4830, the Border Tunnel Prevention Act of 2006, to prohibit the construction and use of border tunnels for the purposes of smuggling.

For over a decade, drug cartels and "coyotes" have used border tunnels to smuggle elicit drugs and illegal immigrants into the United States. Border tunnels range from rudimentary gopher holes to more sophisticated tunnels equipped with electricity, ventilation and even rails for electric carts. These tunnels have been used to penetrate both our northern and southern borders. Fifty tunnels have been discovered along the southwest border since 1990, and 36 of them have been unearthed in just the last 5 years.

This January, a joint investigation between the U.S. and Mexican law enforcement led to the discovery of a narcotics smuggling tunnel just east of the Otay Mesa, California, port of entry. Authorities seized nearly two tons of marijuana. The tunnel, approximately 86 feet deep and nearly three-quarters of a mile long, began inside a small warehouse in Otay Mesa, Mexico, and ended inside a vacant warehouse in San Diego, California.

In 2005, Federal agents discovered a 360-foot tunnel between British Columbia, Canada, and Washington State. This tunnel was also used for illegal drug trafficking, though DEA agents noticed that it could easily have been used to smuggle persons or to facilitate terrorism. We were reminded again of the growing problem just a few days ago when another drug smuggling border tunnel was discovered between California and Mexico.

Despite the clearly illegal purposes of these border tunnels, efforts to fully and effectively prosecute the smugglers are hampered by the fact that it is not a crime to construct, finance, or use a border tunnel. If there is insufficient evidence to prosecute these individuals for drug smuggling or alien trafficking, there are virtually no consequences for the criminal organizations that build and use these tunnels.

The Border Tunnel Prevention Act plugs this glaring loophole. The bill criminalizes the construction or financing of a tunnel or subterranean passage across our international border. An individual prosecuted under this offense faces a penalty of up 20 years in prison. Additionally, any person convicted of using a tunnel or subterranean passage to smuggle aliens, weapons, drugs, terrorists, or illegal goods will be punished by doubling the sentence for the underlying offense.

The bill also provides for the forfeiture of assets or property traceable to the construction or use of a border tunnel and instructs the sentencing commission to adopt guidelines that properly reflect the severity of this offense.

Madam Speaker, the bill is supported by Members from both sides of the aisle. This legislation provides a critical tool for protecting our national security and combating the drug and alien smuggling that plagues our borders. I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from Mississippi (Mr. THOMPSON), the ranking member of the Homeland Security Committee.

Mr. THOMPSON of Mississippi. Madam Speaker, it is with great disappointment that I stand before you today to discuss a bill that fails once again to provide us with a comprehensive approach to handling border security.

Last week, Republicans introduced a border fence bill which was exactly what they voted against in December 2005. Today we are going to discuss three bills already considered by this body. In other words, the Republican leadership is forcing us to participate in their cheap political gambit to mislead the public. Simply put, the Republicans have morphed from a "do-nothing" Congress to a "do-over" Congress. Unfortunately, we continue to have a long way to go, and we will get nowhere with this piecemeal approach they are masterminding.

☐ 1215

The Bush administration has had almost 6 years, and the Republican Congress 11 years, to secure the border.

Since 9/11, House Republicans rejected eight Democratic amendments to enhance border security resources. If these Democratic amendments had been adopted, there would be 6,600 more Border Patrol agents, 14,000 more detention beds, and 2,700 more immigration agents along our borders that now exist.

On December 16, 2005, all 218 House Republicans voting that day opposed a Democratic motion to recommit to H.R. 4437 to improve border security and immigration enforcement by fulfilling the 9/11 Commission's border security recommendations.

Fifty days before election day, the House Republican leadership has scheduled votes on bills we have already voted on. As usual, Republicans are all talk, but cheap on action to securing the border. Last week they voted on a border fence bill, but refused to provide the money needed to build a 700-mile fence along the Texas-Mexico border.

If Republicans were serious, they would have moved forward with a House-Senate conference that protects United States borders, strengthens our Nation's security and addresses the Nation's immigration problems comprehensively. Instead, they spent the summer conducting 22 sham hearings across the Nation.

Republicans talk about the fence as if it is the sole solution. Meanwhile, on September 15, DEA agents discovered yet another tunnel located beneath a residence in Calexico, California, and extending approximately 400 feet to a residence in Mexicali, Mexico.

We are spending $1.5 billion per week in Iraq, but the Republican leadership will not even commit to funding to secure our Nation's borders.

Democrats do not want to pass the buck on State and local governments to enforce immigration laws simply while the Republican-led Congress and administration fail to properly fund border security officers. States and localities are already robbing Peter to pay Paul by using a huge amount of their homeland security grant funding to secure the border, purchase communications equipment, and fortify bridges, ports and buildings.

Democrats do not want to stay the course on President Bush and the Republicans' failed border enforcement.

Madam Speaker, we need a comprehensive border security and immigration plan, not a piecemeal plan.

Mr. SENSENBRENNER. Madam Speaker, I yield myself ½ minute.

Madam Speaker, we hear complaints all the time about the fact that Republicans are not acting. We are acting today. We acted in December. We acted last week on the fence. We see the Democrat actions. All they do is say no, no, no, no.

They are not where the American people are. They are not where our priorities ought to be. The Senate has not messaged their bill, even though they passed it in May. We are running out of time in this Congress. The American people say border security first.

Madam Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Madam Speaker, I thank the chairman of the Judiciary Committee for the recognition.

I come to the well of the House to politely but profoundly take issue with my friend from Mississippi. You see, party labels do not ensure unanimity any more than trying to cast the challenge we confront as a people through a partisan prism.

I come to the floor of this House to reiterate the basic concern confronting us. The problem we are dealing with at the border is not a Democratic problem. It is not a Republican problem. It is an American problem. And, Madam Speaker, I politely take issue with my friend from Mississippi when he says a comprehensive approach is needed.

The trouble with that notion is that despite the goodwill and best intentions of many, regardless of party affiliation, so-called comprehensive reform subordinates the first and most basic responsibility of government, protection of our citizens to an economic exception of amnesty and special considerations for noncitizens.

To this provision before the House today, which I am proud to bring forward, again from bipartisan concerns, as noted earlier in another debate, the chairman of the Rules Committee mentioned that it was bipartisan, the senior Senator from his State happens to be a Democrat, working with the chairman of the Rules Committee, a Republican; my junior Senator from my State, working with me on this because it is an American problem. The chairman pointed out that there is currently a hole in the law as genuine as some of the holes in our border.

We have to criminalize the financing and construction of border-crossing tunnels that currently serve as smuggler subways and actually promote illegal access to our country. The chairman delineated the threat. Now we see contraband, we see narcotics brought through these tunnels, but the real question before this House and before the American people is this: If narcotics can be smuggled, what of a weapon of mass destruction? Just as assuredly as the House passed the fence bill last week and the other Chamber takes it up in the coming days to move forward, believe me, there will be intense and renewed interest in using subterranean facilities.

We must pass this bill today as part and parcel of what the American people are calling for, and they are calling for enforcement first. Pass this legislation. Let's get this done.

Mr. CONYERS. Madam Speaker, I yield myself as much time as I may consume.

While my neighbor and friend J.D. HAYWORTH is on the floor, let me gain his attention for just a moment. I am sorry that you do not want a comprehensive bill. Most people do in the Congress. And I would like you to respond to this inquiry: Were there hearings held on this bill in the Homeland Security Committee?

Mr. HAYWORTH. Madam Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Madam Speaker, I am not a custodian of the hearing record in the United States House of Representatives, any more than the gentleman is, no matter the——

Mr. CONYERS. So, in other words, you do not know.

Mr. HAYWORTH. Would the gentleman let me attempt to answer the question?

Mr. CONYERS. No. Let us ask the gentleman another question——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Will the gentleman suspend?

Mr. CONYERS. Yes, ma'am.

The SPEAKER pro tempore. The gentleman from Michigan has the time. Members may not interject remarks in debate unless they have been recognized or yielded to for such purposes, and a Member under recognition should be allowed to yield and reclaim time in an orderly fashion.

The gentleman may continue.

Mr. CONYERS. Madam Speaker, thank you.

That was for your benefit.

Now, let me ask you another question. Were there Judiciary hearings, even though you are not a custodian of the record? Well, I can answer that one for you. I think you ought to listen to the Madam Speaker a little bit more. You cannot speak on the floor. I know you have been here a while. You cannot interrupt a speaker unless you are yielded to. And I would——

Mr. HAYWORTH. Madam Speaker, will the gentleman yield?

Mr. CONYERS. I would be very happy to yield to answer my question.

Mr. HAYWORTH. Madam Speaker, I would answer his question with an interrogative of my own. Is the gentleman aware of the extensive hearings held this summer by many different Members of the House outside Washington, D.C.——

Mr. CONYERS. Is the answer yes or no?

Mr. HAYWORTH. Equally as valid as any committee hearings held in Washington, D.C., no matter the jurisdiction?

Mr. CONYERS. Taking my time back, I assume that the gentleman knows that the Judiciary Committee did not hold hearings either.

And so we have this very urgent, important bill that has not had one hearing anywhere that I know of, and I think it explains something about the gentleman from Arizona's comment about what the American people want.

Because in today's newspaper, I am reading that only 25 percent in a poll voice approval of the Congress, an echo of 1994 findings. Links to special interests are cited. Standing of Bush also lags.

So I do not know if we are doing what the people really want that much. I think it is because we are not doing what the people want and are not moving an immigration bill which has passed this House, the counterpart has passed in the Senate, and we have not gone to conference yet. Somebody in the course of this discussion and debate ought to be able to explain why that is.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield myself 1 minute.

First of all, the gentleman from Michigan says that we have not had any hearings in the Judiciary Committee. Since I became the chairman, we have had 68 hearings on the need to strengthen border security and enforcement of immigration law, and I will include the list of all 68 hearings in the RECORD at this point.

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Immigration, Border Security, and Claims 7-27-2006 Oversight—Oversight Hearing on "Whether Attempted Implementation of the Senate Immigration Bill Will Result in an Administrative and National Security Nightmare."

Immigration, Border Security, and Claims 7-18-2006 Oversight—Oversight Hearing on "Should We Embrace the Senate's Grant of Amnesty to Millions of Illegal Aliens and Repeat the Mistakes of the Immigration Reform and Control Act of 1986?"

Immigration, Border Security, and Claims 6-22-2006 Oversight—Oversight Hearing on "Is the Labor Department Doing Enough to Protect U.S. Workers?"

Immigration, Border Security, and Claims 6-8-2006 Oversight—Oversight Hearing on "The Need to Implement WHTI to Protect U.S. Homeland Security."

Immigration, Border Security, and Claims 5-18-2006 Hearing—Legislative Hearing on H.R. 4997, the "Physicians for Underserved Areas Act".

Immigration, Border Security, and Claims 3-30-2006 Oversight—Oversight Hearing on "Should Congress Raise the H–IB Cap?"

Immigration, Border Security, and Claims 3-2-2006 Oversight—Joint Oversight Hearing on "Outgunned and Outmanned: Local Law Enforcement Confronts Violence Along the Southern Border."

Immigration, Border Security, and Claims 11-17-2005 Oversight—Oversight Hearing on "How Illegal Immigration Impacts Constituencies: Perspectives from Members of Congress (Part II)."

Immigration, Border Security, and Claims 11-17-2005 Oversight—Joint Oversight Hearing on "Weak Bilateral Law Enforcement Presence at the U.S.-Mexico Border: Territorial Integrity and Safety Issues for American Citizens."

Immigration, Border Security, and Claims 11-10-2005 Oversight—Oversight Hearing on "How Illegal Immigration Impacts Constituencies: Perspectives from Members of Congress (Part I)."

Immigration, Border Security, and Claims 9-29-2005 Oversight—Oversight Hearing on "Dual Citizenship, Birthright Citizenship, and the Meaning of Sovereignty."

Immigration, Border Security, and Claims 9–15–2005 Oversight—Oversight Hearing on: "Sources and Methods of Foreign Nationals Engaged in Economic and Military Espionage." (Classified portion of hearing begins at 1 p.m.)

Immigration, Border Security, and Claims 9-15-2005 Oversight—CONTINUATION of UNCLASSIFIED PORTION of Oversight—Hearing on: "Sources and Methods of Foreign Nationals Engaged in Economic and Military Espionage."

Immigration, Border Security, and Claims 9–8–2005 Markup Subcommittee on Immigration, Border Security & Claims—Markup of H.R. 1219, the "Security and Fairness Enhancement for America Act of 2005."

Immigration, Border Security, and Claims 7–28–2005 Markup Subcommittee on Immigration, Border Security & Claims Markup of H.R. 1219, the "Security and Fairness Enhancement for America Act of 2005."

Immigration, Border Security, and Claims 6–30–2005 Oversight—Oversight Hearing on "Immigration Removal Procedures Implemented in the Aftermath ofthe September 11th Attacks."

Immigration, Border Security, and Claims 6–28–2005 Hearing Legislative Hearing on H.R. 2933, the "Alien Gang Removal Act of 2005."

Immigration, Border Security, and Claims 6–21–2005 Oversight—Oversight Hearing on the "Lack of Worksite Enforcement & Employer Sanctions."

Immigration, Border Security, and Claims 6-15-2005 Oversight—Oversight Hearing on the "Diversity Visa Program."

Immigration, Border Security, and Claims 5-12-2005 Hearing Legislative Hearing on H.R. 98, the "Illegal Immigration Enforcement and Social Security Protection Act of 2005."

Immigration, Border Security, and Claims 5-5-2005 Oversight—Oversight Hearing on the "New 'Dual Missions' of the Immigration Enforcement Agencies."

Immigration, Border Security, and Claims 5–4–2005 Oversight—Oversight Hearing on "New Jobs in Recession and Recovery: Who are Getting Them and Who are Not?"

Immigration, Border Security, and Claims 4-21-2005 Oversight—Oversight Hearing on "October 2005 Statutory Deadline for Visa Waiver Program Countries to Produce Security Passports: Why It Matters to Homeland Security."

Immigration, Border Security, and Claims 4-13-2005 Oversight—Oversight Hearing on "Immigration and the Alien Gang Epidemic: Problems and Solutions."

Immigration, Border Security, and Claims 3-10-2005 Oversight—Oversight Hearing on "Interior Immigration Enforcement Resources."

Immigration, Border Security, and Claims 3-3-2005 Oversight—Oversight Hearing on the "Immigration Enforcement Resources Authorized in the Intelligence Reform and Terrorism Prevention Act of 2004."

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Immigration, Border Security, and Claims 6–23–2004 Oversight—Oversight Hearing on "Families and Businesses in Limbo: The Detrimental Impact of the Immigration Backlog."

Immigration, Border Security, and Claims 6-17-2004 Oversight—Oversight Hearing on "Families & Businesses in Limbo: The Detrimental Impact of the Immigration Backlog."

Immigration, Border Security, and Claims 6-3-2004 Markup—Subcommittee Markup on H.R. 4453, the "Access to Rural Physicians Improvement Act of 2004."

Immigration, Border Security, and Claims 5–18–2004 Oversight—Oversight Hearing on "Pushing the Border Out on Alien Smuggling: New Tools and Intelligence Initiatives."

Immigration, Border Security, and Claims 4-29-2004 Oversight—Oversight Hearing on the "Diversity Visa Program, and its Susceptibility to Fraud and Abuse."

Immigration, Border Security, and Claims 4–1–2004 Hearing—Legislative Hearing on H.R. 3191, To prescribe the oath of renunciation and allegiance for purposes of the Immigration and Nationality Act.

Immigration, Border Security, and Claims 3–24–2004 Oversight—Oversight Hearing on "How Would Millions of Guest Workers Impact Working Americans and Americans Seeking Employment?"

Immigration, Border Security, and Claims 3-18-2004 Oversight—Oversight Hearing on "US VISIT: A Down Payment on Homeland Security."

Immigration, Border Security, and Claims 3–11–2004 Oversight—Oversight Hearing on "Funding for Immigration in the President's 2005 Budget."

Immigration, Border Security, and Claims 3-4-2004 Oversight—Oversight Hearing on "Alien Removal Under Operation Predator."

Immigration, Border Security, and Claims 2-25-2004 Oversight—Oversight Hearing on "Funding for Immigration in the President's 2005 Budget."

Immigration, Border Security, and Claims 10-30-2003 Oversight—Oversight Hearing on the "Prospects for American Workers: Immigration's Impact."

Immigration, Border Security, and Claims 10–16–2003 Oversight—Oversight Hearing on "Visa Overstays: A Growing Problem for Law Enforcement."

Immigration, Border Security, and Claims 10-1-2003 Hearing—Legislative Hearing on H.R. 2671, the "Clear Law Enforcement for Criminal Alien Removal Act of 2003" (CLEAR Act).

Immigration, Border Security, and Claims 9-11-2003 Oversight—Oversight Hearing on "Should There Be a Social Security Totalization Agreement with Mexico?"

Immigration, Border Security, and Claims 7-15-2003 Markup—Subcommittee Markup of H.R. 2152, To amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program.

Immigration, Border Security, and Claims 7–11–2003 Oversight—Oversight Hearing on "Immigration Relief Under the Convention Against Torture for Serious Criminals and Human Rights Violators."

Immigration, Border Security, and Claims 6-26-2003 Oversight—Oversight Hearing on "The Federal Government's Response to the Issuance and Acceptance in the U.S. of Consular Identification Cards."

Immigration, Border Security, and Claims 6-24-2003 Oversight—Oversight Hearing on "The Deadly Consequences of Illegal Alien Smuggling."

Immigration, Border Security, and Claims 6–19–2003 Oversight—Oversight Hearing on "The Issuance, Acceptance, and Reliability of Consular Identification Cards."

Immigration, Border Security, and Claims 5–13–2003 Oversight—Oversight Hearing on "John Allen Muhammad, Document Fraud, and the Western Hemisphere Passport Exception."

Immigration, Border Security, and Claims 5–8–2003 Oversight—Oversight Hearing on "War on Terrorism: Immigration Enforcement Since September 11, 2001."

Immigration, Border Security, and Claims 5–6–2003 Hearing—Legislative Hearing on H.R. 1714, H.R. 1275, H.R. 1799, H.R. 1814, and H.R. 1685, the "House Military Naturalization Bills."

Immigration, Border Security, and Claims 4–10–2003 Oversight—Oversight Hearing on "Department of Homeland Security Transition: Bureau of Immigration and Customs Enforcement."

Immigration, Border Security, and Claims 4–2–2003 Oversight, Oversight Hearing on "Immigration Student Tracking: Implementation and Proposed Modifications."

Immigration, Border Security, and Claims 2-27-2003 Oversight, Oversight Hearing on "New York City's 'Sanctuary' Policy and the Effect of Such Policies on Public Safety, Law Enforcement, and Immigration."

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"Immigration and Naturalization Service and the Executive Office for Immigration Review", 5–15–2001 Oversight Hearing

"Guestworker Visa Programs", 6–19–2001

"United States Population and Immigration," 8–2–2001

"Using Information Technology to Secure America's Borders: INS Problems with Planning and Implementation," 10–11–2001

"Immigration and Naturalization Service Performance: An Examination of INS Management Problems," 10–17–2001

"A Review of Department of Justice Immigration Detention Policies," 12–19–2001

"The Operations of the Executive Office for Immigration Review," 2-6-2001

"Implications of Transnational Terrorism and the Argentine Economic Collapse for the Visa Waiver Program," 2-28-2001

"The INS' March 2002 Notification of the Approval of Pilot Training Status for Terrorist Hijackers Mohammed Atta and Marwan Al-Shehhi", 3–19–2001

"Immigration and Naturalization Service and Office of Special Counsel for Immigration Related Unfair Employment Practices." 3–21–2001

The INS' Interior Enforcement Strategy, 6-19-2002

Risk to Homeland Security from Identity Fraud and Identity Theft (Held jointly with the Subcommittee on Crime, Terrorism, and Homeland Security), 6–25–2002

"Role of Immigration in the Proposed Department of Homeland Security pursuant to H.R. 5005, the Homeland Security Act of 2002."

"The INS's Implementation of the Foreign Student Tracking Program," 9–18–2002

"Preserving the Integrity of Social Security Numbers and Preventing Their Misuse by Terrorists and Identity Thieves (Held jointly with the Subcommittee on Social Security of the Committee on Ways and Means)," 9-19-2002

"The INS's Interactions with Hesham Mohamed Mohamed Ali Hedayet," 10-9-2002

"United States and Canada Safe Third Country Agreement," 10–16–2002

Secondly, again, this Congress is running out of time. It is not the fault of anybody in the House of Representatives why a conference has not been created. We cannot set up a conference without the other body sending papers to us. They have not sent us the papers on the bill that they passed in May. Once the papers are here, then somebody can make a motion to send the bill to conference, but until the papers are here, there is nothing to send to conference.

On the other hand, when we passed our immigration bill last December, the papers had been sitting over in the other body. They can set up the conference merely by taking up the House-passed bill, striking out all after the enacting clause, inserting the Senate text and asking for a conference. They have not done it.

Madam Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

(Mr. SOUDER asked and was given permission to revise and extend his remarks.)

Mr. SOUDER. Madam Speaker, first off, I have had hearings on this very subject, not as a whole, but because certain gentlemen may only be absorbed in their own realm and may not realize that there is a narcotics subcommittee on drug policy and criminal justice. We have had multiple hearings on the border over the past few years, multiple.

It has been brought to the attention in a bipartisan way about this problem with tunnels, and I am thrilled that the Judiciary Committee chairman has brought this bill. There have been 50 of these tunnels, 51 now with the new one just recently. There is a huge problem in the narcotics area.

The reason it is primarily an issue in the narcotics area is because of the cost of building these tunnels, because of the engineering, particularly the ones with lighting and ventilation, that go between warehouse to warehouse is so expensive, that you basically want to use it for high-dollar items. The high-dollar items are usually cocaine, heroin, marijuana. Narco-terrorism on the major streets in the United States is coming through these tunnels, and it is about time we dealt with this subject.

Furthermore, it appears, and the DEA believes, that the people who engineer and design these tunnels are then murdered afterwards, and sometimes the tunnels work night and day. The one in January was a larger one and appeared to be working night and day and were discovered; other ones they would only bring open for high-value targets to move through.

Now, a high-value target is in the eyes of the person willing to pay. Yes, cocaine, heroin, and those are the general things moved through, but a high-value target can also be a terrorist. A high-value target can also be someone who is dealing with chemical, biological or nuclear weapons, because they are willing to pay the amount to move through those tunnels. It is more than worth it to the person who built the tunnel to recoup their costs.

This is extremely important. It is a loophole in the law that we need to address.

I also serve on the border subcommittee on Homeland Security. The fact is we are making progress. We are stopping these people. The fact is the DEA, through their hard effort, have found 51 of these tunnels. What we need is a law that holds the people accountable who have done this, and it is that we cannot sit around and wait for the Senate to come back on all this kind of stuff. This should be done now, and the border needs to be secured.

I favor looking at comprehensive, but first seal this border. I thank the chairman for his leadership.

Mr. Speaker, given the more vigorous efforts in recent years to intercept drug traffickers on the high seas, drug-trafficking organizations (DTOs) have clearly shifted their operations to the U.S.-Mexico border. The vast bulk of these drugs are smuggled through the ports of entry and—to a lesser extent—between those ports. Such illegal shipments are difficult to intercept, in part due to the enormous volume of legitimate traffic of people and goods at these locations. But recent discoveries of sub-terranean tunnels crossing the border point to the problem of a growing sophistication and determination of the DTOs to inflict their deadly product on the people of this country, regardless of expense and labor.

As the lead Federal agency tasked with bringing down the DTOs both in this country and abroad, the Drug Enforcement Administration (DEA) is well aware of this threat and has worked ceaselessly to counter it. Working with their Federal, State, local and foreign counterparts, the DEA has worked hard to develop confidential sources in this country and abroad who will provide information leading to the discovery of more of these tunnels.

It is evident from the size and sophistication of recently discovered tunnels that they are linked to some of the largest and most ruthless DTOs operating along our borders. Financial resources to construct and operate these tunnels cost millions of dollars, which are only available to these large-scale organizations. Tunnels discovered by DEA have been equipped with reinforced ceilings, water evacuation and ventilation systems, and even concrete floors. However, the smuggling of drugs through these tunnels can result in a significant return on this investment. As such, the discovery and removal from service of these tunnels significantly disrupts the operations of these organizations which count on these conduits for entry into the U.S. Most importantly, closing down these underground corridors hits the DTOs where it hurts—their bank accounts.

Recent successes have been encouraging.

The most ambitious of these was discovered on January 26 of this year, a tunnel which opened into a vacant warehouse just east of the Otay Mesa port of entry in California. A tip from a confidential informant to the Tunnel Task Force—staffed by DEA and Immigration and Customs Enforcement (ICE)—led to the discovery of this tunnel, which started 150 yards south of the border and proceeded an incredible one-half mile into the United States. A DEA investigation determined that the tunnel—which was equipped with electric lighting and ventilation—had probably been operating since November and had been used day and night since its completion to smuggle marijuana and other illegal drugs into the country. Any trucks leaving the warehouse loaded with drugs would have quickly disappeared into the steady and heavy traffic of legitimate goods flowing through that immediate area.

Thanks to the hard work of DEA and other agencies, at least 51 of these tunnels have been discovered and shut down already. Almost all of these are in the San Diego and Tucson sectors of the border. Of note, Federal, state, and local organizations have banded together and fused resources in the establishment of a Tunnel Task Force, which is responsible for bringing to justice those responsible for this threat to our national security. Officers from DEA, ICE, CBP, the San Diego Police Department, Chula Vista Police Department, and the National City Police Department all participate in this endeavor.

But the discovery of a tunnel under the U.S.-Canada border into Washington State shows that our northern border can also be threatened by this new smuggling tactic. DEA agents working with their counterparts in the Royal Canadian Mounted Police discovered the 360-foot long tunnel after setting up secret surveillance on the American side in early July. Three Canadian citizens were recorded moving large bags through the tunnel which later were found to contain heavy loads of marijuana and ecstasy. These individuals were later arrested, pled guilty to various offenses and were sentenced to nine years in Federal prison.

Finally, we can hardly forget that the terrorists who attacked us on September 11, 2001 did so under false pretenses. We have increased our security considerably since then, and this undoubtedly makes the possibility of entering this country through one of these tunnels a more attractive proposition for potential terrorists. While the DTOs are not likely to use their tunnels for smuggling average illegal immigrants, they might allow them to be used by special-interest aliens for the right price. Therefore, we can be thankful for all the efforts of DEA and other agencies to detect and shut down these tunnels before they lead to catastrophic harm to our people.

Mr. Speaker, the problems of cross-border tunnels is urgent and growing, and we would be shirking our duty to the people if we dither any more. We don't need to study and ponder the challenge any longer. We need to pass this bill now and give Federal agencies like DEA stronger leverage in going after those people who seek to use this insidious method to smuggle dangerous narcotics and—potentially—dangerous people into our country.

□ 1230

Mr. CONYERS. Madam Speaker, I now yield with pleasure to the ranking member of the Judiciary Subcommittee on Immigration, Ms. SHEILA JACKSON-LEE, as much time as she may consume.

Ms. JACKSON-LEE of Texas. Madam Speaker, the gentleman from Michigan has been waging a valiant defense, if you will, of the ongoing efforts that we have made to confront this issue.

Might I take some of my time to correct the record. A good friend of mine who was just here on the floor did not want to answer some very simple questions. And you need not be the custodian of any records to know whether there have been specific hearings in the Homeland Security Committee on these bills. I am a member of that committee, and the answer is absolutely not. That is regular order. We do that not to hear ourselves talk; we do that so the American people can have a truly vetted bill that really addresses the question that you are concerned about. Then, if we want to know whether they have been in front of the Judiciary Committee, they have not. So we have not had an opportunity to determine the concreteness, if you will, of these bills and whether or not they will work.

The other aspect of it, let me let you attend to this factor, these are authorizing bills. None of these will go anywhere if they are not appropriated, if there are funds that are not appropriated. And that has been the general issue.

I listened to the eloquence of my friend from Indiana, and I agree with him. There is no debate here on the floor regarding the criminalizing of those who build a tunnel. That is a commonsense, no-debate question. If you have a tunnel, and those who build it, many of the individuals who do it are coming across for criminal reasons, drug smugglers and others, then we should have some response.

But what we do today is only isolated today. There is no question that we have delayed and delayed and delayed and delayed the work of this House and this Senate and this body. We have delayed it because we passed 2, 3, 4 months ago comprehensive immigration reform. You may not have liked the bill out of the House, you may have voted for it or voted against it, but it did pass. You may not have liked the Senate bill. You may have voted "yes" or "no," but it passed. Regular order.

And I want to correct the record. Over and over again we hear: we can't do our job because they haven't sent papers. Well, my question is, did they not send papers on the Iraq resolution and we didn't resolve it? Did they not send papers on the Medicare bill? This is a paper response. This is a straw man's response.

Let me tell you what is being discussed. In the Senate bill there are what we call fee enhancers or tax provisions. The only authorizing entity that can increase taxes is the United States House of Representatives. Now, isn't it interesting that the House is controlled by Republicans, the Senate is controlled by Republicans. So, in essence, the Republicans can get together and work it out.

They want to have this conflict because, in fact, one of the Members here, it is alleged, in the House side would blue slip the Senate bill, this is all complicated, and that means they would stop it from going to conference. All of that can be worked out, my friends. That is like a playground squabble between siblings. And we know that it can be worked out. Mother can come to the playground, teacher can stop the siblings. But they want to use that as an excuse so they can frustrate the process and make the American people think we are doing our job.

Even if we pass this bill, which I think it is almost going to be quite a big vote because we are arguing against nothing and we are arguing against something that could have been handled in, if you will, in conference, there is no money. There is no money to do some of the things that many of these bills will be engaged in. And, frankly, that is why we come to the floor with these complaints.

Why not do comprehensive immigration reform, get ourselves in a posture to be able to appropriate immediately even in this session the dollars that we will need to fund comprehensive reform? The Border Tunnel Prevention Act will facilitate the prosecution of people who build or use tunnels across the border illegally. It will not secure our borders. It is not the only thing. I have seen tunnels, I want them to be thwarted, and I want to make sure we have a system of protection of our borders. And, frankly, we have failed. We have failed that we don't have enough Customs and Border Protection agents so that when you come through the northern border and we note something suspicious and we are at the port of entry and we are in the outside area, there is not enough Custom and Border Protection agents that are there for what we call secondary inspection. That is shame on us.

This Congress, this Republican Congress, has refuted time and time again Democratic amendments that would have generated 14,000 detention beds, increased U.S. marshals, increased Border Patrol agents. It is all falling at the feet of this majority. Now they want to rush to the floor bills that have already been passed, but yet we haven't had any hearings to suggest that there might be some additions we might add. The rule is closed so we couldn't give you any enhanced, maybe we want to have immediate 100,000 detention beds. We couldn't even offer an amendment.

So, my friends, I simply want to suggest as the distinguished ranking member, and I want to thank him for his leadership, he has attended and been eloquent at the field hearings. And I think he would agree with me, in the ones that both of us have attended we were looking for the Americans, if you will. When I say that, we were looking for the people in Detroit, we were looking for the people in Iowa, we are looking for the people in New York; and all we had were witnesses. We appreciate those witnesses, who had been here over and over again in testimony in Washington. So when my good friend the chairman speaks about, and others about, these hearings, let me make it very clear. Whether you were against or for immigration, you are outside the room or you were in the audience. You were not witnesses. I mean, I went to many and there were protesters for and against. We didn't let them speak. And so it is disingenuous to suggest that these hearings heard anything from America.

When I went to Iowa, every single religious leader, bishops of the Lutheran Church, of the Methodist Church, and many others stood against the House bill. They were not allowed to testify. And in Houston, the chairman there played a 1992 tape about violence at the border. Couldn't even have current information.

Lastly, as I close, I have been working on this drug issue and drug violence for a number of years. I sit on the Subcommittee on Crime. I have toured the Caribbean and seen some of the work of our DEA agents. It is unfortunate that we mix drug violence at the border, which does occur, and we need funding of drug enforcement agents with this issue of immigration. Drug dealers use any mode so they may be engaged in smuggling, but that issue needs its own hard crush of the law, it needs its own separate funding, it needs its own enhancement of drug enforcement agents who are out there working every day and we are underfunding them.

So when we talk about immigration, I go to my seat by simply saying, bring the tunnel prosecution on. This bill was offered by Senator FEINSTEIN on the Senate side. But the method and the methodology is failed. We need comprehensive immigration reform, we need a pathway to citizenship, we need to stop the farce, and we certainly need to stop telling the American people by passing these bills without funding that they are going to be any more secure than they were yesterday.

Democrats put their money where their mouth was and offered any number of amendments since 2004, all to be defeated by this Republican majority. I would think the question needs to be asked, are you serious, or you playing with the minds and hearts of the American people? My belief is that the American people deserve better, and comprehensive immigration reform is the call of the day.

I rise in opposition to the Border Tunnel Prevention Act of 2006, H.R. 4830. The Border Tunnel Prevention Act would make the construction and financing of tunnels crossing the U.S. international border a crime subject to a fine and up to 20 years of imprisonment.

Also, landowners who know about or recklessly disregard the construction or use of a border tunnel would be subject to a fine and up to 10 years of imprisonment.

Border tunnels are a problem. A significant number of tunnels have been detected in recent years, and the fences that will be erected pursuant to a recently passed fence bill will result in even more tunnels. I agree that we need to prosecute people involved in building or using them. The question, however, is not whether we should facilitate such prosecutions but whether we should pass such narrowly focussed legislation before we have addressed the larger immigration problems.

The Border Tunnel Prevention Act will facilitate the prosecution of people who build or use tunnels to cross the border illegally. It will not secure our borders. If tunnels cannot be built to cross under a fence, the immigrants simply will go around the fence. Instead of voting on H.R. 4830 and other bills that raise a few issues on a piecemeal basis, we should be going to conference to resolve the differences between the House and Senate immigration reform bills that have already passed.

If we fix our broken immigration system and provide a sufficient number of visas for lawful entries, we will not need to worry about tunnels that take people across the border.

Mr. SENSENBRENNER. Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield myself the balance of the time.

I think we ought to get back to what this bill does so that Members are properly advised on how to cast their votes.

What the bill does is to create a criminal offense to prohibit the unauthorized construction, financing, or reckless permitting on one's land the construction or use of a tunnel or subterranean passageway between the United States and another country.

Now, if you want that to be criminal, vote "aye," and if you don't, vote "no." I am going to vote "aye." I hope all the Members do.

Mr. SCHIFF. Madam Speaker, I rise today to express my support for H.R. 4830, the Border Tunnel Prevention Act.

Since September 11th, I have been extremely concerned with the security of our Nation's points of entry and the securing of weapons of mass destruction.

I have worked with my colleagues to establish screening of our air cargo, to deploy radiation detectors at our ports and borders, and to secure nuclear materials throughout the world. Most recently, I have worked with Senators FEINSTEIN and KYL on securing our seaports from terrorist attacks and sabotage, legislation that was signed into law earlier this year.

That is why the discovery in January of this year of a 2,400 foot tunnel near San Diego which was equipped with sophisticated draining, lighting, and pulley systems should shock the conscience of every Member of Congress. In fact, just this week, the U.S. Drug Enforcement Administration announced that they had discovered yet another cross-border drug-smuggling tunnel beneath a private residence in Calexico, California, that extended nearly 400 feet to a house in Mexicali, Mexico.

This is not a California problem or an Arizona problem—it is a national one.

Madam Speaker, all of our other efforts to secure our Nation's points of entry will be futile if this growing national security problem on our borders is not addressed. Although these tunnels have been principally used to smuggle drugs and illegal immigrants, there is nothing preventing their use for the smuggling of chemical, biological, or radiological material. The 9/11 Commission warned against a "failure of imagination", and it takes little to imagine terrorists making use of these holes in our border security.

Since 9/11, U.S. border officials have discovered 40 tunnels along American borders. They range in complexity from short "gopher holes" to massive drug-cartel built passages like the one found near San Diego in January.

We know that terrorists have and will continue to try to enter our country via our borders. The 2000 LAX millennium bomb attack plot was foiled when a terrorist was arrested at the U.S.-Canadian border after crossing by ferry. Customs officials found nitroglycerin and four timing devices concealed in a spare tire well of his automobile.

I am proud to be an original cosponsor to the legislation that we are considering today which would impose a punishment of up to 20 years in prison for individuals who are convicted of constructing or financing a subterranean tunnel under the U.S. border. It would, furthermore, impose a punishment of up to 10 years in prison for anyone who permits others to construct or use an unauthorized tunnel on their land. The bill also doubles penalties for those who use a tunnel or subterranean passage to smuggle aliens, weapons, drugs, terrorists or other illegal goods, and permits the seizure of assets of anyone involved in the offense, or any property that is traceable to the offense.

While those attempting to enter our country were being closely scrutinized and airline passengers were taking their shoes off or turning over their nail clippers, 40 border tunnels were being constructed in the United States, and thousands of pounds of illegal drugs and illegal aliens were pouring into our country.

Those patrolling our borders believe there is a direct correlation between the increased fortification of the border and the increase in the number of tunnels being found. If this problem is not addressed, it will just be a matter of time before these tunnels serve as an entry point for weapons and explosives, dangerous materials, and terrorists.

As a former federal prosecutor, I can appreciate how this legislation will serve as a useful tool in going after those who finance or construct these tunnels.

If the tunnel discovered earlier this week in Calexico, California, had been abandoned with no evidence remaining of drug or alien smuggling, those responsible for its construction should not be free from punishment. And those who negligently permit a tunnel opening or passage on their property should not be able to escape harsh penalties.

I appreciate the opportunity to work with Senators FEINSTEIN and KYL and Representatives DREIER and HUNTER on this important legislation and I applaud Senator FEINSTEIN's leadership on this crucial issue.

We must address this crucial national security matter, and I ask my colleagues to join me in supporting this much-needed legislation to stiffen penalties and successfully prosecute those who construct or finance tunnels under the U.S. border.

Mr. BLUMENAUER. Mr. Speaker, it is time to stop this charade on immigration. Since the Republican leadership is unable to reach an agreement with its members, or even their Republican president, they have become more interested in producing harsh rhetoric and meaningless acts than passing comprehensive and realistic immigration reform.

The House and Senate have each passed their respective bills. It is past time to convene a conference committee to reconcile these bills. Both chambers must work together to reach an agreement that produces true immigration reform instead of wasting its time harassing immigrants and local businesses and passing meaningless provisions that have little chance of becoming law.

Mr. DREIER. Madam Speaker, illegal border tunnels entering our country undermine our efforts to protect the border and pose a significant threat to our national security. Last January, I was shocked to hear that the San Diego Tunnel Task Force, a group composed of agents from the Border Patrol, Immigration and Customs Enforcement (ICE), and Drug Enforcement Administration (DEA), discovered an elaborate border tunnel connecting Otay Mesa, California and Tijuana, Mexico; a complex 2,500 foot tunnel complete with electricity and ventilation systems, and harboring two tons of marijuana. Just last weekend, officials discovered a 400 foot tunnel connecting Calexico, California and Mexicali, Mexico. This tunnel was equipped with lighting and supported by wooden beams.

The underground corridors prove just how persistent the criminals and drug smugglers who quietly slip into our country are. The existence of these tunnels also points to an even more ominous danger: they could be used by terrorists to exploit our porous borders and strike within the U.S. Unfortunately, the Otay Mesa and Calexico tunnels are just two of several underground corridors discovered between America's land borders, trafficking unknown numbers of individuals and illicit substances. In fact, 38 border tunnels have been discovered since September 11, 2001. All but one was on the Southern border.

Using manpower and technology to find these tunnels and shut them down will not stop others from being built and used. Tunneling will only begin to subside after tough and clear penalties are enacted for anyone involved in this pernicious violation of our border and our sovereignty. Surprisingly, the laws on the books are ineffectual and, in many ways, non-existent. This is a serious problem that deserves serious punishment for anyone who so flagrantly compromises our border security.

The Border Tunnel Prevention Act criminalizes the construction of border tunnels that span our international borders. Specifically, the bill creates a new Federal law to criminalize the construction of illegal border tunnels crossing into the U.S., punishable by a maximum 20 years in prison. It also imposes a maximum 10-year prison sentence on those who recklessly allow others to build such tunnels on their land. In addition, the bill doubles the sentence for using a tunnel to smuggle aliens, weapons, drugs, terrorists, or illegal goods. For example, under current law, knowingly smuggling an illegal alien into the U.S. is punishable by a maximum 10-year prison sentence. Under this bill, that penalty would double to a maximum 20-year prison term if the illegal alien was smuggled in through an illegal border tunnel. Finally, the bill enables the Federal Government to seize any of the assets or property involved in the construction of the illegal border tunnel.

The Border Tunnel Prevention Act is just the latest example of House Republicans taking a strong stand when it comes to border security. House Republicans have provided the funding to hire 1,500 new Border Patrol agents this year and 1,200 next year. Last December, we passed H.R. 4437, the Border Security Protection, Antiterrorism, and Illegal Immigration Control Act to enhance border security and reform our outdated immigration laws. Last week, we approved H.R. 6061, the Secure Fence Act, to construct fences at five specific border zones where deaths are common, drug smuggling is rampant and illegal border crossings are numerous. And today, we will consider legislation to swiftly detain and deport dangerous illegal immigrants and enhance prosecution of alien smugglers, cooperation between local law enforcement and Federal immigration officials, and removal of illegal immigrants.

Cracking down on those who use and construct tunnels, as well as those who allow them to be constructed on their property, is another commonsense step to our full-court press to securing our border. When combined with a strengthened Border Patrol, enhanced use of sensory technology, and strategic fencing in heavily trafficked areas, we will have an across-the-board approach to smarter border security. Over land, in the air, and underground, we must make a commitment to control and secure the border. I urge all my colleagues to support this important border security bill.

Mr. STARK. Madam Speaker, I rise in opposition to H.R. 4830, the Border Tunnel Prevention Act, H.R. 6094, the Community Protection Act, and H.R. 6095, the Immigration Law Enforcement Act. Only in the backward world of Republican campaign strategy would passing more ineffective bills be seen as a way to highlight "progress" on illegal immigration.

I hope that the American people ask what happened to the massive immigration bill that the House passed in December. I hope they question why House Republicans are today spending time debating three bills they know the Senate will never consider. The truth is that Republicans aren't interested in stopping illegal immigration. If they were, they'd crack down on employers. Or at least make an effort to resolve differences with their colleagues in the Senate.

If you define progress by anything other than fear-mongering rhetoric, then this Congress is no more likely to secure the border than the Capitol Police are to stop an armed intruder.

Because this Republican Congress long ago abandoned the idea of purposeful governing, they slapped together these three immigration bills without concern for constitutionality or feasibility. No bad idea from a backbench right-winger was too extreme. If these bills became law:

Immigrants could be indefinitely detained at the whim of the Department of Homeland Security. Hey, it hasn't worked at Guantanamo, but why not try it on U.S. soil?

The Attorney General could order immediate deportation of anyone deemed to be a member of a designated street gang, regardless of whether members had committed crimes. In other words, hanging around the wrong crowd, at least in the eyes of Alberto Gonzales, would be a deportable offense.

Federal courts hearing immigration cases would be instructed that any relief granted to immigrants would have to be the "minimum necessary" and "least intrusive" to government agencies. So if the government wrongly jailed you for 20 years, you might get released, but don't expect any compensation for the loss of your livelihood.

They say that desperate times call for desperate measures, and the Republican Party is clearly desperate to cling to power. I urge my colleagues to vote no.

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise in support of H.R. 4830, the Border Tunnel Prevention Act.

We need to secure our borders and ensure the safety of our country. The Border Tunnel Prevention Act is one positive step toward preventing criminals from entering our country unnoticed and illegally. This law creates new penalties for anyone using a tunnel to smuggle people, drugs or weapons into the United States. This effort is another tool for law enforcement and border security to begin to address illegal immigration and to aid in their efforts to keep our communities safe.

I have heard numerous times from Minnesota law enforcement agents about illegal drugs that pass through the Twin Cities on a regular basis, much of it originating south of the border and intended for the U.S. or Canada. While our law enforcement has made progress in shutting down meth production in the U.S., 80 percent of this dangerous drug comes from "superlabs" in Mexico. No legislation can entirely stop the flow of illegal drugs into our country, but this bill will add increased provisions to punish those who smuggle drugs into the U.S.

Madam Speaker, I am pleased to support H.R. 4830 today as a first step in what I hope will be a comprehensive effort to address immigration reform and the challenges law enforcement faces in keeping our communities and our country safe.

Mr. SENSENBRENNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1018, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

COMMUNITY PROTECTION ACT OF 2006

Mr. SENSENBRENNER. Madam Speaker, pursuant to House Resolution 1018, I call up the bill (H.R. 6094) to restore the Secretary of Homeland Security's authority to detain dangerous aliens, to ensure the removal of deportable criminal aliens, and combat alien gang crime, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Protection Act of 2006".

TITLE I—DANGEROUS ALIEN DETENTION ACT OF 2006

SEC. 101. DETENTION OF DANGEROUS ALIENS.

Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) by striking "Attorney General" each place it appears, except for the first reference in paragraph (4)(B)(i), and inserting "Secretary of Homeland Security";

(2) in paragraph (1), by adding at the end of subparagraph (B) the following:

"If, at that time, the alien is not in the custody of the Secretary of Homeland Security (under the authority of this Act), the Secretary shall take the alien into custody for removal, and the removal period shall not begin until the alien is taken into such custody. If the Secretary transfers custody of the alien during the removal period pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall begin anew on the date of the alien's return to the custody of the Secretary, subject to clause (ii).";

(3) by amending clause (ii) of paragraph (1)(B) to read as follows:

"(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the date the stay of removal is no longer in effect.";

(4) by amending paragraph (1)(C) to read as follows:

"(C) Suspension of Period.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary of Homeland

Security's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspires or acts to prevent the alien's removal subject to an order of removal.";

(5) in paragraph (2), by adding at the end the following: "If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administratively final order of removal, the Secretary, in the exercise of the Secretary's discretion, may detain the alien during the pendency of such stay of removal.";

(6) by amending paragraph (3)(D) to read as follows:

"(D) to obey reasonable restrictions on the alien's conduct or activities, or perform affirmative acts, that the Secretary of Homeland Security prescribes for the alien, in order to prevent the alien from absconding, or for the protection of the community, or for other purposes related to the enforcement of the immigration laws.";

(7) in paragraph (6), by striking "removal period and, if released," and inserting "removal period, in the discretion of the Secretary of Homeland Security, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien"; and

(8) by redesignating paragraph (7) as paragraph (10) and inserting after paragraph (6) the following:

"(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding such section, that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, but in no circumstance shall such alien be considered admitted.

"(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO HAVE MADE AN ENTRY.—The following procedures apply only with respect to an alien who has effected an entry into the United States. These procedures do not apply to any other alien detained pursuant to paragraph (6):

"(A) ESTABLISHMENT OF A DETENTION REVIEW PROCESS FOR ALIENS WHO FULLY COOPERATE WITH REMOVAL.—For an alien who has made all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary of Homeland Security's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, and has not conspired or acted to prevent removal, the Secretary shall establish an administrative review process to determine whether the alien should be detained or released on conditions. The Secretary shall make a determination whether to release an alien after the removal period in accordance with subparagraph (B). The determination shall include consideration of any evidence submitted by the alien, and may include consideration of any other evidence, including any information or assistance provided by the Secretary of State or other Federal official and any other information available to the Secretary of Homeland Security pertaining to the ability to remove the alien.

"(B) AUTHORITY TO DETAIN BEYOND THE REMOVAL PERIOD.—

"(i) IN GENERAL.—The Secretary of Homeland Security, in the exercise of the Secretary's discretion, without any limitations other than those specified in this section, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in paragraph (1)(C)).

"(ii) SPECIFIC CIRCUMSTANCES.—The Secretary of Homeland Security, in the exercise of the Secretary's discretion, without any limitations other than those specified in this section, may continue to detain an alien beyond the 90 days authorized in clause (i)—

"(I) until the alien is removed, if the Secretary determines that there is a significant likelihood that the alien—

"(aa) will be removed in the reasonably foreseeable future; or

"(bb) would be removed in the reasonably foreseeable future, or would have been removed, but for the alien's failure or refusal to make all reasonable efforts to comply with the removal order, or to cooperate fully with the Secretary's efforts to establish the aliens' identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspiracies or acts to prevent removal;

"(II) until the alien is removed, if the Secretary of Homeland Security certifies in writing—

"(aa) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

"(bb) after receipt of a written recommendation from the Secretary of State, that release of the alien is likely to have serious adverse foreign policy consequences for the United States;

"(cc) based on information available to the Secretary of Homeland Security (including classified, sensitive, or national security information, and without regard to the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States; or

"(dd) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and either (AA) the alien has been convicted of one or more aggravated felonies (as defined in section 101(a)(43)(A)) or of one or more crimes identified by the Secretary of Homeland Security by regulation, or of one or more attempts or conspiracies to commit any such aggravated felonies or such identified crimes, if the aggregate term of imprisonment for such attempts or conspiracies is at least 5 years; or (BB) the alien has committed one or more crimes of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future; or

"(ee) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and the alien has been convicted of at least one aggravated felony (as defined in section 101(a)(43)); or

"(III) pending a determination under subclause (II), so long as the Secretary of Homeland Security has initiated the administrative review process not later than 30 days after the expiration of the removal period (including any extension of the removal period, as provided in subsection (a)(1)(C)).

"(C) RENEWAL AND DELEGATION OF CERTIFICATION.—

"(i) RENEWAL.—The Secretary of Homeland Security may renew a certification under subparagraph (B)(ii)(II) every 6 months without limitation, after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew a certification, the Secretary may not continue to detain the alien under subparagraph (B)(ii)(II).

"(ii) DELEGATION.—Notwithstanding section 103, the Secretary of Homeland Security may not delegate the authority to make or renew a certification described in item (bb), (cc), or (ee) of subparagraph (B)(ii)(II) below the level of the Assistant Secretary for Immigration and Customs Enforcement.

"(iii) HEARING.—The Secretary of Homeland Security may request that the Attorney General or the Attorney General's designee provide for a hearing to make the determination described in item (dd)(BB) of subparagraph (B)(ii)(II).

"(D) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary of Homeland Security, in the exercise of the Secretary's discretion, may impose conditions on release as provided in paragraph (3).

"(E) REDETENTION.—The Secretary of Homeland Security, in the exercise of the Secretary's discretion, without any limitations other than those specified in this section, may again detain any alien subject to a final removal order who is released from custody if the alien fails to comply with the conditions of release, or to continue to satisfy the conditions described in subparagraph (A), or if, upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (B). Paragraphs (6) through (8) shall apply to any alien returned to custody pursuant to this subparagraph, as if the removal period terminated on the day of the redetention.

"(F) CERTAIN ALIENS WHO EFFECTED ENTRY.—If an alien has effected an entry, but has neither been lawfully admitted nor has been physically present in the United States continuously for the 2-year period immediately prior to the commencement of removal proceedings under this Act or deportation proceedings against the alien, the Secretary of Homeland Security, in the exercise of the Secretary's discretion, may decide not to apply paragraph (8) and detain the alien without any limitations except those which the Secretary shall adopt by regulation.

"(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision pursuant to paragraphs (6), (7), or (8) shall be available exclusively in habeas corpus proceedings instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and regulatory) available to the alien as of right.".

SEC. 102. DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.

(a) DETENTION AUTHORITY.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following:

"(e) LENGTH OF DETENTION.—

"(1) IN GENERAL.—With regard to length of detention, an alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

“(2) Construction.—The length of detention under this section shall not affect the validity of any detention under section 241.

“(f) Judicial Review.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (e) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.”.

(b) Judicial Review.—Section 236(e) of such Act (8 U.S.C. 1226(e)) is amended by adding at the end the following: “Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (f) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.”.

(c) Length of Detention.—Section 236 of such Act (8 U.S.C. 1226) is amended by adding at the end the following:

“(f) Length of Detention.—

“(1) In general.—With regard to length of detention, an alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

“(2) Construction.—The length of detention under this section shall not affect the validity of any detention under section 241 of this Act.”.

SEC. 103. SEVERABILITY.

If any provision of this title, or any amendment made by this title, or the application of any such provision to any person or circumstance, is held to be invalid for any reason, the remainder of this title, and of the amendments made by this title, and the application of the provisions and of the amendments made by this title to any other person or circumstance, shall not be affected by such holding.

SEC. 104. EFFECTIVE DATES.

(a) Section 101.—The amendments made by section 101 shall take effect on the date of the enactment of this Act, and section 241 of the Immigration and Nationality Act, as amended, shall apply to—

(1) all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(2) acts and conditions occurring or existing before, on, or after the date of the enactment of this Act.

(b) Section 102.—The amendments made by section 102 shall take effect upon the date of the enactment of this Act, and sections 235 and 236 of the Immigration and Nationality Act, as amended, shall apply to any alien in detention under provisions of such sections on or after the date of the enactment of this Act.

TITLE II—CRIMINAL ALIEN REMOVAL ACT

SEC. 201. EXPEDITED REMOVAL FOR ALIENS INADMISSIBLE ON CRIMINAL GROUNDS.

(a) In General.—Section 238(b) of the Immigration and Nationality Act (8 U.S.C. 1228(b)) is amended—

(1) in paragraph (1)—

(A) by striking “Attorney General” and inserting “Secretary of Homeland Security in the exercise of discretion”; and

(B) by striking “set forth in this subsection or” and inserting “set forth in this subsection, in lieu of removal proceedings under”;

(2) in paragraph (3), by striking “paragraph (1) until 14 calendar days” and inserting “paragraph (1) or (3) until 7 calendar days”;

(3) by striking “Attorney General” each place it appears in paragraphs (3) and (4) and inserting “Secretary of Homeland Security”;

(4) in paragraph (5)—

(A) by striking “described in this section” and inserting “described in paragraph (1) or (2)”; and

(B) by striking “the Attorney General may grant in the Attorney General's discretion” and inserting “the Secretary of Homeland Security or the Attorney General may grant, in the discretion of the Secretary or Attorney General, in any proceeding”;

(5) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(6) by inserting after paragraph (2) the following new paragraph:

“(3) The Secretary of Homeland Security in the exercise of discretion may determine inadmissibility under section 212(a)(2) (relating to criminal offenses) and issue an order of removal pursuant to the procedures set forth in this subsection, in lieu of removal proceedings under section 240, with respect to an alien who—

“(A) has not been admitted or paroled;

“(B) has not been found to have a credible fear of persecution pursuant to the procedures set forth in section 235(b)(1)(B); and

“(C) is not eligible for a waiver of inadmissibility or relief from removal.”.

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act but shall not apply to aliens who are in removal proceedings under section 240 of the Immigration and Nationality Act as of such date.

TITLE III—ALIEN GANG REMOVAL ACT OF 2006

SEC. 301. RENDERING INADMISSIBLE AND DEPORTABLE ALIENS PARTICIPATING IN CRIMINAL STREET GANGS.

(a) Inadmissible.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

“(J) Criminal street gang participation.—

“(i) In general.—Any alien is inadmissible if—

“(I) the alien has been removed under section 237(a)(2)(F); or

“(II) the consular officer or the Secretary of Homeland Security knows, or has reasonable ground to believe that the alien—

“(aa) is a member of a criminal street gang and has committed, conspired, or threatened to commit, or seeks to enter the United States to engage solely, principally, or incidentally in, a gang crime or any other unlawful activity; or

“(bb) is a member of a criminal street gang designated under section 219A.

“(ii) Definitions.—For purposes of this subparagraph:

“(I) Criminal street gang.—The term ‘criminal street gang’ means a formal or informal group or association of 3 or more individuals, who commit 2 or more gang crimes (one of which is a crime of violence, as defined in section 16 of title 18, United States Code) in 2 or more separate criminal episodes in relation to the group or association.

“(II) Gang crime.—The term ‘gang crime’ means conduct constituting any Federal or State crime, punishable by imprisonment for one year or more, in any of the following categories:

“(aa) A crime of violence (as defined in section 16 of title 18, United States Code).

“(bb) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

“(cc) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

“(dd) Any conduct punishable under section 844 of title 18, United States Code (relating to explosive materials), subsection (d), (g)(1) (where the underlying conviction is a violent felony (as defined in section 924(e)(2)(B) of such title) or is a serious drug offense (as defined in section 924(e)(2)(A)), (i), (j), (k), (o), (p), (q), (u), or (x) of section 922 of such title (relating to unlawful acts), or subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 of such title (relating to penalties), section 930 of such title (relating to possession of firearms and dangerous weapons in Federal facilities), section 931 of such title (relating to purchase, ownership, or possession of body armor by violent felons), sections 1028 and 1029 of such title (relating to fraud and related activity in connection with identification documents or access devices), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property).

“(ee) Any conduct punishable under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) of this Act.”.

(b) Deportable.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

“(F) Criminal street gang participation.—

“(i) In general.—Any alien is deportable who—

“(I) is a member of a criminal street gang and is convicted of committing, or conspiring, threatening, or attempting to commit, a gang crime; or

“(II) is determined by the Secretary of Homeland Security to be a member of a criminal street gang designated under section 219A.

“(ii) Definitions.—For purposes of this subparagraph, the terms ‘criminal street gang’ and ‘gang crime’ have the meaning given such terms in section 212(a)(2)(J)(ii).”.

(c) Designation of Criminal Street Gangs.—

(1) In general.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by adding at the end the following:

“DESIGNATION OF CRIMINAL STREET GANGS

“Sec. 219A. (a) Designation.—

“(1) In general.—The Attorney General is authorized to designate a group or association as a criminal street gang in accordance with this subsection if the Attorney General finds that the group or association meets the criteria described in section 212(a)(2)(J)(ii)(I).

“(2) Procedure.—

“(A) Notice.—

"(i) TO CONGRESSIONAL LEADERS.—Seven days before making a designation under this subsection, the Attorney General shall, by classified communication, notify the Speaker and Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees of the House of Representatives and the Senate, in writing, of the intent to designate a group or association under this subsection, together with the findings made under paragraph (1) with respect to that group or association, and the factual basis therefor.

"(ii) PUBLICATION IN FEDERAL REGISTER.—The Attorney shall publish the designation in the Federal Register seven days after providing the notification under clause (i).

"(B) EFFECT OF DESIGNATION.—

"(i) A designation under this subsection shall take effect upon publication under subparagraph (A)(ii).

"(ii) Any designation under this subsection shall cease to have effect upon an Act of Congress disapproving such designation.

"(3) RECORD.—In making a designation under this subsection, the Attorney General shall create an administrative record.

"(4) PERIOD OF DESIGNATION.—

"(A) IN GENERAL.—A designation under this subsection shall be effective for all purposes until revoked under paragraph (5) or (6) or set aside pursuant to subsection (b).

"(B) REVIEW OF DESIGNATION UPON PETITION.—

"(i) IN GENERAL.—The Attorney General shall review the designation of a criminal street gang under the procedures set forth in clauses (iii) and (iv) if the designated gang or association files a petition for revocation within the petition period described in clause (ii).

"(ii) PETITION PERIOD.—For purposes of clause (i)—

"(I) if the designated gang or association has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

"(II) if the designated gang or association has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

"(iii) PROCEDURES.—Any criminal street gang that submits a petition for revocation under this subparagraph must provide evidence in that petition that the relevant circumstances described in paragraph (1) are sufficiently different from the circumstances that were the basis for the designation such that a revocation with respect to the gang is warranted.

"(iv) DETERMINATION.—

"(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Attorney General shall make a determination as to such revocation.

"(II) PUBLICATION OF DETERMINATION.—A determination made by the Attorney General under this clause shall be published in the Federal Register.

"(III) PROCEDURES.—Any revocation by the Attorney General shall be made in accordance with paragraph (6).

"(C) OTHER REVIEW OF DESIGNATION.—

"(i) IN GENERAL.—If in a 5-year period no review has taken place under subparagraph (B), the Attorney General shall review the designation of the criminal street gang in order to determine whether such designation should be revoked pursuant to paragraph (6).

"(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Attorney General. The results of such review and the applicable procedures shall not be reviewable in any court.

"(iii) PUBLICATION OF RESULTS OF REVIEW.—The Attorney General shall publish any determination made pursuant to this subparagraph in the Federal Register.

"(5) REVOCATION BY ACT OF CONGRESS.—The Congress, by an Act of Congress, may block or revoke a designation made under paragraph (1).

"(6) REVOCATION BASED ON CHANGE IN CIRCUMSTANCES.—

"(A) IN GENERAL.—The Attorney General may revoke a designation made under paragraph (1) at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4) if the Attorney General finds that—

"(i) the circumstances that were the basis for the designation have changed in such a manner as to warrant revocation; or

"(ii) the national security of the United States warrants a revocation.

"(B) PROCEDURE.—The procedural requirements of paragraphs (2) and (3) shall apply to a revocation under this paragraph. Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.

"(7) EFFECT OF REVOCATION.—The revocation of a designation under paragraph (5) or (6) shall not affect any action or proceeding based on conduct committed prior to the effective date of such revocation.

"(8) USE OF DESIGNATION IN HEARING.—If a designation under this subsection has become effective under paragraph (2)(B) an alien in a removal proceeding shall not be permitted to raise any question concerning the validity of the issuance of such designation as a defense or an objection at any hearing.

"(b) JUDICIAL REVIEW OF DESIGNATION.—

"(1) IN GENERAL.—Not later than 30 days after publication of the designation in the Federal Register, a group or association designated as a criminal street gang may seek judicial review of the designation in the United States Court of Appeals for the District of Columbia Circuit.

"(2) BASIS OF REVIEW.—Review under this subsection shall be based solely upon the administrative record.

"(3) SCOPE OF REVIEW.—The Court shall hold unlawful and set aside a designation the court finds to be—

"(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

"(B) contrary to constitutional right, power, privilege, or immunity;

"(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

"(D) lacking substantial support in the administrative record taken as a whole; or

"(E) not in accord with the procedures required by law.

"(4) JUDICIAL REVIEW INVOKED.—The pendency of an action for judicial review of a designation shall not affect the application of this section, unless the court issues a final order setting aside the designation.

"(c) RELEVANT COMMITTEE DEFINED.—As used in this section, the term 'relevant committees' means the Committees on the Judiciary of the House of Representatives and of the Senate.".

(2) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 219 the following:

"Sec. 219A. Designation of criminal street gangs.".

SEC. 302. MANDATORY DETENTION OF SUSPECTED CRIMINAL STREET GANG MEMBERS.

(a) IN GENERAL.—Section 236(c)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1226(c)(1)(D)) is amended—

(1) by inserting "or 212(a)(2)(J)" after "212(a)(3)(B)"; and

(2) by inserting "or 237(a)(2)(F)" before "237(a)(4)(B)".

(b) ANNUAL REPORT.—Not later than March 1 of each year (beginning 1 year after the date of the enactment of this Act), the Secretary of Homeland Security, after consultation with the appropriate Federal agencies, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the number of aliens detained under the amendments made by subsection (a).

SEC. 303. INELIGIBILITY FROM PROTECTION FROM REMOVAL AND ASYLUM.

(a) INAPPLICABILITY OF RESTRICTION ON REMOVAL TO CERTAIN COUNTRIES.—Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1251(b)(3)(B)) is amended, in the matter preceding clause (i), by inserting "who is described in section 212(a)(2)(J)(i) or section 237(a)(2)(F)(i) or who is" after "to an alien".

(b) INELIGIBILITY FOR ASYLUM.—Section 208(b)(2)(A) of such Act (8 U.S.C. 1158(b)(2)(A)) is amended—

(1) in clause (v), by striking "or" at the end;

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following:

"(vi) the alien is described in section 212(a)(2)(J)(i) or section 237(a)(2)(F)(i) (relating to participation in criminal street gangs); or".

(c) DENIAL OF REVIEW OF DETERMINATION OF INELIGIBILITY FOR TEMPORARY PROTECTED STATUS.—Section 244(c)(2) of such Act (8 U.S.C. 1254(c)(2)) is amended by adding at the end the following:

"(C) LIMITATION ON JUDICIAL REVIEW.—There shall be no judicial review of any finding under subparagraph (B) that an alien is in described in section 208(b)(2)(A)(vi).".

The SPEAKER pro tempore. Pursuant to House Resolution 1018, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6094 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 6094, the Community Protection Act, which consists of 3 crucial provisions to ensure the safety of all Americans:

Title I includes the Dangerous Alien Detention Act which contains provisions similar to those passed by the House last December as a part of H.R. 4437.

In Zadvydas v. Davis (2001) and Clark v. Martinez (2005), the Supreme Court decided that under current law, immigrants under orders of removal can almost never be detained for more than 6 months if for some reason they cannot be removed from the country within that time. As a result, the Department of Homeland Security has had no choice but to release hundreds of criminal aliens back into our communities.

The Department of Justice has testified that the government is now required to release numerous rapists, child molesters, murderers, and other dangerous illegal aliens into our streets. "Vicious criminal aliens are now being set free within the United States." One of the aliens released was subsequently arrested for shooting a New York state trooper in the head.

This bill will end this perilous practice by allowing the Department of Homeland Security to detain certain dangerous aliens beyond 6 months when they cannot successfully be removed. This would include immigrants whose release would have serious adverse foreign policy considerations or threaten the national security or community safety. Such aliens may be detained for periods of 6 months at a time and the period of detention can be renewed.

The title also provides for appropriate judicial review of detention decisions.

Title II, the Criminal Alien Removal Act, was also passed as a part of H.R. 4437. It would allow the Department of Homeland Security to use the same expedited procedures available for the removal of aggravated felons to remove other inadmissible criminal aliens who are not permanent residents and otherwise are ineligible for release. At the present time, these aliens must be placed in lengthy removal proceedings before an immigration judge, despite the fact that they are not eligible for any relief.

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This title permits removal of criminal aliens as expeditiously as possible.

Title III of the bill contains the "Alien Gang Removal Act" authored by the gentleman from Virginia (Mr. FORBES), which was also included in H.R. 4437. Crime by alien members of criminal street gangs is a growing menace. Moreover, while criminal alien gangs are spreading throughout the country, they often terrorize immigrant communities and subvert the qualities of honesty and hard work that typify most of these communities.

Despite the clear threat that the violent street gangs pose to our neighborhoods and communities, immigrants who are members of these gangs are not deportable or inadmissible, and can receive asylum and temporary protected status. DHS must wait until they are caught and convicted of a specific criminal act before it can act to remove them.

One of the most violent and fastest-growing gangs, MS–13, was formed by Salvadorans who entered the U.S. during the civil war in El Salvador in the 1980s, and has an estimated 8,000 to 10,000 members in 31 States.

This bill renders alien gang members deportable and inadmissible, mandates their detention, and bars them from receiving asylum or temporary protected status. The bill adopts procedures similar to those used by the State Department to designate foreign terrorist organizations in order to enable the Attorney General to designate gangs as criminal street gangs.

Madam Speaker, I urge my colleagues to support this bill to make America's streets safer for all.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is unfortunate that we are not focusing our attention on proposals that would actually make our Nation's borders more secure, but I think we find ourselves once again on the floor of the House engaging in a kind of a political gamesmanship that forecasts an election some 48 days from now.

By now many people in our country have lost their patience for political theater and expect movement toward comprehensive immigration reform. I used that phrase earlier, and it was rejected by a Member on the other side of the aisle as not being pragmatic.

The House and the Senate have passed bills on immigration reform and border security a number of months ago. Under regular order we should have had conferees appointed and been engaged in the process of reconciling the two bills. As a matter of fact, the chairman of this committee and myself as ranking member would undoubtedly have been two of the conferees.

However, in a substantial deviation from what is normal practice in the House, the leadership decided to launch a traveling road show of committee hearings in the States across the country in an attempt to make citizens believe that they were being active on this subject of comprehensive immigration reform. But most Americans, or at least many of them, saw through the charade and the hearings were condemned in the media across the country as both a waste of taxpayers' money and a waste of congressional time when we should have been focused on resolving the immigration differences that we have between the two committees.

Now here we are at the end of September. The nationwide hearings are over, some 21 hearings covering more than a dozen States, and we still have no notice of when we are going to have a conference on the two measures concerning immigration that have been already passed months ago by the House of Representatives and the Senate.

Now, by bringing parts of these provisions to the floor again, I don't think is going to give much encouragement to the citizens who are quickly losing confidence in the Congress. I think our ratings are down to 25 percent support. That's as of today. We may fall lower after these hearings because people are tired of theater, and they would like to have a little show, a little progress, a little action.

So here we are reworking many provisions that were already passed in H.R. 4437 last December. I think very few people are going to be fooled by what it is that is going on here.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Madam Speaker, I thank the gentleman for yielding me this time.

The border security bill that was passed by the House of Representatives is being criticized by the Democrats. But our hearings were not condemned by the media. Far from it, because at our hearings we heard from the border agents, the sheriffs, the investigators, the men and women whose task it is to enforce border security. They called for the border fence that the Democrats opposed.

Now the Democrats are referring to their motion to recommit our bill, H.R. 4437. Well, their motion would have gutted this critical immigration enforcement bill. If the Democrat motion had passed, there would have been no provision to crack down on violent alien gang members. There would have been no provision to allow for the detention of dangerous aliens. There would be no provision to crack down on employees hiring those here illegally.

Their motion to recommit was meaningless and ineffectual. Only the Appropriations Committee can actually allocate funds. The Democrats know this, and they know that our appropriators over this year and next have increased Border Patrol strength by 2,700 agents. This is the maximum number of new agents who can realistically be recruited and adequately trained in that time span.

But in the meantime we have the question of the broader border security issue of whether you are going to erect that fence, whether you are going to allow State and local law enforcement to assist our ICE agents, whether or not you are going to crack down on criminal gangs. Those are the provisions that we are bringing up today and passing over into the Senate.

Our hope is that the Senate leadership, Republican leadership, can get past the Democratic opposition this time and get past the argument that all we should do is a blanket amnesty. We tried a blanket amnesty in 1986. It didn't work. It did not work. And the concept that the answer to all of this is open borders and another blanket amnesty is simply wrong. It is a wrongheaded notion. I urge passage.

Mr. CONYERS. Madam Speaker, I am very pleased to yield to the gentlewoman from California (Ms. ZOE LOFGREN), a distinguished member of the Committee on the Judiciary and a member on the Immigration Subcommittee, such time as she may consume.

Ms. ZOE LOFGREN of California. Madam Speaker, as the ranking member has mentioned, I am a member of the Immigration Subcommittee and also the Homeland Security Committee. As a consequence, I had an opportunity to participate in some of these so-called immigration hearings in the last several months.

I must say that the impression that one receives, the inevitable impression, is that there has been a lot of talk, but as they say in the South, not much walk. Unfortunately, I think today is more of the same.

Since 1995, when the Senate and House gained their Republican majorities, 5.3 million undocumented immigrants have come into the United States. Since 2001, when President Bush assumed the Presidency, over 2 million undocumented immigrants came into the United States. We have seen 12 years, basically, 12 years of Republican rule in the House and Senate, their power, and basically nothing has happened. Nothing has happened.

And now with 5 legislative days left before we adjourn and go out to meet our voters, there are these bills that are being brought to the floor that haven't had hearings, that don't scratch the issues of the real security issues that face us. Interesting enough, these bills don't even come close to what several of the witnesses at what Congressman FLAKE termed the "faux" hearings in August, what those witnesses told us.

For example, Sheriff Lee Baca of Los Angeles County, I think the largest sheriff's jurisdiction in the country, said he supported comprehensive reform, not piecemeal reform and sets of bills that failed to address the full border security issue.

I think if we take a look at the substance of these bills, and I don't think that is even what is intended here, but if we do, we will see how little these proposals would actually accomplish.

No one is going to stick up for criminal alien gangs, not me, not anybody. But the provisions in the act are not going to be effective.

The State and local cooperation, the enforcement of the Immigration Law Act, does not require police to report immigration status of crime victims, and it really is not going to do what I think the authors suggest.

Title II, is a provision, it is a sense of the Congress that the Attorney General should adopt guidelines for the prosecution of smuggling offenses. That should have been done quite some time ago. It reminds me of the bill that we passed earlier this week, and I was unable to be on the floor, where we urge that the Attorney General and the Department of Homeland Security gain control of our borders in 18 months' time. What about now? What about the last 12 years?

So again, we are going through pretty much a charade here. Meanwhile, the President zeroed out funding for the State criminal alien assistance program. Really every year since 2001 he has zeroed it out, and the Republican-controlled Congress barely funded it at half of what was authorized. In fiscal year 2006, Congress only appropriated $405 million even though $750 million was authorized.

The list of failures goes on and on, but the truth or the proof is in the pudding. And I think as voters take a look at a situation that is not a good one, the border is not orderly, at millions of illegal aliens who have come in under the watch of the Republican Congress and see here today the scrambling around to look like we are doing something, I think they will understand that they are being played for fools.

Mr. SENSENBRENNER. Madam Speaker, I yield myself 1 minute.

Madam Speaker, what we have heard from the other side of the aisle I think basically falls into the category of the perfect being the enemy of the good. When the perfect defeats the good, then bad prevails.

The way checks and balances were set up, it is really hard to pass a perfect bill. I think one has been passed since 1789 in this House of Representatives.

What we are doing at the end of the session is some good stuff. Criminal alien gangs and all of the other things that I described in my opening statements, I think they are good. If they are good, we ought to vote for them. If it isn't good to deal with criminal alien gangs that are poisoning and terrorizing our streets, then vote "no."

Madam Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Madam Speaker, I want to begin by thanking Chairman SENSENBRENNER for taking up this fight and for not giving up on this fight and continuing to work hard to get some of these provisions through.

I guess the longer I am here, I should not be surprised by anything that I hear on the floor, but I still am shocked. I am shocked this afternoon as I hear statements like, "There has been a lot of talk, but not much walk," and then that bringing part of these provisions certainly will not give any confidence to our citizens.

Madam Speaker, I say that because I want to talk about just one part of these provisions today, and that is violent criminal gangs. When we began talking about violent criminal gangs and trying to do something about it, our friends on the other side of the aisle first suggested to us in the committees that we didn't even have a problem with violent criminal gangs in the United States.

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But today they have backed off of that because they know that as we are sitting here talking today, there are over 850,000 criminal gang members in this country.

A lot of talk, but not much walk. They have fought us on every single aspect of trying to do something to stop those violent criminal gangs. And, Madam Speaker, I would just tell you that of those 850,000 violent criminal gang members, if you look at the most violent gangs, all of our testimony in the Judiciary Committee suggested that between 60 and 85 percent of them were here illegally.

When they come into our country, we don't even ask them today if they are a member of a violent criminal gang; and what is worse is once they get here, we actually cloak them in protections, either by giving temporary protected status or by giving them political asylum, which basically means this: they can stand outside our schools, stand outside our neighborhoods with a placard that says: I am a member of the most violent criminal gang in the world. I am here illegally, and our law enforcement people cannot do anything at all to touch them.

And the common sense of this provision is simply this: it says, first of all, when they come into the country, we are going to treat them like we do terrorists, and we are going to say if you are a member of a violent criminal gang, we are not letting you in. If you get into the country and you are here as our guest and we let you in and you join a violent criminal gang, we don't believe there is any socially redeeming value at all in being a member of a violent criminal gang.

So if you join that gang, we are going to send you out of this country, and we are not going to just set up some hearing date that is 30, 60, 90 days away that you won't show up at, but we are going to stop you. We are going to detain you, and we are going to send you out before we have a victim of a violent crime.

Madam Speaker, I would just close by saying we had testimony of one situation in Massachusetts where we had a young girl who was deaf and she had a mental illness. She was in a wheelchair, and she and another handicapped child were taken out and raped by six gang members, and two of them were here, one protected by temporary protected status and the other one who had applied for it.

Madam Speaker, I think it is time for us to use some common sense when dealing with violent criminal gangs and to say that we are going to do something about them. We are not going to just talk about them, but we are going to get some action done.

I thank the chairman for continuing this fight, and I hope we will pass this measure.

Mr. CONYERS. Madam Speaker, I yield such time as she may consume to Ms. LOFGREN.

Ms. ZOE LOFGREN of California. Madam Speaker, really, we are talking a lot, but if we had acted in the last 12 years, we would be in a lot better situation.

It has been mentioned that violent gang members should not be admitted to the United States and that somehow we need to change the law in order to accomplish that. I would note, however, that under section 212 of the Immigration and Nationality Act, gang members are already inadmissible to the United States; and if we had adequate personnel, they would have been turned away at the border. And thinking about what we could have done, we could have voted the resources over the years to do that. I will just mention a few votes that every Republican on the floor voted against.

In 2001, rollcall vote No. 454 in November of 2001, Democrats suggested that we add $223 million for border security to help meet the promises of the PATRIOT Act on border staffing and what the 9/11 Commission recommended. What happened? On a party-line vote, that additional resources to keep gang members out was defeated.

In 2003, rollcall vote No. 301 in June of 2003, Republicans voted against consideration of an amendment that would have added $300 million for border security, including making a further down payment on the promise of the Congress in the 2001 PATRIOT Act to triple the number of border agents and inspectors along the northern border, and all the Republicans on the floor here today voted against that.

Vote No. 305 in 2003 was additional appropriations that Democrats were recommending, $300 million, again to enhance border security and keep gang members and others out of the United States. And again Republicans all voted against it; the Democrats voted for it.

Rollcall vote No. 243 in 2004, again Republicans voted against consideration of an amendment that would have added $750 million for border security.

In 2005, rollcall vote No. 160, Democrats tried again, and Republicans voted against a motion to report back to conference with instructions to add $284 million for additional border security measures. That $284 million would have included funding for an additional 550 Border Patrol agents, 200 additional immigration agents, and additional border aerial vehicles.

In 2005, rollcall vote 174, once again Republicans voted against consideration of amendments that would have added $400 million to border security. And later in 2005, rollcall vote No. 187, Republicans voted against a Democratic substitute that would have added 800 additional immigration agents and 8,000 additional detention beds, helping to meet the promise of the 9/11 Commission.

In 2005, rollcall vote 188, again Republicans voted against a motion to recommit the Homeland Security Authorization bill with instructions so that we could add 800 additional immigration agents and 8,000 additional detention beds.

And, of course, rollcall vote 56 in 2006, Republicans defeated an amendment to H.R. 4939, the supplemental approps that would have added $600 million for border security measures in the bill, including $400 million for installation, 1,500 radiation portal monitors and air patrols and the like.

Again, rollcall vote 210 this year, Republicans voted against consideration of an amendment that would have added $2.1 billion for border security, helping us to meet our commitments by adding additional Border Patrol agents, immigration agents, and detention beds.

Now, in the face of all of this negativism, we have here in the last 6 days of this Congress fluff. Fluff. I don't think the American people are going to buy it.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the gentlewoman from California has recited a litany of rollcalls, and all of those rollcalls, from what I heard, deal with appropriations legislation.

We have a budget. We cannot fully fund every request that comes down in the budget; otherwise, the deficit would balloon to even higher levels. But the fact is that the most generous parts of the budget have been for defense and homeland security since 9/11, and there have been some pretty large increases in that.

Then the gentlewoman from California says that this bill is unnecessary because we already can refuse to admit gang members into this country. And she is not correct on that. In order to refuse to admit a gang member into this country under the Immigration and Naturalization Act, that gang member had to have been convicted of a crime. And the difference between her side of the argument and our side of the argument is pretty simple:

They require there to be a victim first. Somebody has to be a victim of a crime that has been committed by a gang member who serves time in an American prison and then is deported and attempts to come back.

We don't think that a gang member should have to be convicted first to keep him out of our country. That is a big difference between the Democrats and the Republicans.

Now, we have heard an awful lot of rhetoric on this floor about the fact that we have to have a comprehensive immigration bill. We passed a comprehensive immigration bill in 1986, and the failure of that bill has caused the problems that this country faces today with 11 to 12 million illegal immigrants in this country and the number growing by over half a million ever year.

The 1986 bill was triggered by a commission that was appointed by President Carter which was headed by the then-President of Notre Dame University, Father Theodore Hesburgh. Let me quote a little bit from the commission report, and, remember, this was the Hesburgh Commission.

Five years before the 1986 bill was passed, the Hesburgh Commission said: "We do not believe that the United States should begin the process of legalization until new enforcement measures have been instituted to make it clear that the United States is determined to curtail new flows of undocumented/illegal aliens. Without more effective enforcement than the U.S. has had in the past, legalization could serve as a stimulus to further illegal entry. The select commission is opposed to any program that would precipitate such movement."

That was true 25 years ago when Father Hesburgh and his commission penned those words. It is true today, particularly in the light of the failure of the 1986 Simpson-Mazzoli bill.

The legislation we have before us now attempts to fulfill the admonition that Father Hesburgh and his commission gave to the country in 1981. That is why it should pass.

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise today in opposition to H.R. 6094, the Community Protection Act of 2006. The Nation has been calling for comprehensive immigration reform. By focusing only on enforcement, the majority would have us ignore our Nation's economic dependence on immigrant labor and does nothing to address the millions of undocumented individuals already living and working in the country today.

H.R. 6094 will have the effect of restricting the rights of immigrants to due process protections, like judicial review and immigration hearings, and could have serious, possibly life-endangering consequences for immigrants and asylum-seekers. Permitting the indefinite detention of an individual, even a non-citizen, is a practice one would associate with oppressive regimes. Applying that decision retroactively is a direct violation of due process; due process is essential when you consider the number of documented failures in custody review procedures and administrative delays.

The measure grants Department of Homeland Security officials, rather than immigration officials or other courts, the authority to determine whether expedited removal of individuals is admissible. The language does not specify that an individual be convicted of any crime; it instead allows low-level officers to play judge and jury deciding whether an individual poses a threat to public safety. In doing so it denies individuals the rights to safeguards provided by judicial review, which has been so important to protecting civil liberties in our Nation.

I strongly encourage my colleagues to reject this measure and instead move forward with negotiations for comprehensive immigration reform that responsibly addresses all aspects of this critical issue.

Ms. LEE. Mr. Speaker, I rise today in strong opposition to all three of these bills.

We should be passing real immigration reform today not these mean-spirited, divisive bills.

Real immigration reform should include a clear path to citizenship not targeting people who don't fit the Republican majority's conception of what a citizen should look like. Under the provisions of H.R. 6094, they want to be able to single out two or three minorities walking down the street, call them a gang, and have an easy route to deport them by classifying them as a "criminal street gang." Not only is that an infringement on the constitutional guarantee to right of a assembly, it's indicative of the xenophobic sentiment shrouding the Republican's version of immigration reform.

Real immigration reform should take meaningful steps at securing our borders like investing in infrastructure at our ports and airports. We shouldn't be deputizing local law enforcement as border police.

Real immigration reform should recognize the intrinsic value that diversity through immigration has brought to our Nation and not seek to divide us as these three bills do. Unfortunately, this debate is no longer about border security, jobs, or the economy—it has become about spewing hateful, rhetoric. These bills will contribute to the incitement of attacks against the immigrant community, such as the recent arson on a Mexican restaurant in California, or the attack on the young Latino student in Texas earlier this year.

Mr. Speaker, these bills are nothing but a cynical attempt 7 weeks before an election to score political points. That's not only irresponsible it's reprehensible.

I urge my colleagues to reject these hateful bills.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the Community Protection Act of 2006, H.R. 6094. H.R. 6094 will not protect United States borders, strengthen our national security, or address the Nation's immigration problems comprehensively. Instead of voting on H.R. 6094 and other bills that raise a few issues on a piecemeal basis, we should be going to conference to resolve the differences between the House and Senate immigration reform bills that have already passed.

The Community Protection Act would permit indefinite detention of aliens who are considered dangerous and are waiting for the execution of a final order of deportation. The most common reason for a delay in executing the order is difficult in obtaining travel documents that authorize the alien's admission to another country.

I object to the practice of indefinite detention for a number of reasons, but the one that concerns me most is the possibility that people will spend the rest of their lives in detention simply because they are viewed as being dangerous.

In Zadvydas v. Davis (2001), the U.S. Supreme Court held that a statute permitting indefinite detention would raise serious constitutional problems because the due process clause of the fifth amendment prohibits depriving any person, including aliens, of liberty without due process of law.

The Community Protection Act would allow expedited removal of aliens who have not been inspected or paroled into the United States, are inadmissible on the basis of a criminal ground, a conviction would not be required, do not have a credible fear of persecution, and are not eligible for a waiver or relief from removal.

The Immigration and Nationality Act, INA, already has provisions for the expedited removal of criminal aliens, but it applies to aliens who have been convicted of an aggravated felony. As a practical matter, relief from deportation is not available to an alien who has been convicted of an aggravated felony. Only two issues are involved in these cases, is the person an alien and has he been convicted of an aggravated felony.

In contrast, H.R. 6089 would establish expedited removal proceedings for aliens who do not have a credible fear of persecution and are inadmissible under section 212(a)(2) of the INA on the basis of a crime involving moral turpitude, a controlled substance violation, two or more offenses for which the aggregate sentence was 5 years or more, prostitution or commercialized vice, trafficking in persons, money laundering, and other criminal offenses.

These cases would raise complicated legal issues and difficult questions of fact, such as whether the alien is removable under any of the numerous grounds of inadmissibility in section 212(a)(2) of the INA, and, if so, whether he eligible for a waiver of inadmissibility. These issues cannot properly be adjudicated in expedited removal proceedings.

H.R. 6094 addresses the problem of gang violence in the United States. This is a very serious problem that needs to be addressed, but H.R. 6094 does not take the right approach. It would cast a broad net that would ensnare innocent children along with the dangerous criminals.

H.R. 6094 would establish new grounds of inadmissibility, which would include the belief of an immigration inspector that the alien is a gang member entering to engage in unlawful activity. It also would make someone removable solely on the basis of membership in a group that has been designated by the Attorney General as "a criminal street gang."

In addition, members of designated criminal street gangs would be ineligible for asylum, withholding of removal, and Temporary Protected Status; and they would be subject to the criminal alien detention provisions.

This approach might be less objectionable if every youth in a gang was a violent criminal, but that is not the case.

I urge you to vote against the Effective Immigration Enforcement and Community Protection Act.

Mr. SMITH of Texas. Mr. Speaker, H.R. 6094, the Community Protection Act of 2006, will fix a U.S. Supreme Court decision that has inadvertently put us in danger.

The bill allows the Federal Government to detain illegal immigrants convicted of serious crimes for 6-month periods beyond their incarceration, as long as at the end of each 6-month period the detention is renewed by the Department of Justice.

Current law states that if a convicted illegal immigrant is ordered deported, but can't be deported because their home country refuses to take them back, the U.S. Government can only detain them for a 6-month period.

After that, the Government is forced to release the criminal immigrant knowing they may be a danger to the community.

We have a responsibility to make sure the laws of this land protect Americans rather than endanger them.

Under this bill convicted illegal immigrants will be detained until arrangements can be made to have them deported.

I urge my colleagues to support the bill.

Mr. BILBRAY. Mr. Speaker, I rise in strong support of H.R. 6094, the Community Protection Act of 2006. Right now, the government is releasing numerous rapists, child molesters, murders and other dangerous illegal aliens onto our streets. The Department of Homeland Security's Inspector General said that in the first six months of 2005, more than 696 high-risk aliens were released.

This act will ensure that these dangerous illegal immigrants will not be released back into society. If we are to address the public safety concerns created by our Nation's lax illegal immigration policies, then we must adopt new procedures to will expedite the removal of dangerous criminals.

Of the 55,322 illegal alien criminals found in 2005, about 24 percent were arrested on drug offenses, 15 percent for property-related offenses and about 12 percent were arrested for more serious crimes such as murder, robbery, assault, and sexually related crimes. Even more troubling is the fact that the 55,322 illegal alien criminals committed a total of 700,000 crimes or 13 crimes each. These repeat offenders pose a serious threat to the safety and security of our country.

H.R. 6094 will give the Department of Homeland Security the authority to get these criminals off of our streets and out of our country. One of the key provisions of this bill addresses the problems created by illegal immigrants who belong to violent gangs. In the last decade, the U.S. has experienced a dramatic increase in the number and size of transnational street gangs. These gangs have held entire communities hostage with their violence and our current laws don't do enough to stop these gang members from crossing our border.

The Community Protection Act designates these violent gang members as an inadmissible class—expanding the authority of Homeland Security officials to detain and deport alien gang members. These are common sense provisions that should have adopted years ago. We now have the opportunity to do the right thing and pass this bill that will help combat the violence created from criminal aliens.

Mr. LANGEVIN. Mr. Speaker, today I rise to call on my colleagues in Congress to refocus their efforts on comprehensive immigration reform. What we need is not to debate and pass a bunch of bills that duplicate legislation already passed by the House—legislation that has little chance of passage in the Senate. What we need is to get back on track with what the bipartisan 9/11 Commission has repeatedly called for—comprehensive immigration reform. Only when we enact comprehensive reform will we be truly effective in securing our Nation's borders.

Today we are considering three bills, which do little to fix our Nation's illegal immigration problems. We need to do more, and we need to do it in a sensible, bipartisan and comprehensive fashion. The American people expect Congress to secure our borders, and that extends to understanding who currently resides in our country and why they are here. Just as importantly, in considering border security legislation, we need to focus on securing weapons of mass destruction to ensure they do not make their way through our ports of entry. I find it redundant and unnecessary that we are going back to consider legislation that has already been passed by this body when there is so much unfinished business we ought to be focusing on.

We need to focus on "smart security" and develop a comprehensive plan. I continue to support the Kolbe-Flake-Gutierrez bill, which is a broad and multi-faceted approach to securing our borders. Under this legislation, we would hire and train more border patrol agents to secure our borders, improve our surveillance technology, and require employers to verify the status of their employees. This proactive approach ensures we keep those wishing to harm us out of our country and allows us to ascertain precisely who is in our country and why they are here.

We also need to refocus our efforts on monitoring exactly which materials come through our borders. As the lead Democrat on the Subcommittee for the Prevention of Nuclear and Biological Attack, I have called for the installation of radiation portal monitors at designated ports of entry to screen all inbound cargo for radiological or nuclear materials. I am dedicated to ensuring we have this important technology at every entry point.

However, instead of addressing these real problems, the Republican leadership has chosen to bring up legislation that we have already passed—not because they want a solution to our immigration problem, but because they need to distract the American public from their inability to accomplish any real reforms. My Democratic colleagues and I have fought for increased funding for more border patrol agents, detention beds, and immigration and customs agents, but Republicans have voted against those efforts 10 times.

I call on my colleagues to refocus their efforts to enact a comprehensive immigration plan. Time in the 109th Congress is quickly running out, and we are doing our country a disservice when we focus on political rhetoric instead of real solutions. It is time to get back on track with what the bipartisan 9/11 Commission has tasked us with—comprehensive reform.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). All time for debate has expired.

Pursuant to House Resolution 1018, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GUTIERREZ. In its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Gutierrez moves to recommit the bill H.R. 6094 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Page 34, after line 8, insert the following:

SEC. 304. PROVISION OF ADDITIONAL RESOURCES TO APPREHEND CRIMINAL ALIENS.

(a) FINDINGS.—The Congress finds as follows:

(1) In the 9/11 Act of 2004, the Republican Congress promised to provide 8,000 additional detention beds and 800 additional immigration agents per year from fiscal year 2006 through fiscal year 2010. Over the last two years, the Republican Congress has left our Nation short 5,000 detention beds, and nearly 500 immigration agents short of the promises they made in the Intelligence Reform (or 9/11) Act of 2004, to the detriment of efforts to apprehend criminal aliens.

(2) Criminal aliens continue to be a problem in part because the Committee on the Judiciary and other relevant committees have not engaged the Senate Committee on the Judiciary in discussion on resolving the differences between the House and Senate on immigration legislation that the House of Representatives or the Senate have already passed during the 109th Congress and has not reported the same back to the House in a form agreed to by the two committees, in consultation with other relevant committees, that protects United States borders, strengthens our national security, and addresses the Nation's immigration problem comprehensively.

(b) ADDITIONAL RESOURCES TO APPREHEND CRIMINAL ALIENS BY IMPLEMENTING THE 9/11 COMMISSION ACT.—In each of fiscal years 2007 through 2010, there are authorized to be appropriated such sums as may be necessary to increase—

(1) by 2,000 the number of immigration agents;

(2) by 250 the number of detention officers;

(3) by 250 the number of U.S. Marshals;

(4) by 25,000 the number of detention beds; and

(5) by 1,000 the number of investigators of fraudulent schemes and documents that violate sections 274A, 274C, and 274D of the Immigration and Nationality Act (8 U.S.C. 1324a, 1324c, 1324d).

Mr. GUTIERREZ (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. SENSENBRENNER. Mr. Speaker, reserving the right to object, has the minority provided our side of the aisle with a copy of this motion?

Mr. GUTIERREZ. Yes.

Mr. SENSENBRENNER. Further reserving the right to object, Mr. Speaker, we do not have it. I object. I ask that the motion be read.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue reading.

The Clerk continued to read the motion to recommit.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I withdraw my objection to waive the reading.

The SPEAKER pro tempore. Without objection, the reading is suspended.

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. The point of order is reserved.

The gentleman from Illinois is recognized for 5 minutes.

Mr. GUTIERREZ. Mr. Speaker, here we go again. More piecemeal proposals. More tired, old, narrow, short-sighted policies of the past.

I think we should let the people around the country who are watching and listening to this debate know that they are not watching a rerun. This is, in fact, original programming. Yes, the plot lines are the same. We even have many of the same characters, many of the same arguments; and if the issues weren't so serious to our national security, it would almost be humorous.

☐ 1315

But it is not, Mr. Speaker. It is unforgivable. It is unforgivable that instead of rolling up our sleeves and getting a real immigration bill to the President's desk, we are revisiting issues that this body has already addressed.

Why? Why are we doing this again if similar language has already passed? Could it be that there are less than 7 weeks to the next election? We have so much work to get done. Why are we going back and repassing provisions and addressing issues that have already passed this body?

A poll out today by CBS and the New York Times showed that only 25 percent, 25 percent of the American people approve of the job Congress is doing. And two-thirds said they believe Congress accomplished less than it typically does in a 2-year session.

Maybe that is because the majority is bringing up the same bills over and over and over again. Mr. Speaker, I know that the men and women of this Chamber are good people, I know they are compassionate, and they are serious about addressing the needs of our Nation. So let's show the American people that we care about their families, that we care about husbands, American citizen husbands and wives being separated by our bad immigration policy.

We care about defenseless children who are being punished for decisions that they have no control over. We care about workers who are being exploited, about the father who is fighting to remain with his wife and daughter in America.

Mr. Speaker, rather than just talking about family values, we have the opportunity today to show the American people that we really, really believe in family values. We have that ability today. Mr. Speaker, the motion to recommit I am offering is really simple. The House has already passed an immigration bill. I do not like it, but that is how the process works. The Senate passed its own immigration bill. Some on the other side do not like that version. That is the way democracy works.

But let's get into conference in regular order and reconcile the differences between the two bills. Let's allow the legislative process to work. Let's make this not about politics, but about enacting good policy.

My motion to recommit will also ensure that we enact the recommendations laid out by the 9/11 Commission and increase the number of detention beds and immigration agents. Mr. Speaker, the American people want action, they do not want more talk. They do not want more excuses, they certainly do not want more debate. They want solutions, and that is why they sent us here.

At the end of the day, if these bills pass, what have those who support them really done to address the issue of our broken immigration system? They have done nothing. Because, as former Secretary of Homeland Security Tom Ridge wrote just last week, he said, "Trying to gain operational control of the borders is impossible unless our enhanced enforcement efforts are coupled with a robust temporary guest worker program and a means to entice those now working illegally out of the shadows into some type of legal status."

Homeland Security Secretary Tom Ridge said, "It is impossible." Mr. Speaker, impossible. For the sake of our national security, for the sake of millions of families adversely affected by our immigration laws, for the sake of our economy, let's work together to make comprehensive immigration reform a reality. Let's name the conferees and allow them the time to work it out. Let's ensure that the important recommendations of the 9/11 Commission are fulfilled, because each day that goes by with silence and inaction on this issue means the potential for another dead body turning up in the desert, another child separated from her parents, another worker exploited, another dream denied. The current system is failing our Nation, Mr. Speaker. It hurts families, it hampers business, it harms the United States of America, it makes us less safe.

The status quo is simply unacceptable to the needs of our Nation and unworthy of our Nation's proud history of welcoming newcomers seeking a better life. So let's work together to create an immigration that works for families, works for businesses, and works to keep our Nation truly safe. The time to do so is now, and the time for excuses is over.

I urge you to vote "yes" on my motion to recommit, so that we can show the American people that this Congress is truly serious about protecting our borders, bolstering our national security, and fixing our broken immigration system.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Speaker, I insist upon my point of order.

The SPEAKER pro tempore (Mr. CULBERSON). The gentleman will state his point of order.

Mr. SENSENBRENNER. Mr. Speaker, the motion to recommit is not germane, because clause 7 of rule XVI precludes an amendment on a subject matter different from that under consideration.

Mr. Speaker, I ask to be heard on my point of order.

The SPEAKER pro tempore. The gentleman may be heard on the point of order.

Mr. SENSENBRENNER. Mr. Speaker, H.R. 6094 restores the Secretary of Homeland Security's authority to detain certain dangerous aliens, to ensure the removal of the deportable criminal aliens and to combat alien gang crime.

The legislation provides DHS authority to detain beyond 6 months aliens under orders of removal who cannot be removed in a number of situations, such as if an alien has a highly contagious disease, release would have serious adverse foreign policy consequences, release would threaten national security, or release would threaten the safety of the community and the alien is either an aggravated felon or is mentally ill and has committed a crime of violence.

The legislation also provides DHS with expedited procedures for the removal of inadmissible criminal aliens and provides new tools to prosecute criminal alien gang members.

The motion to recommit pertains to a subject matter different from that contained in the legislation under consideration. Specifically on page 2, line 18 of the motion to recommit, it increases the number of United States marshals.

United States marshals do not do immigration enforcement, and thus it expands the bill beyond the scope of the bill and is nongermane. And as a result, the motion fails the test of germaneness contained in clause 7 of rule XVI and thus is not in order.

Mr. GUTIERREZ. Mr. Speaker, I would like to be heard on the point of order.

Mr. Speaker, the gentleman makes a point of order that the proposed subsection 3 that I would add to section 210(a) of the bill is not germane.

I would argue that this paragraph is germane to the bill. When the subject matter of the whole bill is taken into consideration, H.R. 6094 presents a number of different immigration reform proposals that my subsection 3 addresses, related legislation that addresses the same exact subject matter.

All day today, Mr. Speaker, we have been hearing the proponents of this bill argue that the various immigration reform proposals included in the bill are a valuable alternative to a more comprehensive immigration reform legislation that is stalled in the 109th Congress.

In other words, Mr. Speaker, they are conceding that this bill is related to the many other immigration reform proposals this House has considered over the past 2 years.

Republicans are trying to pretend that the 109th Congress has not debated the immigration issue on many other occasions other than today. That is simply not the case and is wrong, Mr. Speaker. This House has debated the subject matter of this bill many times. My motion simply suggests a better way to handle the subject matter of this bill, which is to go to conference with the comprehensive bills the two Houses have already passed, and that is why I consider it germane.

Look, we all agree the drug dealers, gang members have no place in our society. Alien smugglers who live out of the hopes and aspirations of this who wish to come, but rape and rob and murder people should be thrown into jail, and we should throw away the key.

There are 11 to 12 million people walking around this country, and we do not know who they are. We do not have an address, an employer. We believe that they should have a place in this society if they have followed the rules.

Mr. SENSENBRENNER. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman will suspend. The gentleman from Illinois must confine his remarks to the point of order before the House.

Mr. GUTIERREZ. Mr. Speaker, I will. I believe I have. I want to do exactly the same thing. Members on this side of the aisle want to do exactly the same things, and we can agree on them. Let's sit down at a table. Let's do it in a comprehensive manner.

Mr Speaker, that is why think the point of order is not good on this particular issue, I think it is germane.

The SPEAKER pro tempore. The Chair is prepared to rule. The bill is confined to immigration matters. As argued by gentleman from Wisconsin, the motion to recommit addresses U.S. marshals beyond their work in an immigration context.

Accordingly, the point of order is sustained.

Mr. GUTIERREZ. With all due respect, Mr. Speaker, I move to appeal the ruling of the Chair on the point of order.

Mr. SENSENBRENNER. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is, shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GUTIERREZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on the motion to lay the appeal on the table may be followed by a 5-minute vote on passage, if arising without further debate or proceedings in recommittal.

The vote was taken by electronic device, and there were—yeas 225, nays 195, not voting 12, as follows:

[Roll No. 464]

YEAS—225

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sweeney
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Case
Cubin
Harris
Hyde
Meehan
Meek (FL)
Moore (KS)
Ney
Strickland
Sullivan
Thomas
Whitfield

☐ 1352

Mr. MEEKS of New York changed his vote from "yea" to "nay."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 328, nays 95, not voting 9, as follows:

[Roll No. 465]

YEAS—328

Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)

Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carter
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
Dent
Dicks
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Inglis (SC)
Inslee
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Pascrell
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—95

Abercrombie
Ackerman
Andrews
Baldwin
Becerra
Berman
Blumenauer
Brady (PA)
Capps
Capuano
Carson
Cleaver
Conyers
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doyle
Emanuel
Engel
Evans
Farr
Fattah
Filner
Frank (MA)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kilpatrick (MI)
Kolbe
Kucinich
Lee
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Moore (WI)
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pastor
Payne
Price (NC)
Rangel
Ros-Lehtinen
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Solis
Stark
Towns
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—9

Case
Cubin
Eshoo
Harris
Hyde
Meehan
Moore (KS)
Ney
Strickland

□ 1402

Mr. ISRAEL changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 5631, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

Mr. YOUNG of Florida. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. KUHL of New York). Without objection, the Chair appoints the following conferees: Messrs. YOUNG of Florida, HOBSON, BONILLA, FRELINGHUYSEN, TIAHRT, WICKER, KINGSTON, Ms. GRANGER, Messrs. LAHOOD, LEWIS of California, MURTHA, DICKS, SABO, VISCLOSKY, MORAN of Virginia, Ms. KAPTUR, and Mr. OBEY.

There was no objection.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 5631, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. YOUNG of Florida. Mr. Speaker, pursuant to clause 12 of rule XXII, I move that meetings of the conference between the House and the Senate on H.R. 5631 be closed to the public at such times as classified national security information may be broached, providing that any sitting Member of the Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, the motion is not debatable, and the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 12, not voting 9, as follows:

[Roll No. 466]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel

Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—12

Blumenauer
Hinchey
Kucinich
Lee
Lewis (GA)
Lynch
McDermott
McKinney
Schakowsky
Stark
Waters
Woolsey

NOT VOTING—9

Capps
Case
Cubin
Harris
Meehan
Moore (KS)
Ney
Strickland
Wilson (SC)

□ 1423

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER PROCEEDINGS TODAY

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that, during further proceedings today, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2048

Mr. ROTHMAN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2048.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

IMMIGRATION LAW ENFORCEMENT ACT OF 2006

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 1018, I call up the bill (H.R. 6095) to affirm the inherent authority of State and local law enforcement to assist in the enforcement of immigration laws, to provide for effective prosecution of alien smugglers, and to reform immigration litigation procedures, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Immigration Law Enforcement Act of 2006".

TITLE I—STATE AND LOCAL LAW ENFORCEMENT COOPERATION IN THE ENFORCEMENT OF IMMIGRATION LAW ACT

SEC. 101. FEDERAL AFFIRMATION OF ASSISTANCE IN IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.

(a) IN GENERAL.—Notwithstanding any other provision of law and reaffirming the existing inherent authority of States, law enforcement personnel of a State or a political subdivision of a State have the inherent authority of a sovereign entity to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens in the United States (including the transportation of such aliens across State lines to detention centers), for the purposes of assisting in the enforcement of the immigration laws of the United States in the course of carrying out routine duties. This State authority has never been displaced or preempted by Congress.

(b) CONSTRUCTION.—Nothing in this section may be construed to require law enforcement personnel of a State or political subdivision of a State to—

(1) report the identity of a victim of, or a witness to, a criminal offense to the Secretary of Homeland Security for immigration enforcement purposes; or

(2) arrest such victim or witness for a violation of the immigration laws of the United States.

TITLE II—ALIEN SMUGGLER PROSECUTION ACT

SEC. 201. EFFECTIVE PROSECUTION OF ALIEN SMUGGLERS.

(a) FINDINGS.—The Congress finds as follows:

(1) Recent experience shows that alien smuggling is flourishing, is increasingly violent, and is highly profitable.

(2) Alien smuggling operations also present terrorist and criminal organizations with opportunities for smuggling their members into the United States practically at will.

(3) Alien smuggling is a lucrative business. Each year, criminal organizations that smuggle or traffic in persons are estimated to generate $9,500,000,000 in revenue worldwide.

(4) Alien smuggling frequently involves dangerous and inhumane conditions for smuggled aliens. Migrants are frequently abused or exploited, both during their journey and upon reaching the United States. Consequently, aliens smuggled into the United States are at significant risk of physical injury, abuse, and death.

(5) Notwithstanding that alien smuggling poses a risk to the United States as a whole, uniform guidelines for the prosecution of smuggling offenses are not employed by the various United States attorneys. Understanding that border-area United States attorneys face an overwhelming workload, a lack of sufficient prosecutions by certain United States attorneys has encouraged additional smuggling, and demoralized Border Patrol officers charged with enforcing our anti-smuggling laws.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Attorney General should adopt, not later than 3 months after the date of the enactment of this Act, uniform guidelines for the prosecution of smuggling offenses to be followed by each United States attorney in the United States.

(c) ADDITIONAL PERSONNEL.—In each of the fiscal years 2008 through 2013, the Attorney General shall, subject to the availability of appropriations, increase by not less than 20 the number of attorneys in the offices of United States attorneys employed to prosecute cases under section 274 of the Immigration and Nationality Act (8 U.S.C. 1324), as compared to the previous fiscal year.

TITLE III—ENDING CATCH AND RELEASE ACT OF 2006

SEC. 301. APPROPRIATE REMEDIES FOR IMMIGRATION LITIGATION.

(a) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and

(D) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(2) WRITTEN EXPLANATION.—The requirements described in paragraph (1) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(3) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) makes the findings required under paragraph (1) for the entry of permanent prospective relief; and

(B) makes the order final before expiration of such 90-day period.

(4) REQUIREMENTS FOR ORDER DENYING MOTION.—This subsection shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(b) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) AUTOMATIC STAYS.—

(A) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion.

(C) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(c) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with subsection (a).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with subsection (a) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(d) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

(e) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term "consent decree"—

(A) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(B) does not include private settlements.

(2) GOOD CAUSE.—The term "good cause" does not include discovery or congestion of the court's calendar.

(3) GOVERNMENT.—The term "Government" means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) PERMANENT RELIEF.—The term "permanent relief" means relief issued in connection with a final decision of a court.

(5) PRIVATE SETTLEMENT AGREEMENT.—The term "private settlement agreement" means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(6) PROSPECTIVE RELIEF.—The term "prospective relief" means temporary, preliminary, or permanent relief other than compensatory monetary damages.

SEC. 302. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(b) PENDING MOTIONS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(c) AUTOMATIC STAY FOR PENDING MOTIONS.—

(1) IN GENERAL.—An automatic stay with respect to the prospective relief that is the subject of a motion described in subsection (b) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(A) was pending for 45 days as of the date of the enactment of this Act; and

(B) is still pending on the date which is 10 days after such date of enactment.

(2) DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under paragraph (1) shall continue until the court enters an order granting or denying the Government's motion under section 301(b). There shall be no further postponement of the automatic stay with respect to any such pending motion under section 301(b)(2). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to pending motions described in subsection (b) shall be an order blocking an automatic stay subject to immediate appeal under section 301(b)(2)(D).

The SPEAKER pro tempore. Pursuant to House Resolution 1018, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6095 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6095, the Immigration Law Enforcement Act of 2006, which will allow Federal, State, and local law enforcement officers to more effectively enforce our immigration laws along the border and in the interior of the United States.

Title I of the legislation is based on an amendment to H.R. 4437 offered by the gentleman from Georgia (Mr. NORWOOD). The title reaffirms the inherent authority of State and local law enforcement to voluntarily, and I emphasize the word "voluntarily," assist in the enforcement of U.S. immigration laws. Many local and State law enforcement officers are eager to assist in the enforcement of our immigration laws to protect their communities and serve as a valuable force multiplier to overburdened Department of Homeland Security officers. We should provide them with the clear authority they seek rather than placing obstacles in their way.

Title II of the bill contains the Alien Smuggler Prosecution Act. Currently, the various United States Attorney offices do not use uniform guidelines to prosecute smuggling offenses. While border area U.S. Attorneys face a heavy workload, a lack of sufficient smuggling prosecutions in some areas has become a serious problem. This has encouraged additional smuggling and demoralized Border Patrol and DHS agents who have seen many of the smugglers they have apprehended released.

This title contains a sense of Congress that the Attorney General should adopt uniform guidelines for the prosecution of smuggling offenses by each U.S. Attorney's office and authorizes an increase in the number of attorneys in U.S. Attorneys' offices to prosecute such cases. The bill requires an increase of not less than 20 new attorneys over the previous years' level in each of fiscal years 2008 to 2013, to affirm the urgency of prosecuting the alien smugglers who prey on the most vulnerable.

Title III provides for ending the Catch and Release Act. DHS is subject to Federal court injunctions entered as much as 30 years ago that impact its ability to enforce immigration laws. For instance, one injunction dating from the El Salvadoran civil war of the 1980s effectively prevents DHS from placing Salvadorans in expedited removal proceedings. DHS is using expedited removal to expeditiously remove other non-Mexican illegal immigrants who are apprehended along the southern border in order to end the policy of catch and release, but not Salvadorans.

Under the catch and release policy, non-Mexican illegal aliens picked up by the Border Patrol were simply released into our communities and told to show up months later for removal hearings. They almost never attended. Catch and release made a mockery of border enforcement and has terribly demoralized Border Patrol agents.

Mr. Speaker, this provides law enforcement agencies at all levels of government with the clear authority to help ensure the integrity and enforceability of our Nation's immigration laws.

I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Today, my colleagues, we are going through an exercise to convince the American people that now is the time for comprehensive reform, a week before recess, with continued disagreement between the House, the Senate, and the administration, and with narrowly repackaged bills.

These bills, and this one before us introduced just 2 days ago, are substantively flawed and do not provide for comprehensive reform.

□ 1430

H.R. 6095 is touted as a law enforcement bill, but it is opposed by our State and local law enforcement officials.

Mr. Speaker, I include for the RECORD the comments of law enforcement associations and departments, police chiefs, sheriff associations, department heads across this country, and other law enforcement individuals to demonstrate how the policy is considered dangerous in this proposal.

This bill, opposed by State and local law enforcement raises the question: Why would they be opposed to a bill in which they are being invited in to take over some national law enforcement responsibilities?

Well, it is because it will strain the relationship between the police and immigrants and citizens. It will obstruct police in their mission of keeping our streets safe. Essentially the bill is asking the State and local police to pick up the slack for the Federal Government.

Now, title II of this same measure, the Alien Smuggler Prosecution Act, should really be examined carefully. Increasing resources for alien smuggling prosecution is quite appropriate; however, this bill will not decrease immigrant smuggling, and it will not resolve any of the fundamental flaws in our immigration system. The bill has nothing to do with the practice known as "catch and release" which has been referred to already. This proposal does little more than tie the hands of courts in immigration cases. Judges will be burdened with new requirements, and other civil cases will be denied their day in court.

Just like the field hearings between the bills passed in the House and the immigration bills passed in the Senate, today's bills are clearly meant to distract the American public. Too bad, though, this country has already gotten wise to the smoke-and-mirrors show. Americans want comprehensive immigration reform and secure borders, and once again this body is failing to deliver.

Proposals To Expand the Immigration Authority of State and Local Police—Dangerous Public Policy According to Law Enforcement, Governments, Opinion Leaders, and Communities

LAW ENFORCEMENT ASSOCIATIONS AND DEPARTMENTS

International Association of Chiefs of Police, President Joseph Estey—"Many leaders in the law enforcement community have serious concerns about the chilling effect any measure of this nature would have on legal and illegal aliens reporting criminal activity or assisting police in criminal investigations. This lack of cooperation could diminish the ability of law enforcement agencies to police effectively their communities and protect the public they serve." (IACP press release, 12/1/2004)

International Association of Chiefs of Police, Legislative Counsel Gene Voegtlin—"A key concern is that state and local enforcement involvement in immigration can have a chilling effect on the relationship with the immigrant community in their jurisdiction." ("Cities and States Take on Difficult Duty of Handling Undocumented Workers," The Wall Street Journal, 2/2/2006)

Major Cities Chiefs Association—"Such a divide between the local police and immigrant groups would result in increased crime against immigrants and in the broader community, create a class of silent victims and eliminate the potential for assistance from immigrants in solving crimes or preventing future terroristic acts." (Immigration Committee Recommendations for Enforcement of Immigration Laws By Local Police Agencies, adopted June 2006)

California State Sheriffs' Association, President Bruce Mix—"CSSA is concerned that the proposed CLEAR Act will undermine our primary mission of protecting the public. In order for local and state law enforcement associations to be effective partners with their communities, we believe it is imperative that they not be placed in the role of detaining and arresting individuals based solely on a change in their immigration status." (letter to Senator Feinstein, 3/10/2004)

California Police Chiefs Association, President Rick TerBorch—"It is the strong opinion of the California Police Chiefs" Association that in order for local and state law enforcement organizations to be effective partners with their communities, it is imperative that they not be placed in the role of detaining and arresting individuals based solely on a change in their immigration status." (letter to Senator Feinstein, 9/19/2003)

Connecticut Police Chiefs' Association, President James Strillacci—"We rely on people's cooperation as we enforce the law in those communities. With this [legislation], there's no protection for them." ("Mayor asks for federal help," Danbury News-Times, 3/26/2004)

El Paso (TX) Municipal Police Officers' Association, President Chris McGill—"From a law-enforcement point of view, I don't know how productive it would be to have police officers ask for green cards. It's more important that people feel confident calling the police." ("Immigration proposal puts burden on police," El Paso Times, 10/9/2003)

Virginia Association of Chiefs of Police, Executive Director Dana Schrad—"There's a real concern among [the immigrant community] that [a new Virginia law] means police are going to sweep through neighborhoods and pick up anyone with immigration violations and deport them: that isn't true. We are concerned we'll loose cooperation of law-abiding residents who have helped solve crimes." ("Some Immigrants Can Be Held For Up To Three Days," Daily News-Record, 6/30/2004)

Hispanic American Police Command Officers Association, National President Elvin Crespo—"The CLEAR Act jeopardizes public safety, it undermines local police roles in enhancing national security, it undermines federal law Enforcement priorities, it piles more onto state and local police officers' already full platters, it bullies and burdens state and local governments, it is unnecessary law-making and most significantly, it forgets the important fact that you can't tell by looking who is legal and who isn't." (letter to National Council of La Raza, 10/21/2003)

National Latino Peace Officers Association, Founder Vicente Calderon—"The role of police is to protect and serve. Clear Law Enforcement for Criminal Alien Removal [CLEAR Act] will greatly contribute toward hindering police from accomplishing these goals." (letter to National Council of La Raza, 10/16/2003)

Federal Hispanic Law Enforcement Officers Association, National President Sandalio Gonzalez—"The CLEAR Act bullies and burdens State and Local governments by coercing them into participating, even though it means burdensome new reporting and custody requirements, because failure to do so means further loss of already scarce federal dollars." (letter to President Bush and Congress, 9/30/2003)

Costa Mesa (CA) Police Department, Chief John Hensley—"We're not going to be doing sweeps. We're not going to be squeezing employers. We do not want to be the enemy of the immigrant community." ("City puts itself on immigration watch," USA Today, 1/26/2006)

West Palm Beach (FL) Police Department, Officer Freddy Naranjo—"The major thing is to come out and report these crimes, not hold back." ("Here Illegally, Guatemalans Are Prime Targets of Crime," New York Times, 8/27/2006)

Phoenix (AZ) Police Department, Sergeant Andy Hill—"As we move out deeper into the community, especially with reaching out to the Spanish-speaking community, we believe there may be other victims out there that haven't come forward," Hill said. "We want that information. We need that information. There will not be sanctions to victims who come forward as far as their status in this community other than the fact that they are victims.” (“Police want Spanish speakers' help in serial killer search,” Associated Press, 7/27/2006)

Phoenix (AZ) Police Department, Chief Jack Harris—“There are a lot of folks here in the Valley that may have limited English skills, and they can still very much be witnesses or know something about these crimes, so we want to step forward and go out to that community and seek their assistance.” (“Police want Spanish speakers' help in serial killer search,” Associated Press, 7/27/2006)

Fresno (CA) Police Department, Captain Pat Farmer—“Sometimes folks are here illegally, and they're the victim of a crime. We want them to call us. If someone is a witness, we want them to trust us. [A month earlier, after a shooting outside a convenience store] there were numerous witnesses, a lot of folks who were probably illegal. It was critical that they talk to our detectives.” (“Shift Work: Should policing illegal immigration fall to nurses and teachers?” Washington Monthly, April 2006)

Fairfax County (VA) Police Department, Spokesman Jon Fleischman—“Our job is to protect people. And I'm concerned that people who are victims of a crime, whether citizens or not, are not calling us because they're afraid we're going to check [legal] status only.” (“Va. Police Back off Immigration Enforcement,” Washington Post, 6/6/2005)

Gilroy (CA) Police Department, Assistant Chief Lanny Brown—“We're not going out and doing sweeps for illegal immigrants or anything like that, because we don't believe that's the right thing to do. But it sure makes sense to us if people are here—committing crimes, convicted of crimes, and are here illegally—to turn them over to ICE so they can be deported.” (“Immigration Officials Ask for Police Assistance,” The Gilroy Dispatch (CA), 9/12/2005)

Princeton (NJ) Police Department, Chief Anthony V. Federico—“Local police agencies depend on the cooperation of immigrants, legal and illegal, in solving all sorts of crimes and in the maintenance of public order. Without assurances that they will not be subject to an immigration investigation and possible deportation, many immigrants with critical information would not come forward, even when heinous crimes are committed against them or their families.” (“State orders cops to help U.S. immigration agents,” The Record, 9/20/2005)

El Paso (TX) Police Department, Chief Richard Wiles—“There is no way that we would be able to take any time away from an officer's busy day to enforce immigration laws.” (“EP chief opposes bill to let police go after immigrants,” El Paso Times, 10/6/2005)

San Diego (CA) Police Department, Chief William Lansdowne—“The only time we work with the Border Patrol is if there is a criminal nexus.” (Police Chief William Lansdowne, “Local Police, U.S. Agents Differ on Raids,” Los Angeles Times, 6/6/2005)

Muscatine (IA) Police Department, Chief Gary Coderoni—“These proposals are unnecessary, and counterproductive to the public safety of our city residents. They will place an added burden in our department and instill fear and non-cooperation in the community.” (letter to Congress, 6/2004)

Nashville (TN) Metropolitan Police Department, Chief Ronal Serpas—“With great respect and deference to our federal partners, we are not the INS (Immigration and Naturalization Service). As long as I am chief of the Nashville police department, I'm going to be steadfastly against police being INS agents. It's just not our job.” (“Hispanics press police for more help,” Tennessean, 2/24/2004)

Boston (MA) Police Department, Commissioner Paul Evans—“The Boston Police Department, as well as state and local police departments across the nation have worked diligently to gain the trust of immigrant residents and convince them that it is safe to contact and work with police. By turning all police officers into immigration agents, the CLEAR Act will discourage immigrants from coming forward to report crimes and suspicious activity, making our streets less safe as a result.” (letter to Senator Kennedy, 9/30/2003)

Arlington County (VA) Police Department, Spokesman Matt Martin—“[A] very likely outcome of local enforcement of immigration laws is] an entire segment of the population shutting down because they are afraid of you. And what you create is a group of people who's ripe for additional victimization.” (“Some Laborers Arrested In Va. Face Deportation,” Washington Post, 10/27/2004)

Dearborn (MI) Police Department, Chief Timothy Strutz—“In my opinion, the best way to fight criminals of all types, including terrorists, would be to have an excellent, trusting, working relationship with the community, with them being your eyes and ears. I think much of that important information would be stifled [if the CLEAR Act passed].” (“Metro police balk at plan to hunt illegal immigrants,” Detroit News, 5/11/2004)

Seattle (WA) Police Department, Chief R. Gil Kerlikowske—“Traditionally we have seen that reporting of crime is much lower in immigrant communities because many are leaving countries where the police cannot be trusted for good reason. Adding the fear of arrest or deportation to this could have a tremendous impact on the rate of reporting. At a time when trusting relationships between immigrant communities and the police are vital, the CLEAR Act would have just the opposite effect.” (letter, 3/4/2004)

Clearwater (FL) Police Department, Chief Sid Klein—“It doesn't take very long for that open door of communication to be slammed shut. Then we in local law enforcement (pay the price).” (“Immigration duty a burden, police say,” St. Petersburg Times, 7/19/2004)

Los Angeles County Sheriff's Department, Sheriff Leroy Baca—“I am responsible for the safety of one of the largest immigrant communities in this country. My Department prides itself in having a cooperative and open relationship with our immigrant community. [The CLEAR] act would undermine this relationship.” (letter to Los Angeles County Neighborhood Legal Services, 10/6/2003)

Kansas City (KS) Police Department, Chief Ronald Miller—“Our Police Department has taken the lead in establishing a meaningful relationship with our minority communities, especially the Hispanic community. If the CLEAR Act becomes law, it will have a devastating effect on how we provide law enforcement/police service.” (letter to Senators Brownback and Roberts, 11/19/2003)

Hillsborough (FL) Sheriff's Office, Spokesman Rod Reder—“We obviously need [immigrants] to trust us. Our main focus is on the crime itself. We're not immigration experts.” (“Immigration duty a burden, police say,” St. Petersburg Times, 7/19/2004)

Montgomery County (MD) Police Department, Captain John Fitzgerald—“We absolutely do not enforce any immigration law. We encourage our residents to trust their police department regardless of their immigration status. We want them to know that if they are victims, we'll help them, and if they're witnesses, we need their help.” (“Groups Fret Over Giving Police Immigration Control,” Fox News Channel, 10/29/2003)

Tampa Police Department, Officer Brenda Canino-Fumero—“[If the CLEAR Act passes], (immigrants) are not going to come to police and report anything.” (“Immigration duty a burden, police say,” St. Petersburg Times, 7/19/2004)

Lowell (MA) Police Department, Police Superintendent Edward Davis III—“If the CLEAR Act were passed into law, residents would be less likely to approach local law enforcement for fear of exposing themselves or their immigrant family members to deportation. This would make state and local law enforcement officers' jobs nearly impossible.” (letter to Senator Kennedy, 3/9/2004)

Dearborn (MI) Police Department, Corporal Daniel Saab—“[If the CLEAR Act passed] people would not work with us. It would make it very hard for us to do our job.” (“Metro police balk at plan to hunt illegal immigrants,” Detroit News, 5/11/2004)

Ann Arbor (MI) Police Department, Chief Dan Oates—“I have a great deal of concern about altering hard-won relationships with immigrant communities. Having those communities think we are agents of the federal government—that can do real harm.” (“Police could get more power,” Detroit Free Press, 6/1/2004)

San Jose Police Department, Chief Rob Davis—“We have been fortunate enough to solve some terrible cases because of the willingness of illegal immigrants to step forward, and if they saw us as part of the immigration services, I just don't know if they'd do that anymore. That would affect our mission, which I thought was to protect and serve our community.” (“CLEAR Act puts cuffs on police; Giving them another duty, immigration enforcement, would make us all less safe,” San Jose Mercury News editorial, 4/15/2004)

Hamtramck (MI) Police Department, Chief Jim Doyle—“It is important that people learn to trust us without looking over their shoulders and thinking, These are the guys that are going to deport us.” (“Metro police balk at plan to hunt illegal immigrants,” Detroit News, 5/11/2004)

Orange County (CA) Sheriff's Office, Assistant Sheriff George Jaramillo—“We wouldn't be interested in pulling people over and trying to figure out what their status is.” (“Police May Join Hunt for Illegal Migrants; Advocates see a way to boost enforcement, but officers and civil rights groups fear abuses,” Los Angeles Times, 11/11/2003)

Bexar County (TX) Sheriff's Office, Sheriff Ralph Lopez— “I'm totally against [the CLEAR Act]. It plays the race card, and from that perspective it is just a bad act. We will not go out and create probable cause just because we think this person, who is dark-completed or speaks with an accent or dresses different, should be automatically questioned about their legal status. That is a total violation of due process.” (“Politicians are using fear to push through the CLEAR Act, one of the most sinister changes in immigration policy,” The San Antonio Current, 12/11/2003)

Overland Park (KS) Police Department, Chief John Douglass—“The CLEAR Act would be a detriment to all who live, work, and visit Overland Park. We want all to know that the police are available to protect them no matter whom they are or where they come from." (letter to Representative Moore, 10/29/2003)

Portland (ME) Police Department, Chief Michael Chitwood—"As Police Chief of Portland, Maine and someone who has been involved in law enforcement for nearly forty years, I can tell you with certainty that the CLEAR Act is a bad idea." (letter to Congress, 11/11/2003)

St. Paul (MN) Police Department, Chief William Finney—"How am I supposed to decide as a police officer who I should ask for papers? 'Well can't you look at them and tell you should be asking them for papers?' No, I can't! . . . . So I'd just have to ask everybody. All the 'real Americans' would be very offended, because they've got First Amendment rights. But people that are brand new here don't. Well, that's not what the Constitution says; everybody in this country's got First Amendment rights." ("This is your ministry," Minnesota Spokesman-Recorder, 12/11/2003)

Los Angeles Police Commission, President David S. Cunningham III—"There are safety mechanisms in place for deporting people who are criminally inclined. In the end, the policy position on Special Order 40 is that we are a nation of immigrants and we don't want to dissuade them from having contact with police." ("Is L.A. soft on illegals?" Los Angeles Daily News, 11/15/2003)

Lenexa (KS) Police Department, Chief Ellen T. Hanson—"We are, like many jurisdictions across the country, short on resources and manpower and struggling to meet our citizen's service demands. This mandate will magnify that problem and force us to make cuts in other areas to comply with the CLEAR Act. . . . The most troubling aspect of this act is that it would cause members of certain groups to not report crimes or come forward with information about crimes for fear of being deported." (letter to Representative Moore, 8/26/2003)

South Tucson (AZ) Police Department, Chief Sixto Molina—"We don't have the time and the personnel to be immigration agents. Murderers, rapists, robbers, thieves and drug dealers present a much bigger threat than any illegal immigrant." (Tucson Citizen editorial, "Immigration role not for local police," 10/15/2003)

Des Moines (IA) Police Department, Chief William McCarthy—"When we don't acknowledge the reality of who is here, we create our own problems, and we are a better society than that, frankly. They (illegal immigrants) are family-oriented people and underpin our churches and society in many ways. Plus they are human beings. They are here. And we ought to deal with them as human beings." ("Cops shouldn't be INS agents," Des Moines Register editorial, 10/13/2003)

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to give an example of why this bill is necessary. Again, there is a differentiation between what Republicans and Democrats are saying here. The Democrats want to have a victim first before somebody is deported. Republicans want to make sure that there isn't a victim by making them excludable and, if they are caught, kicking them out.

So let's talk about domestic violence. On Monday, 2 days ago, the strangled and battered body of an as yet unidentified woman was found in a subdivision about 20 miles south of Denver. An orange tow rope was found around her neck, and her face was unrecognizable. Preliminary autopsy results indicated that the woman died of asphyxiation and head injuries after being dragged along a road for more than a mile.

A suspect was arrested Tuesday night in that case. Jose Luis Rubi-Nava, age 36, is being held without bail on a first degree murder charge at the Douglas County, Colorado, jail. The New York Times reported this morning that Mr. Rubi-Nava is an illegal immigrant. News reports suggest that the victim was his girlfriend.

Records obtained by KUSA-TV, the Denver NBC affiliate, showed that Rubi-Nava was arrested on April 1 and charged with false identification and driving without a driver's license and proof of insurance, but was let go.

If local law enforcement had detained this illegal immigrant for ICE, he could have been removed from the United States. He was not, and now there is a woman that is dead. If this bill had been law and there had been a voluntary agreement between local law enforcement and the Federal Government, this horrible crime could have been avoided.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my Michigan colleague for yielding me this time.

I rise to oppose H.R. 6095, but let me follow up on what the chairman of the committee talked about. If somebody committed a crime, and they were here legally or illegally, the standard practice for local law enforcement is to pick that person up, arrest them, and then they will be punished. Then they will be turned over to ICE, Immigration Control and Enforcement.

What this bill would do is allow for our local police and sheriffs and constables to actually be standing in the place of immigration officers. I support strong law enforcement of our immigration laws, but we shouldn't burden our local law enforcement officers to enforce Federal immigration laws.

This Congress and this administration has cut the COPS program since 2001. Asking our local law enforcement agencies to enforce Federal immigration law without any commitment of funds is unfair and takes officers out of our neighborhoods and off our streets. The role of local law enforcement is to protect our property and our families. Most local police departments are already stretched thin as it is. In Houston, our officers have had the challenge of protecting an additional 100,000 people who evacuated to Houston from New Orleans over a year ago. Adding immigration enforcement to their duties would make their jobs tougher and our neighborhoods less safe.

Currently if law enforcement officers catch someone committing a crime that is here illegally or legally, they are turned over to Immigration Control and Enforcement, and they are deported. Now, they need to pay their debt to our own county or State, but they will be deported. If someone breaks into my home, either the Houston Police Department, the sheriff's department or the county constables will show up, not the Border Patrol, not Immigration Customs Enforcement officers. They don't come to protect my home.

Securing our borders is a Federal responsibility. This body is responsible for ensuring that there is enough funding for detention beds and Border Patrol officers. We shouldn't put the responsibility on our local law enforcement officers to fill the gaps, and we should be doing our own part to ensure the security of our borders and interior enforcement. The cuts in funds for local police make it hard to protect our lives and property. I urge my colleagues to vote against H.R. 6095.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I rise today in support of H.R. 6095. Let me say as somebody who was involved in local law enforcement as a county supervisor, mayor, and city council member, it is astonishing to me when it comes down to enforcing our immigration laws how individuals in this institution can find every excuse in the world to not enforce the laws or not wanting the laws enforced.

Now, in all fairness, you want to talk about the cost of law enforcement. Mr. Speaker, in my County of San Diego, the cost of illegal immigration to our law enforcement agencies is $50 million a year, just identified from the County of San Diego. The fact is that there should be involvement in local law enforcement to have the option. But actively there are groups here and groups in California that are telling local law enforcement officers they can't get involved in the illegal immigration issue until there has been a major crime such as murder, rape or mayhem. That is absolutely absurd.

The frustration in law enforcement is being pulled both ways on these issues. Anyone who is sworn to enforce the law knows the impact of illegal immigration, and every law enforcement officer in the long run wants to do everything they can to participate.

I just cringe to think about what our drug policy and drug enforcement policy would be in this country if we took the same attitude, that if a San Diego police officer saw a drug smuggler coming across the border, somehow he or she could not intervene because that is a Federal drug law that is being addressed.

Mr. Speaker, I ask that we stop finding excuses on not allowing our local law enforcement to get involved.

Let me throw this out. If we want to talk about the money issue, let's ask our colleagues on the other side of the aisle to join with us, and why don't we talk about doing fines and forfeiture allocations like we do with drug interdiction. Let's allow the local law enforcement to be able to keep a large percentage of the assets if they catch someone smuggling or is caught. Maybe that is something we can talk about, but not today find an excuse for not giving the authority to our local law enforcement to do what they know is right, and that is fight illegal immigration.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield to a distinguished member of the Committee on the Judiciary, the gentleman from California (Mr. BERMAN) for 5½ minutes.

Mr. BERMAN. Mr. Speaker, I thank my ranking member for yielding.

Mr. Speaker, I would like to remind the body of what we have here. We have a bill with three sections, the first of which, in the chairman's own words, reinforms the authority of the local governments to do something that he apparently believes and we all accept that they would have the authority to do anyway.

I call that one the let's use the Iraq model for dealing with the issue of illegal immigration; subcontract large functions of it, but unlike in Iraq where we overpay the subcontractors, here tell the local law enforcement people we are giving up at the Federal level trying to deal with this problem, we are not going to give you a penny for more jail cells or a penny for more resources, we are not going to give you a single dime to do anything about it, but we are here to tell you if you want to, you have the authority to arrest and detain people who are in this country illegally without regard to whatever acts they may have committed.

The second section of the bill is alien smuggling. It has a bunch of findings, it has a sense of Congress, and then says we authorize, but no funding, 20 more people to do something about alien smuggling.

And the third one is designed to deal with catch and release, the practice whereby non-Mexicans who are caught in this country in the past have been released rather than returned immediately to the country they came from because Mexico is not the country that they are from.

According to the Director of the Department of Homeland Security, we are currently detaining all El Salvadorans, or virtually all, because we now have enough beds, and we have enough to significantly reduce the total number of non-Mexicans. Catch and release is over. This bill won't make it. It is over. No one should be under the illusion that we are doing anything about the program catch and release by this bill because that program has ended.

What this bill in the larger context is, it is another one-House bill. Let me quote from the September 21 Washington Post. "With little more than a week left before the September 29 start of the Congress's scheduled recess, GOP leaders are considering appending some or all of the bills to must-pass spending measures before they leave town. But Senate Appropriations Committee Chairman THAD COCHRAN (R–MS) appeared to close off that avenue last night, saying he will not add any legislative language onto the spending bills that could slow their progress in the final days before the coming recess."

Another one-House bill. And then what will happen, a week from now we will recess, and the Republicans and the majority hope that the American people will be conned into thinking they have done something about one of the most serious national crises we have, and that is the crisis of inability to enforce our borders. There are 12 million people in this country using false identifiers, the absence of any employer verification system.

But in reality, none of that will have happened. The Republican Congress will have recessed for the elections with the mere hope that maybe when we come back with the lame duck, or maybe if you reelect us next year, we will get serious about this problem.

There is nothing in this bill or other bills that are being sent over to a House that will not take them up and not consider them that will make this crisis better.

And what do we have to do to do something serious? Back in June or July or in the beginning of September, a motion to go to conference on the two larger bills that the Senate and the House passed. This won't work. This bill is nothing. It doesn't do anything for anybody. It won't become law.

So you can have the meaningless gesture act that this bill represents. You can pass some of these other bills that are being brought up at the last minute to go into that vacuum on the other side; but one day I would like to understand how the majority explains the fact that they were not willing to make a motion to go to conference to reconcile the differences between the two bills, because in 1 week we will have done nothing to implement an employer verification system. We will have done nothing about 12 million people who are here under false identifiers, some portion of whom might be actual threats to our own national security. We will have done nothing to provide the meaningful, comprehensive approach, which is the only way to deal with the problem of illegal immigration in this country.

☐ 1445

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, once again the gentleman from California repeats the same old refrain that it is the fault of this House that a conference has not been set up.

That is not the case. The Senate never messaged their bill to the House when they passed it in May. The only place where a conference can be set up is in the other body, and they can take up the House-passed bill and strike out all after the enacting clause and set up a conference. And only they can explain why that has not been done.

Secondly, the gentleman from California says that the catch and release change is meaningless. The Secretary of Homeland Security disagrees. I have a letter supporting the changes, specifically stating that the injunction that was issued against expedited removal of Salvadorans is costing the taxpayers money. This bill changes that.

And I will include the letter sent to me by Secretary of Homeland Security Michael Chertoff on September 20 in the RECORD at this point.

DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, September 20, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your support of critical injunction reform legislation, which will significantly support the Department of Homeland Security's (DHS) efforts to maintain "catch and remove" of non-Mexican illegal aliens apprehended along our Nation's borders. DHS urgently needs Congress to approve this legislation to ensure that long-outdated court decisions do not frustrate efforts to secure the border.

DHS has made great strides in increasing the number of non-Mexican illegal aliens detained for removal along the Nation's borders. In fact, DHS now detains all eligible individuals for prompt removal upon apprehension along both the Southwest and Northern borders. However, I am concerned that DHS will not be able to maintain this success because of a 1988 court order that impedes its ability to quickly remove Salvadorans caught after illegally crossing the Nation's borders.

The 1988 court decision hinders DHS's ability to place aliens subject to the injunction into expedited removal proceedings—proceedings that allow for quicker immigration processing. Instead, these aliens must be placed into full administrative immigration proceedings. Consequently, they are detained for an average of 48 days prior to removal in contrast to those aliens apprehended on the Southwest border for illegal entry and placed into expedited removal who are detained for an average of only 19 days prior to removal. At an average cost of $95 per day for detention, the inability to fully utilize expedited removal for this population costs the taxpayer approximately $2,755 per alien.

In addition, the injunction requires that unrepresented aliens subject to the court decision be detained in the same geographic area in which they are apprehended for seven days prior to transfer in order to afford them the opportunity to obtain counsel. DHS acquires detention space based on current migration trends. If aliens shift migration routes to a jurisdiction outside of the current area where extra bed space is available, this injunction could have serious repercussions on DHS's ability to detain such aliens due to the restriction on transferring them to areas of higher detention capacity. If the shift is sudden and large, the injunction could place enormous strain on available detention space, potentially forcing a return to the recently ended practice of "catch and release" until additional resources could be obtained, if available, in appropriate locations.

This decision was issued at a time when El Salvador was in the midst of a civil war and when immigration was governed by very different statutes. Yet, the decision continues to dictate the processing of Salvadorans almost 20 years later. On November 17, 2005, DHS fully explained to the district court the dramatic changes in the facts and the law that have occurred since the entry of its perpetual injunction in 1988. DHS asked the district court to lift its order; but, I have no firm date for when this process will reach its conclusion in the district court or upon appeal.

There are additional longstanding civil injunctions that impede DHS' s ability to effectively enforce the Nation's immigration laws. These district court decisions have created onerous operating procedures that require the commitment of vast amounts of government resources. They detrimentally impact immigration enforcement on a daily basis, often frustrating DHS's efforts. One such order has resulted in the creation of extra procedures requiring substantial additional resources for routine visa processing. Another such injunction has resulted in certain Freedom of Information Act requests being given priority over other pressing work.

For all practical purposes, such invasive court-ordered requirements hamstring the President and the Congress's authority over the borders even when the conditions that gave rise to such requirements may have changed. Under current law and court procedures, it can be extremely time-consuming and difficult to end these injunctions. With this legislation, Congress will be taking significant steps to ensure that DHS is no longer held hostage by these antiquated court orders.

Thank you again for your support of DHS's immigration enforcement efforts. I look forward to continuing to work with you on this and other measures to ensure that this issue is fully resolved.

Sincerely,

MICHAEL CHERTOFF.

Mr. Speaker, I now yield 3 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the chairman for yielding, and I certainly thank him for his leadership on a variety of issues to help strengthen our border.

Mr. Speaker, I rise in strong support of H.R. 6095. But before I address the specific provisions of this legislation, I think it is important to put this bill in the larger context because, Mr. Speaker, we are having a debate that has been ongoing for a number of months in this body; and, Mr. Speaker, there are many of us who believe that border security is national security. We ignore our borders at our own peril.

Iraqis have been caught trying to infiltrate our southern border. Jordanians have been captured. Iranians have been captured, having infiltrated our border. Areas of the world where al Qaeda recruits, these people have crossed our border. Al Qaeda has made contact with human smugglers in Mexico. Every evening thousands are attempting to cross our borders, and only some are apprehended.

Now, Mr. Speaker, I know that many are good folks who are merely trying to feed their families and mean us no harm. Yet some also come here because they seek free education and free health care and welfare. Some are coming here because they are bringing violence and pushing drugs to our children and grandchildren. And, unfortunately, there may be a few who are coming here to try to bring down our airlines.

Again, we ignore border security at our own peril. Yet Democrats are holding our border security hostage for their views on amnesty, their views on giving government benefits and welfare to those who are here illegally. Mr. Speaker, this is unacceptable.

Now, this bill will help, help eliminate the catch and release program. At least in my part of Texas when constituents hear "catch and release," they think it has something to do with bass. They have no idea that we have been apprehending illegal immigrants and letting them back on this side of the border. That is unacceptable. And contrary to what some of our friends have said on the other side of the aisle, this does not mandate that local law enforcement get involved in this battle, but it helps empower them. And we are fighting a global war on terror, and shoring up porous borders is a critical part of that war. Why can't we come together as Republicans and Democrats and Independents and secure our border first?

I understand there are many legitimate issues, but at the end of the day, Mr. Speaker, we are not debating immigration, yes or no; but we are debating immigration, legal or illegal, and we allow illegal immigration at our own peril.

Let's secure our borders, and let's support H.R. 6095.

Mr. CONYERS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I will be very brief.

There is only one response to my friend the chairman. If the issue is about papers and the only reason we haven't gone to conference committee is because the papers haven't been delivered, I do have Senator FRIST's phone number, and I am happy to provide it. I cannot conceive that it is a matter of paperwork and process that is keeping us from going to conference committee on one of the most serious domestic issues this country has faced.

Secondly, in response to the following speaker, the reason we cannot quite unite to do something here, apparently, is because we are not going to unite on a fool's errand. Everyone on your side of the aisle, from the gentleman from Colorado (Mr. TANCREDO) to the chairman to others, has acknowledged over and over again we are not going to deport 12 million people. You are not going to have local law enforcement pick up the task for you of deporting 12 million people.

A meaningful response is border security, because there are people there who are national security issues and there are people who are aiming to hurt us who want to cross this border illegally, and dealing with 12 million people who are operating under false identifiers, some of whom are bad people, and finding some system to either isolate and narrow that group or have them come forward, and most important of all, to get an employer verification system in place. None of these bills does anything about it. We are going to leave here in a week doing nothing about it. I don't understand how you are going to explain to your constituents and the people who are understandably upset about this issue that this Congress has addressed a very serious, urgent issue in a serious and coherent fashion. We haven't.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the gentleman from California is right. This is an issue about papers. It is about a pretty important paper that has served our country well called the Constitution of the United States. Article I, section 7 says: "All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

The "comprehensive amnesty immigration bill" that the Senate passed and didn't message contains $50 billion in new taxes. They ignore this sacred paper that has been the foundation of our government, and are we supposed to ignore that and thus subject anything they do to endless litigation because they deliberately violated the Constitution? I think not.

Mr. Speaker, I now yield 4 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I rise very much in support of this bill.

Is it exactly like I want? No. Obviously, it is not like what Mr. BERMAN wants either. And if you don't like the bill, just vote "no," as you have on many immigration bills. But this is what we have today, and the American people want to see us proceed.

This bill reasserts that State and law enforcement can and should help Federal officers on immigration law whenever they reasonably can and if they choose to. What a weird thought. We might get help from our local law enforcement as they do in drug enforcement.

It is a policy that our law enforcement community has conducted successfully for decades in helping this government, the Federal Government, enforce Federal drug and racketeering laws. This is not new.

Why then the outrage and the mass lobbying against it by the pro-illegal immigration crowd, or should I say open border crowd?

Because this bill goes to the heart of our enforcement problem, that is, simply a lack of enforcement. That has been our problem. Across the board, from the borders to the workplace to illegal immigrant crime, we have allowed the odds to become hopelessly stacked against enforcement.

In regards to rounding up criminal illegal aliens, we currently have roughly 5,000 Federal agents trying to apprehend 500,000 illegal aliens with court orders against them. Eighty thousand of them are serious felons, such as murderers, drug dealers, child molesters, and rapists. Vote against this bill if you want those people to stay out on the street. That is all right.

These odds, obviously, are impossible. There is no way we are going to have 5,000 Feds catch 500,000 violent criminals. But if we allow our 700,000 State and local police to volunteer to help, and they are American citizens too, the odds get a lot better. That might start an epidemic of looking at other ways to improve our odds, Mr. Speaker, in fighting overall illegal immigration.

And that undermines the illegal immigration lobby's theme song, which is the lie that we cannot stop illegal immigration. So, well, let's just give up. Let's just give in.

Well, we can stop all these problems if we only have the will. This body needs to have the will. The Senate has to do what it has to do, but we are the people's House. We need to show the gumption to get this done. This legislation proves how using commonsense partnerships between State and Federal authorities to multiply manpower will get the job done.

We are not talking about going after illegal aliens who are otherwise obeying our laws and are just here to work. This bill is targeted only on criminal aliens. Ironically, most of their fellow victims are their fellow immigrants.

Let's make one point absolutely clear. There is nothing in this bill that prevents local police from granting immunity from being reported for deportation to any illegal immigrant crime victim who comes to them for help.

Mr. Speaker, this short bill is the key component in the CLEAR Act that I introduced 3 years ago. It has already passed this House twice as a part of larger legislation. I think my friend from California didn't vote for it, but it did pass this House. Let's send this over to the Senate as a clean, short bill and see what they have got to say about that.

I thank the chairman for yielding me the time.

Mr. CONYERS. Mr. Speaker, before I yield to Mr. BECERRA, I yield myself such time as I may consume.

I always like to hear the gentleman from Georgia describe these bills. He says it only targets violent felons, and I would love to find that place in the bill where that is the case.

Nothing in this bill says that State and local law enforcement are authorized to enforce immigration law but only to focus their efforts on immigrants who are serious felons. In a news release, the gentleman from Georgia said that this bill would provide funding for training and resources for State and local enforcement agencies to voluntarily enforce immigration laws. Nothing in the bill provides any money for training or resources for State and local law enforcement. Not a dime. And that is why I have 25 pages of law enforcement officers that are opposed to the bill. Chiefs of police, mayors, sheriffs are all opposed to this bill. Republicans and Democrats, I might add.

And, of course, I should remind everyone in the body that we can already detain criminals or anyone that commits a criminal act, whether they are an immigrant or a citizen, but the problem is that only the Federal Government can deport anyone. So anybody committing a crime is subject to being detained.

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This bill isn't about immigration reform. It is further evidence of a failure of leadership for us to have this body connect with the other body to get a conference going.

The gentleman from California (Mr. BERMAN) offered to make a phone call. I would offer to bring the news of the passage of the immigration bill in the House to the majority leader of the Senate myself. I will deliver it if that would help them get the news that there ought to be a conference.

I think that patently it is obvious that they know about this, and somewhere in the Republican leadership there is a huge desire not to have a conference.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BECERRA), a former member of the Judiciary Committee.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me the time and for his leadership.

Mr. Speaker, with 5 days left in this session, with the failure of this House to pass comprehensive immigration reform to accept the challenge posed by the Senate which did pass comprehensive immigration reform, we are now left with a campaign stunt to try to pass something out of this House so that it can appear that as Members of Congress go home to campaign that we have done something on the issue of our broken immigration system.

Unfortunately, this legislation, like the previous bills that we are debating on this floor, fail to do one very important thing, and that was, ask the very people who this bill would impact most. And that is our local and State law enforcement officers what they think about this.

Because if you would have talked to them, they would tell you, please do not do this. We have had sufficient experience with what the Federal Government wishes to do when it comes to its Federal laws on immigration, and that is, it passes the buck without passing the money. This bill is no different. This passes the buck, but offers not a single cent to enforce the immigration laws that are a Federal responsibility.

For years our State and local governments have been asking Congress to fix the broken immigration laws that we have. Instead, this bill asks State and local police officers to pick up the tab, pick up the slack where the Feds have failed.

Mr. Speaker, you do not need to look very far for proof of that. Take a look at the State Criminal Alien Assistance Program. That is the Federal Government's effort to try to help States deal with the incarceration of criminal aliens.

The President's budget included not a single dime of funding to help States offset the cost of having to incarcerate criminal aliens. The Congress did a little bit better, but still is funding that program for all 50 States at less than one-third of what they are currently spending to incarcerate aliens who should be deported but committed crimes in our country.

What else? Take a look at the Federal Government's enforcement of our laws that prohibit individuals in this country from fraudulently hiring people who do not have permission to work in this country. How many enforcement actions did this government, this Federal Government, take against people who are abusing the laws and taking advantage of the fact that American citizens would like to take those jobs? Three enforcement actions in all of 2004.

State and local law enforcement officers know what happens when those bills are passed: the buck gets passed with it, and no money gets passed along. Mr. Speaker, police officers are also telling us why would we want to have to enforce Federal immigration laws when we have to enforce the local laws to protect our citizenry.

If a crime is committed, why would an immigrant who is already living in the shadows come out of the shadows to report a crime that he or she witnessed, if he or she knows that now we will pick them up on an immigration infraction? This is crazy. But this is what we are left with these last final days.

Mr. Speaker, we can have comprehensive immigration reform. The Senate did it. It is a shame that the House has not decided to follow suit. I would urge Members to vote against this legislation.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

What we are witnessing in the last few days is an effort to make sure somebody believes that we have sincerely worked on immigration rather than going to conference with the two major bills left.

We tried during the recent recess by holding a series of hearings across 13 States, to make sure people thought that we were working and concerned about immigration. As the newspaper reports show, it failed dismally.

So what we are doing now is to say let's keep the immigrants out. Let's keep them out. Let's keep them out. But let's let them in through the back door. Republicans do not prosecute employers, but then they blame Democrats for talking about other ways to deal with those who are already working here. We all know that letting immigrants in helps corporations and businesses that are using immigrants as the cheapest labor that they can find to benefit their activities.

And the reason we are not at conference is because many in our business world need immigrant labor, and the companies that support the Republican Party that says, get tough on immigrants, are the same ones that then turn their back and do nothing.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, during the debate on this bill and the debate on the two previous border security and law enforcement bills, we have heard time and time again why there not a conference between the Senate and the House on the differing bills that we passed, and that this is just merely a matter of papers, and this can be solved with a couple of phone calls over to the other body.

Well, the constitutional problem cannot be solved with a couple of phone calls. Because the Constitution's mandate that revenue-raising bills originate in the House of Representatives is pretty clear, and it has been there since 1789.

Frankly, the other body has not passed a bill that can be sent to conference because of the revenue-raising provisions that were contained in their bill. They chose to do that; we did not. And it is unfair and probably unconstitutional to blame this House for not rolling over and playing dead over the fact that the Senate bill violates article I, section 7 of the Constitution of the United States.

Having said that, let's get down to the nub of this bill. The nub of this bill specifically authorizes voluntary agreements between the Federal Government and local law enforcement to help in the assistance and enforcement of our immigration laws. Let me say again what we are dealing with is voluntary.

No local government agency or local law enforcement agency is forced to do anything under this piece of legislation in helping the Federal Government enforce our immigration laws.

But if they do do it, they should have statutory authorization. And where are the benefits going to be if there is cooperation between the Federal Government and State and local law enforcement in helping enforce our immigration laws? It is going to be in the immigrant communities themselves. Because most of the crimes that are committed by illegal immigrants in our country are against other immigrants, both legal and illegal.

As a result of the current system, which this bill hopes to encourage to change, we will be able to make those immigrant communities safer. Now, the bill specifically states that nothing in it may be construed to require State or local law enforcement personnel to report the identity of a victim or a witness to a criminal offense to the Department of Homeland Security.

So if one of the bad guys hits an illegal immigrant over the head, the local law enforcement that investigates this does not have to report to DHS the fact that the victim is an illegal immigrant, and nor does that illegal immigrant victim have to be arrested because that person is a victim or a witness, and the arrest would be for an immigration law violation.

State and local law enforcement are not going to be reporting victims of crime. And they know best how to integrate immigration law enforcement into their duties in a way that will increase the safety and well-being of immigrant communities.

Now, many immigrant communities are held hostage by violent alien gangs. Many of those gang members have already been deported for criminal activity and have returned to this country illegally. If State and local law enforcement officers identify such aliens, they can either turn a blind eye or wait until the aliens commit new crimes, or they can apprehend the gang members and turn them over to the Department of Homeland Security to get them out of this country.

Clearly, immigration communities will be safer if those vicious criminals are taken off the streets before they can kill or rob again. And what other circumstances are State and local law enforcement likely to report to DHS? As an example, they may report on illegal aliens they come across in the normal course of carrying out their duties, such as after stopping for speeding a smuggling van carrying illegal immigrants.

Mr. Speaker, this is a good bill. It helps leverage the assets that we have. I am for increasing the number of ICE agents and Border Patrol agents and increasing the number of detention beds, but passing this bill is something that we can do now to increase the effectiveness of law enforcement in dealing with these issues.

Mr. Speaker, I will repeat once again that the communities that will be safer will be the immigrant communities, both the legal immigrants that are present there as well as those that are not legal. Pass the bill.

Mr. ISSA. Mr. Speaker, I rise today in support of H.R. 6095, the "Immigration Law Enforcement Act of 2006." This legislation takes an important step toward greater prosecution of human smugglers, known as "coyotes," and I thank Judiciary Committee Chairman JIM SENSENBRENNER for bringing this legislation before us. This legislation also authorizes State and local cooperation with Federal immigration enforcement efforts, as well as helping to end the catch-and-release of criminal aliens.

I have spoken about the need for increased prosecution of coyotes many times. I have corresponded numerous times with the Attorney General on the subject imploring increased prosecution. Last year I introduced the Criminal Alien Accountability Act that would stiffen the penalties for coyotes and other criminal aliens. My legislation was incorporated in large part into H.R. 4437, the "Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005," which passed the House last December. However, major roadblocks impeding the prosecution of coyotes remain, and they are the lack of acceptance of these cases by U.S. Attorneys and a lack of uniform prosecution guidelines among the U.S. Attorney offices along the southern border.

The U.S. Attorney's Office has stated in the past that it does not have the resources needed to fully prosecute arrested coyotes. For example, the Border Patrol was instructed to release known coyote Antonio Amparo-Lopez, an individual with 21 aliases and 20 arrests. Releasing a criminal such as this is completely unacceptable, and is demoralizing to the Border Patrol agents who work so hard to make the arrests in the first place.

I, along with Chairman SENSENBRENNER, recently met with U.S. Border Patrol Sector Chief Darryl Griffin and U.S. Attorney Carol Lam in San Diego to discuss these problems. Our meetings demonstrated the differences in opinion between those who arrest human smugglers and those who prosecute them. Importantly, we learned that U.S. Attorney offices have varying prosecution guidelines for human smugglers depending on where the office is located. This causes smugglers to use access points in states with weaker prosecution standards, increasing the criminal element in those communities.

H.R. 6095 calls on the Attorney General to adopt uniform guidelines for the prosecution of smuggling offenses. This change could help lessen the burden on borders areas within the United States that currently are overrun by coyote operations, in addition to reducing smuggling in total. Additionally, H.R. 6095 authorizes 20 new U.S. attorneys for each year from FY 2008 through FY 2013 to help prosecute human smuggling offenses.

I will continue to work with others in Congress, the Administration, and the public at large to ensure the prosecution and removal of every criminal alien that is apprehended.

Mr. BACA. I rise today to express strong opposition to the majority's failure to seriously address the important issue of immigration reform.

Congress has had a real opportunity this year to produce meaningful bipartisan comprehensive immigration reform. But instead Republican leaders have decided to play election year politics and cater to their base with bills like these. These bills are further proof that Republicans are not serious about real reform on immigration.

On the other hand, Democrats are serious about immigration reform and border security. If our amendments had been adopted over the last five years, there would be 6,600 more Border Patrol Agents and 2,700 more immigration enforcement agents along our borders.

Republicans instead have held "sham" hearings that produced no results—nothing, zero. Second, they have not moved forward with a House-Senate conference on border security/immigration reform legislation. Finally, they are trying to fool our American public by bringing up these token bills that will not be even considered in the Senate.

These narrow-minded bills would have little impact on closing the numerous security gaps along our borders. Let's not confuse, again and again, the real concern here.

After five years Republicans have nothing to show except for a few votes on band-aid attempts to address a complex issue.

It's time for a new direction.

Mr. ORTIZ. Mr. Speaker, it is deeply offensive for this House to continue on a piecemeal approach to the border security and immigration problem.

The fact is this Congress has not done any heavy lifting to effectively solve our border security crisis.

That's an awful record for the majority party to carry into the election season, so we are forced to deal again with redundant legislation so the majority party can seem to be accomplishing something.

But we aren't accomplishing a single thing.

What we're doing today—in all these bills—is blowing more hot air at voters who are angry that we say we're doing things to improve our border security—but we never pay for them.

Each year since 2001, Democrats have tried to add amendments to defense, homeland security, and emergency supplemental appropriations bills.

Not a single one was passed—if they were, we'd have 6,600 more Border Patrol agents, 14,000 more detention beds, and 2,700 more immigration agents.

On the border, our not funding our promises brings local law enforcement a very large bill—yet another unfunded mandate.

When Border Patrol finds an immigrant lawbreaker—mostly small drug possessions—they take them to the local jail where the local taxpayers foot the bill to hold them.

The same local taxpayers then have to pay for the prosecutors and there aren't enough judges. This is a cycle that won't end.

Now the House Leadership is cutting up legislation we've already passed into many different bills to make it seem like we are working on this issue.

Mr. Speaker, the American people have every right to be angry with this Congress.

Let's use the 9–11 legislation they were embarrassed into passing in December 04 as an example.

Not only did we not fund most of that bill, breaking many of our promises in it, we passed virtually the same bill but added extreme provisions to criminalize those here.

In May of 2006, when the Senate passed an astonishingly better bill, the House closed down the process—refused to negotiate a final bill.

Instead, they passed an awful bill last December then spent the summer stalling any negotiation with deceptive "hearings."

If the House Republicans were serious about border security, they would have moved forward with a House-Senate conference on border security and actual immigration reform legislation.

Today—in an effort to appear to have accomplished something, anything related to immigration and border security—we are considering the same bill we passed twice already, just chopped into smaller pieces.

This is what it means to fool people.

So, let us remember the old wisdom: you can fool some of the people some of the time, but thank God, you can't fool all the people all the time.

That, I suppose, is the bad news for the crowd that thinks passing the same bills over and over is good politics.

Good politics these days means paying for the Nation's protection and none of these bills take care of that business.

Mr. BONILLA. Mr. Speaker, I am proud that today Congress will pass vital legislation based upon legislation I drafted, the Fairness in Immigration Litigation Act of 2006, to close an egregious loophole that allows thousands of illegal aliens to remain in our country every week. Passage of this legislation will result in safer communities across our nation.

Currently, the Orantes injunction mandates that the U.S. Government afford all Salvadoran immigrants the benefit of full deportation proceedings and undermines the authority of the Department of Homeland Security to apply expedited removal procedures. The court order was issued in 1988 when El Salvador was in the midst of a bloody civil war and was designed to protect those seeking refuge in the United States. However, on January 16, 1992, a peace accord was signed ending 11 years of civil war and implementing strict human rights restrictions. Today El Salvador enjoys a democratically elected government and a developing economy.

Illegal aliens stream across our border by the hundreds on a daily basis. They present an immediate danger to the lives of people in every Texas community and across the United States of America. For over 14 years I have worked to raise awareness on Capitol Hill about the crisis facing our border communities. I have met with law enforcement officials along the border and discussed this critical issue with my colleagues in Congress, providing those in Washington with a first-hand perspective on how to increase our border security.

However, gangs such as Mara Salvatrucha, otherwise known as MS–13, and members of drug cartels now exploit this loophole in our legal system to thwart our immigration laws and obtain release into our communities. This legislation removes obstacles that prevent our government from effectively enforcing the immigration laws that Congress intended.

The threat of terrorism is real. Each day our border communities witness violence and fear created by ruthless members of drug cartels. We must not allow terrorists and criminals from around the world to abuse loopholes in our legal system, turning our southwest border into a revolving door. The efforts of our law enforcement officials to catch, detain, and deport those who enter illegally must not be obstructed by those looking to abuse the system. I am proud that today Congress will overturn the outdated and obsolete Orantes injunction to protect the integrity of our legal immigration process.

Mr. SMITH of Texas. Mr. Speaker, I support H.R. 6095, the Immigration Law Enforcement Act of 2006.

It's important to Americans that local law enforcement officials are doing everything possible to arrest and prosecute criminals.

And it's important that law enforcement officials know under exactly what circumstances they can lawfully arrest or detain a suspected criminal.

Take for instance the situation in which a police officer has reasonable suspicion to stop an individual and finds out that individual is in the United States in violation of our immigration laws. It's contrary to common sense that the police officer would not be able to arrest that person simply because immigration is a Federal responsibility. But this is the argument of those who oppose this bill.

H.R. 6095 affirms the authority of State and local law enforcement officials to investigate, apprehend, and arrest illegal immigrants.

Several Federal Courts of Appeals, including the Tenth and Fifth Circuits, have agreed that State and local law enforcement officials have the authority to do so.

Unfortunately, opponents of this legislation believe that if a police officer comes in contact with a suspected criminal who has violated immigration law, they should simply let the person go.

This situation was addressed in the 1996 immigration legislation that I authored. Because of that law, the Immigration and Nationality Act contains section 287(g), which allows the Attorney General to enter into written agreements with States and localities to set out provisions under which State and local law enforcement officers can help enforce Federal immigration laws.

But the law does not mean that just because there is no such written agreement, the police don't have the authority to arrest illegal immigrants.

Law enforcement officers should arrest anyone who breaks the law. This bill is necessary to settle the debate once and for all.

I urge my colleagues to support the bill.

Ms. JACKSON-LEE of Texas, Mr. Speaker, I rise in opposition to the Immigration Law Enforcement Act of 2006, H.R. 6095. It will not protect United States borders, strengthen our national security, or address the nation's immigration problems comprehensively. Instead of voting on H.R. 6095 and other bills that raise a few issues on a piecemeal basis, we should be going to conference to resolve the differences between the House and Senate immigration reform bills that have already passed.

H.R. 6095 presents a sense of Congress that the Attorney General should adopt, not later than three months after the date of the enactment, uniform guidelines for the prosecution of smuggling offenses to be followed by each United States attorney in the United States. It also requires the hiring of additional personnel for prosecuting alien smuggling cases. For each year from FY2008 through FY2013, subject to the availability of appropriations, the Justice Department would be required to increase by not less than 20 the number of attorneys in the offices of United States attorneys employed to prosecute alien smuggling cases.

I find nothing objectionable about these provisions, but I do not believe that they will substantially improve our ability to deal with the alien smuggling problem. It would be more productive to consider an alien smuggling bill that I introduced a few years ago, the Commercial Alien Smuggling Elimination Act of 2003, the CASE Act. It would establish a three-point program that was drafted with assistance from government officials who are involved in the investigation, disruption, and prosecution of commercial alien smugglers.

H.R. 6095 would give State and local police officers the authority to enforce civil immigration laws. I do not want local police forces to enforce immigration law. Immigration violations are different from the typical criminal offenses that police officers normally face. The typical law enforcement activities of local police officers involve crimes such as murders, assaults, narcotics, robberies, burglaries, domestic violence, and traffic violations. It would require extensive training to prepare them to enforce civil immigration provisions.

If police act as immigration agents, undocumented immigrants are likely to be afraid to contact the police when a crime has been committed. If they as victims, witnesses, or concerned residents contact the police, they or their family members could risk deportation. Experience shows that this fear would extend not only to contact with local police, but also to the fire department, hospitals, and the public school system.

H.R. 6095 also would undermine local police's role in enhancing national security. National security experts and State and local law enforcement officers agree that good intelligence and strong community relationships are the keys to keeping our Nation and our streets safe. Undocumented immigrants who might otherwise be helpful to security investigators would be reluctant to come forward for fear of immigration consequences.

H.R. 6095 has an "Ending Catch and Release Act of 2006," title, but the provisions under that title deal with injunctions in federal immigration litigation. "Catch and release" is a reference to the practice of apprehending aliens in the vicinity of the border and then releasing them pending removal proceedings. Apparently, the connection is the permanent injunction in *Orantes-Hernandez* v. *Gonzalez*, No. 82–1107KN (C.D. Cal. 1982). Homeland Security Secretary Chertoff has claimed that the Orantes injunction interferes with efforts to end the catch and release practice.

I am not aware of any provision in the Orantes injunction that would interfere with efforts to end the catch and release practice. In issuing the injunction, the court found that the former Immigration and Naturalization Service had engaged in a pattern and practice of coercing and otherwise improperly encouraging Salvadorans to waive their rights to a deportation hearing and to seek asylum as a defense to deportation.

H.R. 6095 appears to be an attempt to terminate the Orantes injunction through legislation, but its reach goes beyond the injunction. Among other things, a judge would not be permitted to provide relief in any immigration case without attaching a written explanation of the impact the relief would have on national security, border security, immigration administration and enforcement, and public safety. It also would impose arbitrary, unreasonable time limits on courts attempting to provide prospective relief.

DHS has filed a motion to dissolve the injunction. *Wilfredo* v. *Gonzales*, No. CV 82–1107MM (C.D. Cal. 2005).

I urge you to vote against the Immigration Law Enforcement Act of 2006.

AUGUST 14, 2006.

HOUSE OF REPRESENTATIVES,
Committee on Homeland Security, Sub-Committee on Immigration, Washington, DC.

DEAR SUB-COMMITTEE MEMBERS: I am writing to respond to your invitation to testify before your sub-committee hearing on Wednesday, August 16th, 2006, at 9:30 a.m., at the Civil Courthouse 201 Caroline St., Houston Texas. First let me say as Chief of the Houston Police Department (HPD) and also as President of the Major Cities Chiefs Association (MCC) that I appreciate and wish to thank you for the honor and privilege of putting into the official congressional record Law Enforcement's comments and concerns on Immigration prior to the full enactment of any legislation on this important subject. I will be submitting as an attachment to my testimony today the MCC's Immigration Committee Recommendations for Enforcement of Immigration Laws by Local Police Agencies (chaired by my Deputy Director Craig E. Ferrell, Jr.), which were adopted on June 7th by the MCC for inclusion in the official congressional record. I also have additional attachments for the sub-committee members, but due to their length I have been told they can not be part of the written record.

Let me begin by giving my reaction to a recent federal legislative amendment aimed at eliminating federal law enforcement funding to local police. In short, both myself and chiefs of major cities across the country are dismayed by any legislative action aimed at excluding the City of Houston and/or other local jurisdictions from receiving needed federal law enforcement funds. These funds are needed to put more officers on the streets of Houston, protect our neighborhoods, investigate and prevent murders, rapes, assaults, robberies, burglaries, and provide for homeland security efforts. It seems clear that some in Congress and the public fervently believe local police should become involved in enforcing federal civil immigration laws. Given these strong beliefs, we are left to wonder why the recent legislative amendments were not written to provide increased federal funding to local police to support such enforcement. Instead the amendments have sought to eliminate funding and penalize not only the City of Houston, but also Harris County, and other local and national jurisdictions, which will be negatively effected by this amendment. The end result of any law enforcement funding exclusion amendment, if it is applied to Houston and other communities like Houston would be to make our local communities less safe. In other words these amendments would have the opposite effect of their purported purpose.

Illegal immigration is being hotly debated in Congress and in our local communities. Opinions on how to address this complex issue differ greatly and emotions run high. Extremes exist on either side of the debate as represented by the recent mass demonstrations by immigrant groups and their supporters and the funding exclusion amendment and the referendum effort of the group Protect Our Citizens in Houston. Both myself and chiefs of police in MCC representing first responders to over fifty (50) million residents respectfully disagree with any effort to eliminate federal law enforcement funding and in effort to create an unfunded mandate. Illegal immigration is an issue that effects our nation as a whole and any solution should begin first at the federal level with securing the borders and increasing enforcement by federal agencies.

Local enforcement of immigration laws raises complex legal, logistical and resource issues for local communities and their police agencies. The City of Houston's policies and those of most major cities across America reflect the challenges and realities faced by a City and police agency that is responsible for protecting and serving a diverse community comprised of citizens, non-citizens, legal residents, visitors and undocumented immigrants. The City's policies seek to best protect and serve this diverse community as a whole, while taking into account: the reality that the City does not have unlimited resources; its officers are prohibited by state law from racial profiling and arresting persons without warrants and without well established probable cause; is subject to civil liability for violating such laws; and has the clear need to foster assistance and cooperation from the public including those persons who may be undocumented immigrants. In an effort to clarify the City's reasoned and model approach to this issue I have provided the following statements regarding the City's policy and why we oppose the positions represented by the federal fund exclusion amendment and Protect Our Citizens' referendum.

City does not have a sanctuary policy

Currently, the police department is operating under General Order 500–5 [See attached Exhibit 1]. General Order 500-5 was implemented in 1992 by then Chief Nuchia, who is currently serving as a Justice in the

Texas Judiciary's First Court of Appeals. The General Order includes the following provisions:

Houston police officers may not stop or apprehend individuals solely on the belief that they are in this country illegally.

Officers shall not make inquiries as to the citizenship status of any person, nor will officers detain or arrest persons solely on the belief that they are in the country illegally.

Officers will contact the [Federal Immigration Authorities] regarding a person only if that person is arrested on a separate criminal charge (other than Class C misdemeanor) and the officer knows the prisoner is an illegal alien."

The department has issued clarifications of our "immigration" policies and implemented changes to the department's enforcement policies to increase cooperation between the department and federal agencies on immigration matters that are criminal in nature. [Exhibit 2] In the summer of 2005, I directed Executive Assistant Chief Thaler, Assistant Chief Perales and Deputy Director/General Counsel Craig Ferrell to meet jointly with representatives of the U.S. Attorney's office and I.C.E. to discuss the department's response to immigration detainers. Based on those discussions, the department developed procedures to accept and act upon criminal immigration detainers issued by I.C.E. The police department further clarified that our officers are allowed to take into custody any person who the federal authorities state is a criminal suspect and for whom they will authorize detention directly into a federal detention facility. In addition, whenever the department has a person in custody on other criminal charges, the department will not release the person from custody for up to 24 hours after we have received formal notice from federal authorities that they are wanted for criminal violations.

The City is committed to assisting I.C.E and any other federal agency wherever possible and reasonable to enforce against criminal violations and address criminal matters. The Houston Police Department has always acted to enforce laws relative to criminal violations and criminal matters, accepted criminal warrants and criminal detainers and assisted in criminal investigations, regardless of whether they emanated from other jurisdictions or arose out of federal or state laws. Our officers are currently involved in various federal task forces addressing criminal matters including violent criminal gangs. Because we have and will continue to enforce laws relative to criminal violations against any and all persons, regardless of their immigration status, the department and thus the City does not have a "sanctuary policy" as opponents of our policies have alleged. This is not only the City's or the police department's opinion but also that of Robert Rutt the Deputy Special Agent in Charge for Immigration and Customs Enforcement [I.C.E]. In a recent Houston Chronicle article he stated that "Houston is not a sanctuary City . . ." In the same article he further acknowledged the police department's significant cooperation with I.C.E. [Exhibit 3]

Concerns with local enforcement of federal immigration law

Local enforcement of federal immigration laws raises many daunting and complex legal, logistical and resource issues for the City of Houston and the diverse community it serves. Like other jurisdictions our policy in this area must recognize the obstacles, pitfalls, dangers and negative consequences to local policing that would be caused by immigration enforcement at the local level.

* * * * *

were detained by the police were later determined to be either citizens or legal immigrants with permission to be in the country. The Katy police department faced suits from these individuals and eventually settled their claims out of court.

Because local police officers currently lack clear authority to enforce immigration laws, are limited in their ability to arrest without a warrant, are prohibited from racial profiling and lack the training and experience to enforce complex federal immigration laws, it is more likely the City/police department will face the risk of civil liability and litigation if we actively enforced federal immigration laws.

UNDERMINES TRUST AND COOPERATION OF IMMIGRANT COMMUNITIES

Major urban areas throughout the nation are comprised of significant immigrant communities. In some areas the immigrant community reaches 50-60 percent of the local population. Local agencies are charged with providing law enforcement services to these diverse populations with communities of both legal and illegal immigrants. The reality is that undocumented immigrants are a significant part of the local populations major police agencies must protect, serve and police. The City of Houston faces the same challenges.

Local officers have worked very hard to build trust and a spirit of cooperation with immigrant groups through community based policing and outreach programs and specialized officers who work with immigrant groups. We have a clear need to foster trust and cooperation with everyone in these immigrant communities. Assistance and cooperation from immigrant communities is especially important when an immigrant, whether documented or undocumented, is the victim of or witness to a crime. These persons must be encouraged to file reports and come forward with information. Their cooperation is needed to prevent and solve crimes and maintain public order, safety, and security in the whole community. Local police contacts in immigrant communities are important as well in the area of intelligence gathering to prevent future terroristic attacks and strengthen homeland security.

Immigration enforcement by local police would likely negatively effect and undermine the level of trust and cooperation between local police and immigrant communities. If the undocumented immigrant's primary concern is that they will be deported or subjected to an immigration status investigation, then they will not come forward and provide needed assistance and cooperation. Distrust and fear of contacting or assisting the police would develop among legal immigrants as well. Undoubtedly legal immigrants would avoid contact with the police for fear that they themselves or undocumented family members or friends may become subject to immigration enforcement. Without assurances that contact with the police would not result in purely civil immigration enforcement action, the hard won trust, communication and cooperation from the immigrant community would disappear. Such a divide between the local police and immigrant groups would result in increased crime against immigrants and in the broader community, create a class of silent victims and eliminate the potential for assistance from immigrants in solving crimes or preventing future terroristic acts.

Ms. FOXX. Mr. Speaker, today I rise in strong support of H.R. 6095, the Immigration Law Enforcement Act of 2006 and to affirm the inherent authority of State and local law enforcement to assist in the implementation of our immigration laws.

This year, I had the privilege to participate in two Government Reform Subcommittee field hearings in North Carolina on this very subject, one of which took place in my district.

Illegal immigration has consistently been the No. 1 topic prompting my constituents to write and call my office. It is also the No. 1 problem expressed to me by many of the local officials I represent.

In recent years, State and local governments have had to make extraordinary adjustments to accommodate illegal immigration. Over 300,000 illegal aliens are estimated to reside in North Carolina, and that number is increasing. As a whole, our counties and communities, now saturated with illegal aliens, are spending billions of dollars on public health, public education, law enforcement and social services for people who are residing here illegally. Every dollar spent on an illegal alien is a dollar diverted away from a law abiding, taxpaying citizen. Illegal immigration affects virtually every aspect of life in America.

Few States have had to struggle with this burden as much as North Carolina, where the illegal immigration population is rapidly approaching half a million. North Carolina is currently one of the six major destination States for illegal aliens and has one of the five highest ratios of illegal immigrants to legal immigrants. During the 90s, the immigrant population of Forsyth County alone exploded by 515 percent, meaning that two-thirds of the county's foreign-born population had entered in just 10 years.

My State's government estimates that Medicaid costs due to illegal immigration have doubled in 5 years. The State is spending over $200 million annually to educate the children of illegal aliens, more than a 2,000 percent increase in 10 years. Across the State, the criminal justice system is disrupted as courts and law enforcement struggle, particularly in rural counties, to find translators to assist in investigations and court proceedings for foreign-speaking defendants.

Too many stresses and strains are being put on State and local governments at once and there is a clear need for government officials at all levels to decisively reverse these trends.

It is in cities like Winston-Salem, as well as smaller communities, that the presence of illegal aliens who've committed other crimes is most keenly felt. One solution to these dilemmas that has been growing in use since it was first tried in 2002 is known as the "287(g) cross-designation training" program. By the authority of section 287(g) of the Immigration and Nationality Act, the Department of Homeland Security can enter into assistance agreements with State and local agencies. The 287(g) training and certification gives local law enforcement a vital tool in combating the growing problems from illegal immigration. Many illegal aliens who've committed crimes in America can now be held and processed for deportation or Federal prosecution through use of the 287(g) program. State and local officers can even interview suspects and prison inmates to determine if immigration laws have been violated; they can process and fingerprint them for such violations; and they can prepare documents for deportation and refer criminal aliens to ICE for potential Federal prosecution.

It is the constitutional responsibility of the Federal Government to protect the borders and enforce our laws. Given the scope of the problem of illegal immigration, the Federal Government should move quickly to provide authority to State and local law enforcement to combat illegal immigration. We will never get a handle on this growing problem if we don't.

Mr. DINGELL. Mr. Speaker, I rise in strong opposition to the three bills being considered today in House. The rush to bring these bills to the floor for a vote makes it clear that the majority has one thing on its mind, election year political concerns. As far as I can tell, these bills were not given hearings or marked up in committee. In fact, two of these bills were just introduced this week. Members have had very little time to look at these bills, and to consider the ramifications should these bills be enacted into law. This is no way to craft good, solid legislation.

These bills represent a half-hearted attempt at beefing up immigration enforcement and border security. Instead of taking a rifle shot approach to the immigration issue, the House and Senate should have went to conference on the immigration bills that passed each chamber. Unfortunately, rather than coming together and hashing out differences, the two Chambers began holding field hearings about why their Chamber's bill was better than the other Chamber's bill. It is time to stop these antics and appoint conferees so we can create a good bill.

Mr. Speaker, given the fact that we have had very little time to consider this legislation, and that we cannot even offer amendments on the floor to try and do what the committees could not, I will vote "no" and urge my colleagues to do the same.

Mr. KOLBE. Mr. Speaker, I rise today for the second consecutive week to remind the House that the time has passed for half measures on immigration reform.

None of the bills we debate today will secure our border unless they are coupled with a more comprehensive approach. Some of them are good bills and should be part of wider legislation to secure the border and make our immigration system work. But on their own, these proposals fall short because they only look at the enforcement side of the equation. Put them together with the bill we passed last week, add the enforcement-only package we passed in December, and throw in any other enforcement measures that you like and I promise you that all of them, collectively, won't win the fight against illegal immigration.

Without a total fix—one that gets at the root of the problem—we will continue to see people finding a way to get into the United States in pursuit of jobs and a better way of life. Fences won't stop them. And stopgap measures by this body will not stop them.

The Senate majority leader has said that there isn't even time to take up all these half-measures in the other chamber; it is highly doubtful that any of these will become law.

Mr. Speaker, let us put away these half measures and go to conference with the Senate on the bill this chamber passed—H.R. 4437—and the bill the Senate passed—S. 2611. We need a comprehensive fix to the problem and that means dealing with all parts of it, not just criminal aliens and the end of "catch and release." Those are all part of the solution, but on their own, they fall short. Without a guest worker program and a recognition of the 12 million undocumented immigrants living in our midst, we will only exacerbate the problem.

So what are we really debating here? Nothing. We've sent a bill to the Senate, and they've sent a bill back to us. The time for playing games is past. The American people want action—they want a solution that works.

Let's negotiate with the Senate and find a comprehensive solution that will secure our borders once and for all. Let us reject these piecemeal bills and do what's right for the American people; let us go to conference with the Senate on H.R. 4437 and S. 2611.

Mr. KING of Iowa. Mr. Speaker, I rise in support of the Immigration Law Enforcement Act of 2006. This bill reaffirms the inherent authority of State and local law enforcement to voluntarily investigate, identify, apprehend, arrest, detain and transfer to federal custody aliens in the U.S. in order to assist in the enforcement of the immigration laws.

Presently, many cities are enacting so-called "sanctuary" policies, which prohibit local police from asking about a person's immigration status or reporting illegal aliens who commit crimes to immigration authorities for deportation. Passed in 1996, the Illegal Immigration Reform and Immigrant Responsibility Act forbids localities from preventing their police officers from asking for or reporting immigration information to the Federal Government. Existing federal law says:

> Notwithstanding any other provision of Federal, State or local law, a Federal, State, or local government entity or official may not prohibit or in any way restrict any government entity or official from sending to or receiving information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

Despite this ban, some cities continue to prohibit their officers from asking about immigration status or providing information to the Federal Government. Make no mistake about it: This is a situation of local governments blatantly violating Federal law.

As a result, U.S. taxpayers pay to incarcerate illegal alien prisoners who are later released back onto the streets. Sanctuary policies tie the hands of local law enforcement officers and keep illegal aliens who commit crimes in our country, rather than deporting criminals according to U.S. law. These sanctuary policies have disastrous consequences.

Our State and local governments serve as the front line of defense against terrorism and criminal aliens. Every murder, every rape, every violent gang crime committed against Americans by illegal aliens is an utterly preventable crime. If we better enforce our immigration laws to keep criminals out, we will save lives. We must use the law enforcement resources we have, at every level, to enforce our laws, with the end result of making our Nation a safer place for our grandchildren to grow up in.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SWEENEY). Pursuant to House Resolution 1018, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GUTIERREZ. Mr. Speaker, I am in its present form.

Mr. SENSENBRENNER. Mr. Speaker, I reserve a point of order on the motion.

The SPEAKER pro tempore. The gentleman from Wisconsin reserves a point of order.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Gutierrez moves to recommit the bill H.R. 6095 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendments:

Page 3, after line 12, insert the following:

(2) In the 9/11 Act of 2004, the Republican Congress promised to provide 8,000 additional detention beds and 800 additional immigration agents per year from fiscal year 2006 through fisal year 2010. Over the last two years, the Republican Congress has left our Nation short 5,000 detention beds, and nearly 500 immigration agents short of the promises they made in the Intelligence Reform (or 9/11) Act of 2004, to the detriment of efforts to combat alien smuggling.

(3) Alien smuggling continues to be a problem in part because the Committee on the Judiciary and other relevant committees have not engaged the Senate Committee on the Judiciary in discussion on resolving the differences between the House and Senate on immigration legislation that the House of Representatives or the Senate have already passed during the 109th Congress and has not reported the same back to the House in a form agreed to by the two Committees, in consultation with other relevant committees, that protects United States borders, strengthens our national security, and addresses the nation's immigration problem comprehensively.

Page 3, line 13, strike "(2)" and insert "(4)".

Page 3, line 17, strike "(3)" and insert "(5)".

Page 3, line 21, strike "(4)" and insert "(6)".

Page 4, line 3, strike "(5)" and insert "(7)".

Page 4, after line 25, insert the following:

(d) ADDITIONAL RESOURCES TO PROTECT AGAINST ALIEN SMUGGLING BY IMPLEMENTING THE 9/11 COMMISSION ACT.—In each of fiscal years 2007 through 2010, there are authorized to be appropriated such sums as may be necessary to increase—

(1) by 2,000 the number of immigration agents;

(2) by 250 the number of detention officers;

(3) by 250 the number of U.S. Marshals;

(4) by 25,000 the number of detention beds;

(5) by 1,000 the number of investigators of fraudulent schemes and documents that violate sections 274A, 274C, and 274D of the Immigration and Nationality Act (8 U.S.C. 1324a, 1324c, 1324d).

Mr. GUTIERREZ (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Speaker, I make a point of order against the motion to recommit.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized.

Mr. SENSENBRENNER. Mr. Speaker, I make a point of order against the motion to recommit for the same reason that I made a point of order against the gentleman from Illinois' previous motion to recommit.

Clause 7 of rule XVI precludes amendments on a subject different from that under consideration.

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H.R. 6095 reaffirms the inherent authority of State and local law enforcement to voluntarily investigate, identify, apprehend, arrest, detain or transfer to Federal custody aliens in the United States in order to assist in the enforcement of immigration laws, and clarifies guidelines for the prosecution of smuggling offenses. It also ends the practice of catch and release by DHS to ensure that immigration laws are enforced in the manner in which they were intended.

This motion to recommit pertains to a subject matter different from the legislation under consideration. It is the same motion to recommit that the gentleman from Illinois made to the previous bill by increasing the number of U.S. marshals by 250, which is on page 2, line 15 of the motion to recommit.

The U.S. marshals do not have a role in enforcing the immigration law. Thus, the motion to recommit expands the scope of the bill and is nongermane, and it fails the test of germaneness contained in clause 7 of rule XVI.

The SPEAKER pro tempore. Do other Members wish to be heard on the point of order?

The Chair recognizes the gentleman from Illinois.

Mr. GUTIERREZ. Mr. Speaker, I would argue that it is germane to the bill. When you take the whole bill subject to consideration, and we look at representing a number of different immigration reform proposals, and my sections address those same exact matters. All day, Mr. Speaker, we have been hearing from the proponents of this and other immigration bills argue that the various immigration reform proposals included in this bill are viable alternatives to much more comprehensive immigration reform legislation that has stalled in the 109th Congress.

In other words, Mr. Speaker, they are conceding that this bill is related to many other immigration reform proposals this House has considered over the past 2 years. Republicans are trying to pretend that the 109th Congress has not debated the immigration issues on many other occasions other than today. That is simply wrong. This House has debated the subject matter of this bill many times.

My motion certainly suggests a better way to handle the subject matter on this bill, which is to go to conference with the comprehensive bills that the two Houses have already passed. The subject matter of this bill is immigration reform. The subject matter of my motion to recommit is also immigration reform. The only difference is that my proposal would actually require Congress to do something.

Republicans are addressing the immigration issue with press releases. I am saying the more responsible way to address the subject matter of this bill is to go to conference and actually pass a law.

Mr. SENSENBRENNER. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. SENSENBRENNER. Mr. Speaker, the gentleman's comments are not addressing the point of order which I have raised.

The SPEAKER pro tempore. The gentleman from Illinois must confine his remarks to the point of order.

Mr. GUTIERREZ. Well, it seems to me that it is germane, Mr. Speaker. We have heard on repeated occasions that what we are considering is the first step. We have heard that repeatedly here today. We have other bills, and simply what my motion to recommit instructs us that we go to conference to take it into consideration into the totality.

We agree, Mr. SENSENBRENNER and I, if we were actually to sit around a table and use regular order, we would find that we have much agreement on securing our borders, on a number of the issues that have been raised here today. No one on this side of the aisle is pretending to stand up for gang members and drug dealers. We want them out of the country also.

But we also understand that like Mr. Tom Ridge, of Homeland Security, and Congressman SENSENBRENNER referred to the current Homeland Secretary in his statement, we have statements from the former Director of Homeland Security that we need to deal with. So I think it is germane, Mr. Speaker.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

The Chair is prepared to rule.

The bill is confined to matters of immigration. The motion to recommit addresses matters unrelated to immigration. For the reasons stated by the Chair earlier today, the motion is not germane.

The point of order is sustained

MOTION TO RECOMMIT OFFERED BY MR. REYES

Mr. REYES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. REYES. Yes, I am.

Mr. SENSENBRENNER. Mr. Speaker, I reserve a point of order on his motion to recommit as well.

The SPEAKER pro tempore. The gentleman from Wisconsin reserves a point of order.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Reyes moves to recommit the bill H.R. 6095 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendments:

Page 3, after line 12, insert the following:

(2) Alien smuggling is a continuing threat to our Nation's security, leaving the United States vulnerable to terrorist attacks.

(3) Alien smuggling continues to be a threat to the security of the United States because of, among other things, the following:

(A) The 9/11 Act of 2004 provided for 8,000 additional detention beds and 800 additional immigration agents per year from fiscal year 2006 through fiscal year 2010, which provision has not been implemented. Over the last two years, the Nation has been left short 5,000 detention beds, and nearly 500 immigration agents short of the authorized amount in the Intelligence Reform (or 9/11) Act of 2004, to the detriment of efforts to combat alien smuggling.

(B) From 1993 to 2000, there were added, on average, 642 new immigration agents per year. Despite the fact that 9/11 highlighted the heightened need for these resources, from 2001 to 2006, there were added, on average, only 411 new immigration agents, to the detriment of efforts to combat alien smuggling.

(4) Since 2001, the Congress has not enacted legislation to address the 9/11 Commission recommendations to combat alien smuggling.

Page 3, line 13, strike "(2)" and insert "(5)".

Page 3, line 17, strike "(3)" and insert "(6)".

Page 3, line 21, strike "(4)" and insert "(7)".

Page 4, line 3, strike "(5)" and insert "(8)".

Page 4, after line 25, insert the following:

(d) ADDITIONAL RESOURCES TO PROTECT AGAINST ALIEN SMUGGLING BY IMPLEMENTING THE 9/11 COMMISSION ACT.—In each of fiscal years 2007 through 2010, there are authorized to be appropriated such sums as may be necessary to increase—

(1) by 2,000 the number of immigration agents;

(2) by 250 the number of detention officers;

(3) by 250 the number of U.S. Marshals to assist the courts in immigration matters;

(4) by 25,000 the number of detention beds;

(5) by 1,000 the number of investigators of fraudulent schemes and documents which

violate sections 274A, 274C, 274D of the Immigration and Nationality Act (8 U.S.C. 1324a, 1324c, 1324d).

Mr. REYES (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Speaker, I make a point of order against the motion to recommit. It is the same point of order that I made on the previous motion to recommit. The motion to recommit violates clause 7 of rule XVI and on page 3, lines 1 and 2, it has the same defect of increasing the number of U.S. marshals who do not have jurisdiction over immigration violations.

The SPEAKER pro tempore. Does any Member wish to be heard on the point of order?

The Chair recognizes the gentleman from Texas.

Mr. REYES. Mr. Speaker, my motion to recommit states that the assets would go to the immigration matters that are in the jurisdiction of the Judiciary Committee. It has no reference at all about going to conference. I think those are very germane differences.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Does the gentleman from Wisconsin insist on his point of order?

Mr. SENSENBRENNER. Mr. Speaker, I withdraw the point of order.

The SPEAKER pro tempore. The point of order is withdrawn.

Pursuant to the rule, the gentleman from Texas is recognized for 5 minutes in support of his motion.

Mr. REYES. Mr. Speaker, before being elected to represent a border district in Congress, I served for 26½ years in the United States Border Patrol, including 13 years as sector chief in McAllen and El Paso, Texas. I have years of experience of patrolling the tough terrain of the U.S.-Mexico border region, supervising thousands of dedicated Border Patrol agents and working to do everything in our power to strengthen America's borders and to reduce illegal immigration. So I know from firsthand personal experience what works and what doesn't when it comes to border security and to immigration law enforcement.

Given my background, Mr. Speaker, I attended many of the hearings on the border security and immigration that were called by the majority this summer, along with my Republican colleagues. It is obvious from the bill before us today, however, that though the Republicans held these hearings, they did not actually do very much listening. Rather than charging our already overburdened local law enforcement agencies with enforcing immigration law, which is, I might point out, a Federal responsibility, we need to give the Department of Homeland Security the resources that they need to do their job.

With this motion to recommit, we help rectify the failure of the Republican leadership to fulfill the recommendations of the 9/11 Commission, which, by the way, Mr. Speaker, is 5 years overdue.

Specifically, over the next 4 years, we would authorize a total of 8,000 new Border Patrol immigration agents, 1,000 additional immigration detention officers, 1,000 more U.S. marshals and 100,000 new detention beds.

The idea that we have here, Mr. Speaker, is simple. If we are really serious about helping to stop illegal immigration, we have to give the Department of Homeland Security the personnel and the detention space that they so desperately need today.

Unfortunately, Mr. Speaker, it is clear to me that there are some Members of this House who either have no idea what Congress really needs to do to help keep Americans safe, or they are more interested in scoring cheap political points with the voters back home this election season than in actually protecting our country.

It is now 5 years after the terrorist attacks of 9/11, and the Republican leadership is still wasting our precious time. We need real action now. We don't need more rhetoric. The American people are counting on us, and we cannot fail them yet again. Let's finally give the Department of Homeland Security the resources that they need to keep this great country of ours safe.

I ask all my colleagues to vote in favor of this motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, this motion to recommit guts the bill. There is no question about the fact. My friends on the other side of the aisle do not want to have cooperative agreements between the Federal Government and State and local law enforcement to help enforce the immigration laws.

The bill that was never messaged by the other body prohibits such a practice, and that means that our State and local law enforcement officials have their hands tied behind their back when they see violations of immigration laws. They have to see a crime actually committed, which means that if the other side has their way, you are going to have victims, and we don't want that. We want to make sure that the immigration laws are enforced, and we need the help, voluntarily, of State and local law enforcement to be able to do that.

The motion to recommit also guts the ability to ensure vigorous enforcement against alien smugglers, and it also guts the ability to end the catch and release of illegal immigrants caught along our borders. Now, in the letter from Secretary Chertoff of the Department of Homeland Security that I introduced into the RECORD earlier in this debate, clearly shows the problem that has occurred as a result of an injunction against expedited removal of Salvadorans.

Now, what nationality are the people in the MS-13 gangs? Largely Salvadorans. So to get rid of MS-13, we have got to pass this bill and vote down the motion to recommit.

Now, this motion is ineffectual, because only the Appropriations Committee can actually fund increases in any account, whether it is the Department of Homeland Security or anyplace else.

Led by Republicans, the House and Senate Appropriations Committee have done a stellar job in increasing the funding for new agents. Over this year and next, our appropriators will increase Border Patrol strength by 2,700 agents. This is close to the maximum number of new agents who can realistically be recruited and adequately trained in this time span.

Now, the other side can have a pie-in-the-sky number, thousands or hundreds of thousands and the like, but we have a limited capacity to recruit and train new agents, and the appropriators are very close to the max in doing this.

Vote down this pernicious motion; pass the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. REYES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 2-minute votes on passage of the bill, passage of H.R. 4830, and motion to suspend the rules on S. 2832, if ordered.

The vote was taken by electronic device, and there were—yeas 196, nays 226, not voting 10, as follows:

[Roll No. 467]

YEAS—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman

Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—226

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Boehlert
Case
Cubin
Evans
Harris
Moore (KS)
Ney
Strickland
Thompson (MS)
Walsh

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Acting SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1552

Messrs. BRADY of Texas, DENT, SAXTON, BROWN of South Carolina, Mrs. MYRICK, Mr. HALL, Mr. TIBERI, Ms. GRANGER and Mrs. EMERSON changed their vote from "yea" to "nay."

Mr. CLAY changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—yeas 277, nays 140, not voting 15, as follows:

[Roll No. 468]

YEAS—277

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Culberson
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Dent
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Visclosky
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield

Wicker
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—140

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Becerra
Berkley
Berman
Blumenauer
Boucher
Brady (PA)
Brown, Corrine
Capps
Capuano
Cardin
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Costello
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Reyes
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Stark
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wynn

NOT VOTING—15

Boehlert
Carter
Case
Cubin
Evans
Harris
Moore (KS)
Ney
Pitts
Rehberg
Reynolds
Strickland
Thompson (MS)
Walsh
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there is 1 minute remaining on this vote.

☐ 1556

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BORDER TUNNEL PREVENTION ACT OF 2006

The SPEAKER pro tempore. The pending business is the vote on passage of H.R. 4830, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This will be a 2-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 10, as follows:

[Roll No. 469]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Boehlert
Case
Cubin
Evans
Harris
Moore (KS)
Ney
Strickland
Thompson (MS)
Walsh

☐ 1602

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 2006

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 2832.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the Senate bill, S. 2832.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—yeas 215, nays 204, not voting 13, as follows:

[Roll No. 470]

YEAS—215

Abercrombie
Aderholt
Alexander
Bachus
Baker
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Biggert
Bilbray
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Cantor
Capito
Cardin
Castle
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Costa
Cramer
Crenshaw
Davis (AL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Gordon
Graves
Hall
Harman
Hart
Hastings (WA)
Hayes
Herger
Hinojosa
Hobson
Hoekstra
Holt
Hulshof
Hyde
Issa
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (OH)
Kaptur
Keller
Kelly
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
Marshall
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McIntyre
McKeon
McKinney
McMorris Rodgers
Mica
Miller (NC)
Miller, Gary
Mollohan
Moore (WI)
Moran (KS)
Murphy
Musgrave
Myrick
Napolitano
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Otter
Oxley
Pearce
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Ryan (OH)
Ryun (KS)
Sanchez, Loretta
Saxton
Schmidt
Schwarz (MI)
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Spratt
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Tiahrt
Tiberi
Turner
Udall (NM)
Upton
Visclosky
Walden (OR)
Wamp
Waters
Watson
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Woolsey
Young (AK)
Young (FL)

NAYS—204

Akin
Allen
Andrews
Baca
Baird
Baldwin
Barrett (SC)
Bean
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonilla
Boren
Boswell
Boyd
Brown, Corrine
Brown-Waite, Ginny
Burgess
Camp (MI)
Campbell (CA)
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Chabot
Clay
Cleaver
Conaway
Conyers
Cooper
Costello
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Farr
Filner
Flake
Ford
Fossella
Frank (MA)
Franks (AZ)
Gingrey
Gonzalez
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hastings (FL)
Hayworth
Hefley
Hensarling
Herseth
Higgins
Hinchey
Holden
Honda
Hooley
Hostettler
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E.B.
Jones (NC)
Kanjorski
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kingston
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McHugh
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller, George
Moran (VA)
Murtha
Nadler
Neal (MA)
Neugebauer
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Petri
Platts
Poe
Pomeroy
Price (GA)
Rangel
Reyes
Rohrabacher
Rothman
Royce
Ruppersberger
Rush
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Skelton
Slaughter
Snyder
Solis
Stark
Stearns
Stupak
Sweeney
Tanner
Tauscher
Thompson (CA)
Thornberry
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Wasserman Schultz
Watt
Waxman
Weiner
Westmoreland
Wexler
Wilson (SC)
Wolf
Wu
Wynn

NOT VOTING—13

Ackerman
Boehlert
Case
Cubin
Evans
Granger
Harris
Millender-McDonald
Moore (KS)
Ney
Strickland
Thompson (MS)
Walsh

□ 1610

Messrs. GUTKNECHT, PETRI, SWEENEY, BURGESS, INGLIS of South Carolina, and FORD, and Ms. GINNY BROWN-WAITE of Florida changed their vote from "yea" to "nay."

So (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 65

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 65.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. ROGERS of Kentucky, WAMP, LATHAM, Mrs. EMERSON, Messrs. SWEENEY, KOLBE, ISTOOK, CRENSHAW, CARTER, LEWIS of California, SABO, PRICE of North Carolina, SERRANO, Ms. ROYBAL-ALLARD, Messrs. BISHOP of Georgia, BERRY, EDWARDS, and OBEY.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 65

Mr. FARR. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 65.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, at this time I yield to my friend, the majority leader, Mr. BOEHNER, for the purposes of inquiring about the schedule for the week to come.

Mr. BOEHNER. I thank my colleague from Maryland for yielding.

Next week, Mr. Speaker, the House will convene on Monday at 12:30 for morning hour and 2 p.m. for legislative business. No votes will occur before 6:30 on Monday evening. We will have a number of measures considered under suspension of the rules. We will have a final list of those bills to Members' offices by tomorrow afternoon.

For the balance of the week, the House will consider H.R. 6054, the Military Commissions Act; H.R. 5825, the Electronic Surveillance Modernization Act; H.R. 748, the Child Interstate Abortion Notification Act; H.R. 2679, the Public Expression of Religion Act;

H.R. 5631, Department of Defense appropriations conference report; the National Institutes of Health reauthorization bill; H.R. 5313, Open Space and Farmland Preservation Act; and H.R. 5092, the BATFE Modernization and Reform Act of 2006.

In addition to that, I would note that a conference report may be brought up at any time, and I expect to see H.R. 5122, the Sonny Montgomery National Defense Authorization Act for Fiscal Year 2007 conference report.

In addition to these, we do hope to have suspension authority for all of next week to try to accommodate Members who have suspension items on both sides of the aisle. It is expected that there will be many suspensions next week, and I want to prepare Members for that.

□ 1615

Mr. HOYER. I thank the gentleman for that information. To clarify, am I correct that the three bills that you mentioned prior to the mentioning of the last conference report, the NIH authorization bill, the Open Space and Farmland Preservation Act, and the Bureau of Alcohol, Tobacco and Firearms Modernization Reform Act, am I correct they will all be suspension bills?

Mr. BOEHNER. Likely they will.

Mr. HOYER. I thank the gentleman.

On the schedule, last week we talked about the 29th being the target date, and that we were going to get out on the 29th. But that being Friday, we might go over to Saturday if we did not finish on Friday, and we have advised Members to make sure that their Saturday schedule was flexible to accommodate that. But can you clarify that additionally as to what your thoughts are and the possibility of being here on Saturday?

I yield to my friend.

Mr. BOEHNER. I thank my colleague for yielding.

I have told Members and have told you for months that we will be finished on the 29th. We will be finished on the 29th. Now, how long the 29th lasts, I don't know. But I would expect that we would be here on the evening of the 29th and hopefully not much longer than that.

Mr. HOYER. I thank the gentleman for that information.

It reminds me that before we had a court of appeals opinion in Maryland, before I went to the Senate, constitutionally you had a 90-day session, but as you point out, on the last day you weren't quite sure how long that last day would be.

Mr. BOEHNER. If the gentleman would yield, we have both been here long enough to know that that last day before the recess for the election lasts a little longer than an average day.

Mr. HOYER. I hear you. I will advise our Members not to have Friday night planes scheduled, and to have maybe a little later Saturday scheduled, maybe well into the morning.

November is when we will next reconvene, it is my understanding. You previously indicated that after we have our last votes, the House will not be in session again until Monday, November 13. Is that still your intention?

I yield to my friend.

Mr. BOEHNER. It is.

Mr. HOYER. What can you tell us about the rest of the November and December schedule so that Members might be planning for that as well? Are we likely to have votes on Friday, the 17th, for example; and what about the following week and Thanksgiving week?

Mr. BOEHNER. I would expect that we would have votes all that week, including the 17th. But once you get beyond there, it really is unclear as to when we will be back. I have been working with the Senate leadership trying to come to some understanding. We have not come to any agreement or understanding. But I can say this. If we cannot complete our work by Thanksgiving, which in my view is doubtful, that the House would be off the week of Thanksgiving and the following week and would come back the week of December 4 for a week or two to finish our business.

I think that is the most realistic schedule that I see. Is it firm? Nowhere close. But in terms of trying to be helpful to Members as they plan, that is as helpful as I can be with the knowledge that I have today.

Mr. HOYER. I thank the gentleman for that information. We understand it has to be tentative, and we understand that the leader cannot anticipate exactly what will and will not pass within certain time frames. We appreciate sort of the ballpark estimate of what would be available for time if we need it.

You have not noted, but there has been a lot of talk about tax-related legislation and speculation as to whether or not we will consider any tax or trade-related legislation, for example, the tax extenders, prior to leaving for the elections. It is not on your schedule. Do you have any expectation that we would be considering prior to the election, not after the election but prior to, any tax legislation, extenders or otherwise?

Mr. BOEHNER. I do not.

Mr. HOYER. You do not. Thank you.

There is noted on the calendar a bill which is the Child Interstate Abortion Notification Act. Would it be your expectation there would be any other legislation prior to the election dealing with that subject, abortion?

Mr. BOEHNER. I am not sure that there is any definitive answer on that. We do have this interstate notification bill up next week. There was some consideration to the unborn child pain bill that some Members have been hoping to get up. At this point I do not expect to have it on the floor next week. But at this point that is as much information as I have.

Mr. HOYER. I thank you for that.

You mentioned we are going to have, and you are going to try to pass a rule, I suppose, to give you suspension authority all of next week. Are there any other bills that you are contemplating bringing up under suspension? You noted the three that we discussed. Are there any others?

I yield to my friend.

Mr. BOEHNER. Which of the several hundred bills that Members have asked me to bring to the floor next week would you like to know about?

Mr. HOYER. It is a challenge, isn't it, Mr. Leader?

Mr. BOEHNER. If the gentleman would yield, we are working with Members on both sides of the aisle who have issues that have been through committee or are almost through committee that they would like to bring to the floor. As typically happens, I and my staff will work closely with you and your staff to schedule those so everyone has fair notice and we have gone through the usual scrubbing process.

Mr. HOYER. I thank the gentleman. I understand there are a lot of bills that are possible, and we appreciate that fact and appreciate his working with us to try to accommodate Members on both sides.

Two last things. Mr. GOODLATTE and Mr. PETERSON have been very concerned, as you know, about the drought and the stress that many of our farmers in rural areas of our country have been experiencing. There has been a lot of discussion about assistance that we could give. Is there any contemplation that next week we might be able to consider an emergency disaster assistance bill, H.R. 5099, that will help our farmers and ranchers who have been badly hurt by floods, droughts and other natural disasters?

Mr. BOEHNER. I am not familiar with the bill, but I will be happy to take a look at it.

Mr. HOYER. I appreciate that.

The last question will not come as a surprise to you, I know. We still have yet to pass one appropriation bill.

Mr. BOEHNER. That's right. We are still talking about it.

Mr. HOYER. We have passed the others, but it is still out there. It is a large bill that deals with the education of our children, the health of our people, and the ability of our working people to succeed. I know that there is great attention being given to that bill. We are hopeful that it will come to the floor, and we are hopeful when it comes to the floor, there will be an opportunity to vote up or down on increasing the minimum wage over a period of time. Is there any hope or expectation that that bill might come to the floor?

Mr. BOEHNER. The gentleman is aware there are some problems with the bill. We have been having conversations about trying to solve those problems. I don't expect it to be on the floor next week.

With regard to raising the minimum wage, the House did, in fact, vote on that in late July. We sent it to the Senate where it remains under consideration.

Mr. HOYER. I thank the gentleman. Reclaiming my time, we would hope that you would continue to consider that.

ADJOURNMENT TO MONDAY, SEPTEMBER 25, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

WIRETAPPING SURVEILLANCE PROGRAM

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today in support of the President's initiative to surveil known and suspected terrorists who call from outside the United States into their calls within our borders. Simply put, this initiative has saved lives by gathering valuable intelligence our law enforcement has used to prevent and foil terrorist attacks that have and continue to be planned, as I speak.

It simply escapes me how anyone, especially the Democrats, could be against such a vital program in the global war on terror.

Maybe my colleagues are confused about the purpose and parameters of this program. This is not a program to listen in on American citizens' conversations. To the contrary, it is a narrowly tailored program that is used only in the case of international calls coming into the United States from known or suspected terrorists.

As a Nation, we are facing a new kind of war and an enemy using new and unconventional means of warfare. Many have characterized this war as a clash of civilizations. It is time we face the realization that we can use all of the tools available to win this war, or we can ignore the threat and pay heavy consequences through American lives.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REPUBLICANS OUT OF TOUCH

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. McDERMOTT. Mr. Speaker, on November 7 the American people will go to the polls. As the New York Times reported this morning, only one in four Americans approves of the job being done by the Republican-controlled Congress. Seventy-five percent of American believes that Republicans have not governed in the best interests of the American people. That is a landslide vote of no confidence to the Republican Party, and I will include for the RECORD the New York Times story found on page 1.

The American people have given up on the Republican Party because the Republican Party has given in to special interests. The Republican vision for America is to let the privileged few run the country. That's what the record demonstrates. As incredible as it is, the American people today are subsidizing oil companies. Democrats introduced legislation months ago to end the taxpayers' subsidy, but Republicans will not even debate it. At a time when the American people are paying $3 a gallon for gas, they are paying even more to Big Oil in taxpayers' subsidies.

Republicans are out of touch with the American people. Their taxpayer subsidy pipeline flows your money to Big Oil.

So does the doughnut hole that the elderly are beginning to fall through because Republicans care more about drug companies than they do about the American elderly. A report released by the House Ways and Means Committee Democrats concludes that 88 percent of seniors who bought a drug plan through Medicare bought one with a big financial hole in it, dug by Republicans. We are talking about 7 million seniors. Within a month, they will have to pay their drug bill even as they continue their insurance premium to big business.

□ 1630

Under Republican rules, special interests got special treatment and the seniors fell in the hole. The Republicans have left no special interest behind. College tuition is up 57 percent at public universities since President Bush took office. What did the Republican-controlled Congress do for the middle class? They passed legislation cutting $12 billion in student aid, and they raised the interest rates on student loans.

Republicans also passed sweetheart rules to indenture the American people to banks after personal bankruptcy. It is worth noting that the number one reason for personal bankruptcy in America today is staggering, unpaid medical expenses. What have the Republicans done? They have allowed the number of uninsured in this country to swell to almost 47 million people. They gave the rich a tax cut, called health savings accounts, out of reach for most Americans. Out of reach, out of touch. The Republican Party caters to the top 1 percent.

The Republicans gave the superrich on average $100,000 a year in tax breaks while the average American gets 50 bucks. Then the Republicans held hostage the Democrats' proposal to raise the minimum wage for the first time in 9 years. They do not care about workers. And while Republicans talk a lot about being afraid, they fail to protect the American people by implementing the recommendations of the bipartisan 9/11 Commission. Republicans spend more effort instilling fear in the Americans than they do in fighting the war on terror.

The President unilaterally chooses which laws he will enforce and which laws he just suspends. The President considers Syria our enemy, but his administration used flimsy Canadian intelligence to deport a Canadian citizen to Syria, where he was tortured. The man was innocent. Colin Powell, the former Republican Secretary of State for Mr. Bush, said, "The world is beginning to doubt the moral basis of our fight against terrorism."

This President answers to no one because congressional Republicans have surrendered oversight to the White House. So it should come as no surprise that the Republicans decided to erect a security fence throughout America, separating millions of Americans from their constitutional right to vote. They did it yesterday.

Some say Republicans have given America a do-nothing Congress. But the record shows that the Republicans have done one thing after another over and over again. They have sold out the American people to the special interests. And payback is coming on the 7th of November. The American people will have an opportunity to change and reach for new directions where we will take care of student loans. We will take care of health care. We will take care of security. We will take care of the things that the middle class in this country wants taken care of, not the 1 percent at the top.

[From the New York Times, Sept. 21, 2006]

ONLY 25 PERCENT IN POLL APPROVE OF THE CONGRESS

(By Adam Nagourney and Janet Elder)

With barely seven weeks until the midterm elections, Americans have an overwhelmingly negative view of the Republican-controlled Congress, with substantial majorities saying that they disapprove of the job it is doing and that its members do not deserve re-election, according to the latest New York Times/CBS News poll.

The disdain for Congress is as intense as it has been since 1994, when Republicans captured 52 seats to end 40 years of Democratic control of the House and retook the Senate as well. It underlines the challenge the Republican Party faces in trying to hold on to power in the face of a surge in anti-incumbent sentiment.

By broad margins, respondents said that members of Congress were too tied to special interests and that they did not understand the needs and problems of average Americans. Two-thirds said Congress had accomplished less than it typically did in a two-year session; most said they could not name a single major piece of legislation that cleared this Congress. Just 25 percent said they approved of the way Congress was doing its job.

But for all the clear dissatisfaction with the 109th Congress, 39 percent of respondents said their own representative deserved reelection, compared with 48 percent who said it was time for someone new.

What is more, it seems highly unlikely Democrats will experience a sweep similar to the one Republicans experienced in 1994. Most analysts judge only about 40 House seats to be in play at the moment, compared with over 100 seats in play at this point 12 years ago, in large part because redistricting has created more safe seats for both parties.

The poll also found that President Bush had not improved his own or his party's standing through his intense campaign of speeches and events surrounding the fifth anniversary of the 9/11 attacks. The speeches were at the heart of a Republican strategy to thrust national security to the forefront in the fall elections.

Mr. Bush's job approval rating was 37 percent in the poll, virtually unchanged from the last Times/CBS News poll, in August. On the issue that has been a bulwark for Mr. Bush, 54 percent said they approved of the way he was managing the effort to combat terrorists, again unchanged from last month, though up from this spring.

Republicans continued to hold a slight edge over Democrats on which party was better at dealing with terrorism, though that edge did not grow since last month despite Mr. Bush's flurry of speeches on national security, including one from the Oval Office on the night of Sept. 11.

But the Times/CBS News poll found a slight increase in the percentage of Americans who said they approved of the way Mr. Bush had handled the war in Iraq, to 36 percent from 30 percent. The results also suggest that after bottoming out this spring, Mr. Bush's approval ratings on the economy and foreign policy have returned to their levels of about a year ago, both at 37 percent. The number of people who called terrorism the most important issue facing the country doubled to 14 percent, from 7 percent in July; 22 percent named the war in Iraq as their top concern, little changed from July.

Across the board, the poll found marked disenchantment with Congress, highlighting the opportunity Democrats see to make the argument for a change in leadership and to make the election a national referendum on the performance of a Republican-controlled Congress and Mr. Bush's tenure.

In one striking finding, 77 percent of respondents—including 65 percent of Republicans—said most members of Congress had not done a good enough job to deserve reelection and that it was time to give new people a chance. That is the highest number of voters saying it is "time for new people" since the fall of 1994.

"You get some people in there, and they're in there forever," said Jan Weaver, of Aberdeen, S.D., who described herself as a Republican voter, in a follow-up interview. "They're so out of touch with reality."

In the poll, 50 percent said they would support a Democrat in the fall Congressional elections, compared with 35 percent who said they would support a Republican. But the poll found that Democrats continued to struggle to offer a strong case for turning government control over to them: only 38 percent said the Democrats had a clear plan for how they would run the country, compared with 45 percent who said the Republicans had offered a clear plan.

Overall discontent with Congress or Washington does not necessarily signify how people will vote when they see the familiar name of their member of Congress on the ballot, however.

Democrats face substantial institutional obstacles in trying to repeat what Republicans accomplished in 1994, including a Republican financial advantage and the fact that far fewer seats are in play.

Thus, while 61 percent of respondents said they disapproved of the way Congress was handling its job, just 29 percent said they disapproved of the way their own "representative is handling his or her job."

The New York Times/CBS News poll began last Friday, four days after the commemoration of the fifth anniversary of the 9/11 attacks, and two weeks after the White House began its offensive on security issues. A USA Today-Gallup Poll published Tuesday reported that Mr. Bush's job approval rating had jumped to 44 percent from 39 percent. The questioning in that poll went through Sunday; The Times and CBS completed questioning Tuesday night. Presidential addresses often produce shifts in public opinion that tend to be transitory.

The nationwide poll was conducted by telephone Friday through Tuesday. It included 1,131 adults, of whom 1,007 said they were registered to vote, and had a margin of sampling error of plus or minus three percentage points.

As part of the Republican effort to gain advantage on the war in Iraq, Republicans have accused Democrats who want to set a timetable for leaving Iraq of wanting to "cut and run." But 52 percent of respondents said they would not think the United States had lost the war if it withdrew its troops from Iraq today.

The poll also found indications that voters were unusually intrigued by this midterm election: 43 percent said they were more enthusiastic than usual about voting. However, with turnout promising to be a critical factor in many of the closer Senate and House races, there was no sign that either party had an edge in terms of voter enthusiasm.

Evidence of the antipathy toward Congress in particular—and Washington in general—was abundant: 71 percent said they did not trust the government to do what is right.

"If they had new blood, then the people that influence them—the lobbyists—would maybe not be so influential," said Norma Scranton, a Republican from Thedford, Neb., in a follow-up interview after the poll. "They don't have our interest at heart because they're influenced by these lobbyists. If they were new, maybe they would try to please their constituents a little better."

Lois Thurber, a Republican from Axtell, Neb., said in a follow-up interview: "There's so much bickering, so much disagreement—they just can't get together on certain issues.

"They're kind of more worried about themselves than they are about the country."

Incumbents and challengers nationwide are trying to accommodate this sour mood. Democrats are presenting themselves as a fresh start—"Isn't it time for a change?" asked an advertisement by the Democratic Senatorial Campaign Committee directed against Senator Jim Talent, Republican of Missouri.

And Republican incumbents are seeking to distance themselves from fellow Republicans in Washington. "I've gone against the president and the Republican leadership when I think they are wrong," Representative Christopher Shays, a Connecticut Republican locked in a tough reelection battle, said in a television advertisement broadcast this week.

The Republicans continue to be seen as the better party to deal with terrorism, but by nowhere near the margin they once enjoyed: it is now 42 percent to 37 percent. When asked which party took the threat of terrorism more seriously, 69 percent said they both did; 22 percent named Republicans, compared with 6 percent who said Democrats.

Voters said Democrats were more likely to tell the truth than Republicans when discussing the war in Iraq and about the actual threat of terrorism. And 59 percent of respondents said Mr. Bush was hiding something when he talked about how things were going in Iraq; an additional 25 percent said he was mostly lying when talking about the war.

Not that Democrats should draw any solace from that: 71 percent of respondents said Democrats in Congress were hiding something when they talked about how well things were going in Iraq, while 13 percent said they were mostly lying.

Robert Allen, a Democrat from Ventura, Calif., said: "We're in a stalemate right now. They're not getting hardly anything done." He added, "It's time to elect a whole new bunch so they can do something."

APPRECIATION FOR U.S. BORDER PATROL AGENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I am on the floor today to express appreciation for the more than 12,000 U.S. Border Patrol agents who perform an invaluable service to our Nation.

Though support for the U.S. Border Patrol and other law enforcement officers often goes unspoken, the American people and Members of Congress owe our sincere appreciation for these courageous men and women for their dedication to keeping our Nation safe by protecting our borders.

While protecting the United States from an influx of illegal immigration, drugs, counterfeit goods, and terrorists, U.S. Border Patrol agents face high-risk situations and dangerous environments while working on our borders. Often working alone in some of the most remote and dangerous areas of the country, these agents routinely encounter heavily armed human and drug traffickers.

Despite these dangerous conditions, the men and women of the U.S. Border Patrol work tirelessly to protect our Nation's borders, and they deserve the utmost praise for their dedication and bravery.

Unfortunately, Mr. Speaker, two U.S. Border Patrol agents who deserve our appreciation have instead become victims of a grave injustice.

Agents Ramos and Compean were found guilty in a Federal court for wounding a drug smuggler who brought 743 pounds of marijuana across our southern border into Texas. These agents now face up to 20 years in Federal prison.

Agent Ramos served the Border Patrol for 9 years and was a former nominee for Border Patrol Agent of the Year. Agent Compean had 5 years of experience as a Border Patrol agent.

These agents never should have been prosecuted for their actions last year. By attempting to apprehend a Mexican drug smuggler, these agents were simply doing their job to protect the American people. These agents should have been commended for their actions, but instead the U.S. Attorney's Office prosecuted the agents and granted full immunity to the drug smuggler for his testimony against our agents.

The drug smuggler received full medical care in El Paso, Texas, was permitted to return to Mexico, and is now suing the Border Patrol for $5 million for violating his civil rights. He is not an American citizen. He is a criminal.

Mr. Speaker, I have spoken to numerous people inside Texas and outside of Texas regarding this outrage, including the attorney for one of these agents. I have written to the President of the United States, asking him to please look into this matter. I have written two letters to Attorney General Gonzales, asking him to reopen this case for a fuller investigation before these men are sentenced in October of this year. I hope that the American people will agree that this prosecution is an outrageous injustice and that the situation must be investigated.

With that, Mr. Speaker, I will close by asking my colleagues on both sides of the political aisle to please join us in this and find out why these two agents were prosecuted and will be sent to a Federal prison on October 19.

Mr. Speaker, I ask God to please bless our men and women in uniform and their families.

U.S. CONGRESS MUST LEAD ON PEACE

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Speaker, today, September 21, 2006, the world celebrates International Peace Day. Unfortunately, as we look around the world, we see more unrest and more people living in poverty, and certainly not more genuine peace.

This administration has chosen the road of conflict and war, leaving diplomacy and discussion on the side of the road. The President's cowboy swagger and use of "You're either with us or you're against us" gets us absolutely nowhere.

Mr. Speaker, today, International Peace Day, is the appropriate time for a new direction for our foreign policy and for our country. That is why on Tuesday of next week I will be hosting a third congressional forum on the occupation of Iraq. I am doing this because until the Congress begins real oversight into the tragedies of our occupation in Iraq, forums like these serve as one of the only ways, the only ways to examine our actions.

I am organizing this forum on the cost of our actions in Iraq because President Bush's Iraq policy has been an absolute failure and our Nation will suffer. Our Nation will suffer its effects for years to come. Besides making us less safe, it has ruined our Nation's credibility in the eyes of the world, and it has made us worse off economically and militarily as well.

On Tuesday we will hear from experts, including Lieutenant General William Odem and former CIA employee and Georgetown professor Dr. Paul Pillar. Additional testimony will come from experts from Save the Children, the National Priorities Project, and a representative from the Iraq and Afghanistan Veterans of America.

This war, Mr. Speaker, has many unseen costs: the costs to our military and diplomatic standing in the region; the cost to the Iraqi civilians, especially the most innocent victims, the children; the cost to America's working families who see funds being diverted away from important domestic programs to fund the ongoing occupation; and the cost to our brave men and women in service to our country. Almost 2,700 troops have given their lives for this misguided cause.

And the costs to our veterans, which may be the most heartbreaking of all: the underfunding of veterans clinics, the lack of support for those dealing with posttraumatic stress, the families left behind with little benefits or support from the Department of Defense. Veterans have sacrificed for our country. They deserve to receive our Nation's support. We have a responsibility, Mr. Speaker, a responsibility to take care of those who sacrifice and defend us during times of war.

Mr. Speaker, I voted against this war. Some of my colleagues voted for it. We disagreed then, but I think we can all agree now our troops need our support, and the best way to support the troops is to bring them home.

Earlier this year I introduced H.R. 5875, a bill to repeal the President's Iraq war powers, because Congress needs to stand up. Congress needs to take back its constitutional responsibilities. And Congress needs to insist that the President, the Commander in Chief, stop this misguided occupation of Iraq.

I urge my colleagues to join me at the forum on Tuesday from 2 to 4 p.m., and I urge you to cosponsor the Iraq War Powers Repeal Act. I also urge you to stand up for our troops by standing up for peace.

COMMEMORATING THE 1-YEAR ANNIVERSARY OF HURRICANE RITA

Mr. BOUSTANY. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentleman from Louisiana is recognized for 5 minutes.

There was no objection.

Mr. BOUSTANY. Mr. Speaker, this week southwest Louisiana will pause to commemorate the 1-year anniversary of Hurricane Rita, the third most expensive natural disaster in U.S. history.

Rita was as equally devastating as Hurricane Katrina, causing widespread destruction to our communities and our Nation's critical energy infrastructure. Since then there has been a palpable view among many of my constituents that their story has been forgotten and their needs unknown.

Throughout the past year, I have worked hard to ensure that Rita does not become "the forgotten storm" among Members of this body, and to date Congress has approved unprecedented Federal funding for our recovery. And for this the people of southwest Louisiana are grateful.

But not until you visit the coastal parishes of southwest Louisiana, Vermilion Parish, Calcasieu Parish, and Cameron Parish, can you understand the scope and magnitude of the destruction of Rita and the long road we have to protect our coast and our energy infrastructure from future disaster.

In the year since Rita, I have brought 19 House Members, including Speaker

HASTERT, to southwest Louisiana to see these towns and communities and to meet the great residents of my district who were able to ensure a safe and thorough evacuation that did not result in the loss of life as we saw in New Orleans.

All of my colleagues who have joined me in visiting the communities hit hardest by Rita have come away with an increased awareness of the importance of southwest Louisiana to the energy infrastructure of the United States, as well as the need to protect our coastal wetlands and provide a continuous stream of funding to protect our communities.

The eye of Hurricane Rita made landfall in Cameron Parish, Louisiana, bringing with it a storm surge over 15 feet. In the coastal parishes of Vermilion, Cameron, and Calcasieu, the destruction was undescribable, but no lives were lost. Local officials in southwest Louisiana were commended for managing an orderly evacuation of residents and offering a detailed plan for recovery and rebuilding. In short, the people of southwest Louisiana did, and are doing, everything right.

Amidst the ruin, the one constant was the spirit and determination of the people of southwest Louisiana. The common question from local residents was not, "Where do we go from here?" but rather, "When can we rebuild our homes, our businesses, and our way of life?"

More than any other storm, Rita exposed the critical state of our coastal wetlands and the role they play in supporting the energy infrastructure of the United States. These wetlands serve as a critical buffer against ocean storms as well as protect industries and cities further inland. Before Rita, the projected land loss in Louisiana was approximately 24 square miles per year, the equivalent of two football fields an hour. After Rita, our coast is even more vulnerable, and some worry a modest category one hurricane could deal an even more destructive blow to our coastal parishes and the energy infrastructure that they support.

During Rita, oil platforms and drilling rigs in the storm's path were forced to shut down and evacuate their workers. This led to the halting of 98 percent of oil and natural gas production in the Gulf of Mexico.

And when the Nation's 12th largest port in Lake Charles was forced to shut down, energy production and distribution were brought a virtual standstill.

Protecting and strengthening our coasts is not only a Louisiana problem, it is an American problem. And it is one that affects American families and businesses that rely on energy we produce in Louisiana and transport throughout this country.

Thousands of oil and gas facilities are concentrated throughout the gulf coast and in southwest Louisiana, meaning that any future storm could have a crippling effect on our Nation's domestic energy production. Over one-third of the U.S. Strategic Petroleum Reserve is stockpiled in Cameron Parish in my district, and soon over 25 percent of our Nation's natural gas supply will run through that parish as well.

Mr. Speaker, often in the past year I am stopped by my colleagues here in the body who ask, how can I help? My answer to them now is very clear. Help us to protect ourselves. This year the House and Senate have already responded to this request by approving legislation that would give Louisiana its fair share of oil and gas revenues produced off our shores. This solution will provide our State with the necessary funding to protect our coastal wetlands and, in turn, the critical energy infrastructure that is so important to our U.S. economy.

The Louisiana congressional delegation is working to ensure a final compromise is presented to President Bush before the end of the this year. Now, it is up to the leadership in this body and in the Senate to bring the bill to conference and to get a compromise to President Bush. The sooner Congress acts, the sooner southwest Louisiana can protect itself from the devastation we saw from Hurricane Rita 1 year ago.

Mr. Speaker, in closing, the people of southwest Louisiana never asked for a Federal handout, but rather for a helping hand. For many Americans last year's hurricane season will be remembered by the images of chaos and confusion. For those of us who were there to witness the devastation in southwest Louisiana, the recovery of the people whose lives it forever changed, we come away with a much different story, one that gives us hope, one that shows the resiliency of the people of southwest Louisiana.

□ 1645

MARKING 15TH ANNIVERSARY OF REESTABLISHMENT OF INDEPENDENCE OF ARMENIA

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. SCHIFF. Mr. Speaker, today marks the 15th anniversary of the reestablishment of the independence of the Republic of Armenia. On behalf of the tens of thousands of Armenia Americans in my district, the largest Armenia community outside of Armenia, "Oorakh Angakhootyan Or," congratulations to the people of Armenia on a decade and a half of freedom.

Building upon the foundations of the first Armenian Republic of 1918, today's Armenia has, in the years since it declared its independence from the disintegrating Soviet Union in 1991, strengthened democracy and the rule of law, promoted free-market reforms, and sought a just and lasting peace in a troubled region.

With America's help, Armenia is overcoming the brutal legacy of Ottoman persecution, Soviet oppression, Azerbaijani aggression against Karabagh, and the ongoing dual blockades by Turkey and its allies in Baku.

Recognizing this progress, John Evans, the former U.S. Ambassador, said in 2004, that "Armenia now has well-founded hopes for a prosperous and democratic future."

I am proud of the role that the United States Congress has played in strengthening the enduring bond between the American and Armenian peoples. This special relationship is rooted in our shared values and experiences over the course of more than a century. Among these shared values are a commitment to democracy, tolerance, religious freedom, human rights and the peaceful resolution of conflicts.

In the 1890s, Clara Barton, the founder of the American Red Cross, traveled to Armenia to help the Armenian victims of massacres being perpetrated by the Ottoman Turkish Government.

In 1915, as the Ottoman Empire began its campaign of genocide against the Armenian people, the U.S. Ambassador to Constantinople, Henry Morgenthau, documented and, at the risk of his own career, protested the ongoing massacres, death marches and other barbarities.

Later, President Woodrow Wilson led the formation of the Near East Relief Foundation to help the survivors of the Armenian genocide, and spearheaded the international efforts to secure justice for the Armenian people and to support the first Republic of Armenia.

Later, after the short-lived Republic of Armenia was annexed by the Soviet Union, Armenians here in America and around the world were key allies in our decades-long struggle against the Soviet threat to freedom. This cooperation contributed to bringing an end to the Soviet Union, to the rebirth of an independent Armenia, and to the democracy movement and self-determination of Karabagh.

Armenia has made tremendous progress in building up a free-market-oriented economy over the past decade and a half. According to the Heritage Foundation/Wall Street Journal Index of Economic Freedom, Armenia is consistently ranked as a free economy, and is currently the 27th freest in the index's 2006 rankings.

Recognizing this, the United States has named Armenia as one of only a handful of countries to have qualified for assistance through the Millennium Challenge Account, a program which targets development assistance to countries that rule justly, invest in their people and encourage economic freedom.

Armenia has also sought to integrate itself in the world economy as a member of the World Trade Organization, and I was pleased to join many of my colleagues in working to extend the Permanent Normal Trade Relations status to Armenia.

Armenia's economic accomplishments are more extraordinary when you factor in the crippling and illegal economic blockades imposed by Turkey and Azerbaijan. The blockades cost Armenia an estimated $720 million a year and have forced more than 800,000 Armenians, close to a quarter of Armenia's population, to leave their homeland over the past decade.

The biggest challenge Armenia faces is the hostility of its neighbors. While the primary threat from Turkey is economic and diplomatic, Azerbaijan has been far more bellicose. Both Armenia and Nagorno Karabagh have demonstrated their commitment to a peaceful resolution of the Karabagh conflict through the Organization for Security and Cooperation in Europe. In contrast, Azerbaijan has taken reckless steps that have contributed to instability in a region of strategic and economic importance.

Armenia's Soviet past and the economic and security challenges it faces have impeded the country's progress towards full democracy and the rule of law. Those of us who care deeply about Armenia and the Armenian people must continue to help Armenia to perfect its institutions and expand the rule of law.

Mr. Speaker, nobody knows the need for broad engagement with Armenia more than the Armenian-American community, which has strong ties to its ancestral homeland. Armenian Americans have made contributions to every aspect of American life. From investor Kirk Kerkorian to Ray Damadian, inventor of Magnetic Resonance Imaging, to the multiplatinum rock band System of a Down, Armenian-Americans have enriched our Nation. They are also committed to contributing to an ever brighter future for Armenia. I have been privileged to work with many of the community on ending this government's tragic failure to recognize the Armenian genocide, on ending the Turkish and Azerbaijani economic blockade, on securing aid to Armenia, and securing permanent normal trade relations with Armenia.

Armenia has come a long way in 15 short years, and I look forward to much more progress in the years ahead.

OUTLAW OF THE UNDERGROUND

Mr. POE. Request permission to take Mr. BURTON's time and speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. POE. Mr. Speaker, it is said that justice is the one thing that you should always find. And hopefully we will find justice soon. Just a few days ago in South Carolina, on an afternoon like every afternoon throughout America, school buses take children home, and this particular school bus dropped off a 14-year-old girl named Elizabeth near her home so she could walk through this rural place where she lived.

Soon after getting off the school bus, though, she came in contact with a local villain. His name is Vincent Filyaw, 37 years old. He started talking to Elizabeth. He kidnapped her. He took her to the woods. He was posing as a police officer. And after he finally walked her around so she could be disoriented about where she was, he took her to a hole in the ground, 15 feet deep, where he kept her for 10 days.

In this hole in the ground, the cover of it was a piece of plywood. Down in this hole he had a camp stove, he had another hole dug for a toilet, he had a shelf and some dirty cooking utensils. It looked like an underground outhouse. I have seen photographs of it.

This was Elizabeth's dark dungeon of depravity for 10 days. He had booby-trapped this hole in the ground so that when he was gone, and if she tried to leave, it would blow up and kill her.

When he was there, he abused her. He abused her as much as he wished. He had weapons. He had homemade grenades to protect himself from the police if they ever found him. It is hard to imagine what happened those 10 dark days for this 14-year-old girl.

One night when this villain was asleep, Elizabeth was able to take his cell phone away from him and text message on the cell phone to her mother a note: Hey, Mom, it is me. And with those simple words, the police were able to track down, through cell towers, the near location of where this little girl was.

The deputies came looking for her. The villain had already left. And as these deputy sheriffs approached Elizabeth, she saw them, and, of course, she immediately started to cry because she was safe in the arms of the law.

After deputy sheriffs rescued her, they were still looking for Filyaw. He was not out there. He wasn't in this hole because he was out trying to carjack a woman at 2 o'clock in the morning.

The sheriff's department had been looking for him for 10 months because he was wanted for, yes, kidnapping and assaulting a 12-year-old. And when they went to his house months before to try to find him, he had already dug a tunnel, like the rat that he is, to escape. And he had escaped the police and was on the lam for 10 months. By the way, he was aided in this escape by his mother and his mother-in-law, who, by the way, are in jail where they ought to be.

He was finally caught this week, and he went to court to see the judge, to have a bond hearing. And this little girl, this 14-year-old, decided to go to court to see this outlaw of the underground here in this bond hearing. And his bond, thank goodness, the judge did the right thing and denied this bond. Now he awaits trial for committing a crime against the greatest resource in our country, children, little girls.

Mr. Speaker, like most Members of this House, I am a parent. I am a father of four kids; three of them are girls. I have five grandkids. I have a granddaughter named Elizabeth. It is hard to imagine pain that is suffered by your own child. And here we have this little girl suffering pain because of this criminal that lives among us.

While it is true we should be concerned about the terrorists overseas, we need to be concerned about the street terrorists that live among us. As a former judge, I hope that justice prevails in this case.

Mr. Speaker, I do not normally quote Toby Keith or Willie Nelson, but I think they had the right thing to say in their song, when they said, Back in my day a man had to answer for the wicked that he had done. You have to find a tall oak tree, round up all of the bad boys and hang them high in the street for the people to see.

We got too many gangsters doing dirty deeds, we have got too much corruption, too much crime in the streets. It is time the long arm of the law put a few more in the ground. Send them all to their maker, and He will settle them down, because justice is the one thing you should always find.

Mr. Speaker, like a rat living underground, the fact that this criminal likes living underground, hopefully the good people of South Carolina will do the right thing and justice will prevail in this particular case.

And that's just the way it is.

□ 1700

GENOCIDE IN DARFUR

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. McGOVERN. Mr. Speaker, millions of Americans and millions of people around the world are outraged at the genocide taking place in Darfur. Hundreds of thousands of people in Darfur have been murdered by the Sudanese military and government-supported militias.

Millions have been forced from their homes, their villages destroyed. Men, women and children left homeless have died from hunger and disease as they are forced to wander, hoping to find someplace that will keep them safe.

Women and girls, many of them children, have been raped. International workers providing humanitarian relief have been abused, and some have even been murdered. The world calls it genocide, the United States of America calls it genocide, and still it is allowed to continue.

Mr. Speaker, we are once again at yet another critical crossroads in how we deal with ending the genocide in Darfur.

On Tuesday, in his speech before the General Assembly of the United Nations, President Bush appointed Andrew Natsios as his Special Envoy for Sudan, providing the U.S. once more with a high-ranking official charged solely to focus on the crisis in Darfur.

President Bush also called on the U.N. to act on Security Council Resolution 1706, authorizing a U.N. peacekeeping force in Darfur. Yesterday the African Union Peace and Security Council voted to extend the mandate of the AU peacekeeping force into Darfur, which had been set to expire at the end of next week.

I wish I could celebrate, Mr. Speaker, but we can't. The situation in Darfur grows more desperate every day. Fighting has intensified. The Sudanese Government has renewed aerial bombing. Many humanitarian aid groups have had to pull out, leaving hundreds of thousands of people without food and water.

Appointing a U.N. envoy is an important step, but only the deployment of a U.N. peacekeeping force will bring some measure of security to the suffering people of Sudan. We cannot afford to let the AU peacekeeping force to remain underfunded, underequipped and undertrained. But the AU forces only have 7,000 boots in the ground, and the region of Darfur is about the size of France. We need a U.N. force with a strong, clear mandate to protect the defenseless people of Darfur on the ground as soon as possible.

Security Council Resolution 1706 does not say that we have to wait for Khartoum's permission to deploy it. We need an enforced no-fly zone over Darfur, most likely coordinated by NATO, so we can put a stop to Khartoum's aerial bombing and its air support of Janjaweed militia attacks against villages and refugee camps. We need the United States Senate to support the House-passed Darfur Peace and Accountability Act so that we can get that critical litigation to the President's desk as quickly as possible.

We need universities and State and local governments to divest their public funds from company stocks that do business with the Sudanese Government. The Senate should not strip this provision from the Darfur Peace and Accountability Act, and I encourage all of my colleagues in the House to cosponsor the bill in support of divestment that Congressman BARBARA LEE of California introduced today.

Mr. Speaker, the House has acted and spoken in a unified bipartisan voice to end the violence and genocide in Darfur.

I would like to thank my House colleagues Representatives DONALD PAYNE, FRANK WOLF, MIKE CAPUANO, and TOM TANCREDO and so many others who have been leaders in calling attention to and taking action on the crisis in Darfur.

But most of all I want to thank the American people, who, in their churches, synagogues, temples and mosques, on college campuses and the local community centers, have organized and mobilized to make sure that the President and this Congress get the message that we have not done enough so long as the killing continues.

Mr. Speaker, we must do more. We must end the genocide. We must protect the people of Darfur, and we must do it today

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SKYLINE MEMBERSHIP CORPORATION

Ms. FOXX. Mr. Speaker, I ask permission to address the House for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentlewoman from North Carolina is recognized for 5 minutes.

There was no objection.

Ms. FOXX. Mr. Speaker, it is my honor today to rise and commend the Skyline Membership Corporation for its enormous contributions not only to the Fifth District of North Carolina, but also to our Nation and the global war on terror. It is my pleasure to congratulate them upon receiving the 2006 Employer Support of the Guard and Reserve's Secretary of Defense Employer Support Freedom Award. It is of great note that they are only one of 15 recipients this year.

This award publicly recognizes employers for exceptional support for the National Guard and reservists above Federal law requirements. This award, the ESGR, as it is commonly known, is the highest in a series of Department of Defense awards that honors employers who provide excellent support for their excellent Guard and Reserve employees.

The Skyline Membership Corporation is a local member-owned cooperative established in 1951 to help bring telephone service to rural communities, and I am a member. Since its inception it has grown into the second largest of the nine telephone cooperatives in North Carolina. Today it serves over 360,000 access lines, covering an 840-square-mile area in northwest North Carolina and Tennessee.

Skyline Membership Corporation is governed by a nine-member board of directors and operates with a staff of 125 employees. Today it has expanded to provide a number of telecommunications services and has promoted job growth and economic development. It is a leading example of a prosperous business that also played an integral role in community development.

The ESGR is a Department of Defense agency that was established in 1972 by the Secretary of Defense William Perry with the sole purpose to gain and maintain active support for the National Guard and Reserve from all private and public employers.

I am honored and thrilled that such a fantastic business in North Carolina has been one of the 15 chosen out of thousands of companies across the country. It goes to show that in the Fifth District of North Carolina, we have some of the hardest-working people who are dedicated to our country and have a steadfast resolve to support our Nation. They are committed to shield it from terrorism and ensure our Nation is protected by their brave employees who choose to answer the call of our country.

This is a true honor for Skyline Membership Corporation. It is being recognized alongside major businesses such as DuPont, Starbucks, MGM Mirage and various large public agencies for its contributions to the Guard and Reserve units. This award exemplifies the commitment and leadership of the corporation and their determination to encourage their employees to answer the call of their Nation in a time of need.

While fighting the global war on terror, companies such as Skyline are inextricably linked to our Nation's security by sharing their most valuable asset, their employees. One example of its steadfast dedication, not only to the global war on terror, is that they ensure their employees have the best possible accommodations overseas.

One example is the recent action the Skyline Membership Corporation took to support their employee's unit overseas in Iraq. Upon learning that an employee's unit was in dire need of lightweight cabin cots for shelter from insects, sand, heat and other elements, the Skyline Corporation sent 44 cots in a matter of days to that employee's units.

Skyline has gone above and beyond the call. That is why they have been chosen for such a prestigious award. It has supported its employees who are serving their country by answering the call to go to such places as Iraq and Afghanistan. Skyline has provided everything from continued benefits during deployment to care packages. Not only are the folks at Skyline making a difference in their employees' lives, but they are supporting our military and Nation's security.

Skyline has been such a successful business because of the strong leadership it has shown. It recognizes that when hiring National Guard and Reserve members, it can expect superior employees whose military training instills them with virtues such as efficiency, dedication, loyalty and teamwork. These employees share dedication to excellence, which has made Skyline a successful business, and, in turn, Skyline has returned the favor by encouraging and supporting its employees in every way possible to serve our country.

Skyline recognizes the importance of national security and serving our Nation. Its actions are truly deserving of the honor of such a prestigious award.

I wish Skyline all the best, and I have a message for them. Keep up the good work. You have made North Carolina and our Nation proud

I am pleased to be able to commend Skyline Membership Corporation for its tremendous contributions to our Nation and to its employees. In a post 9/11 world their work, support and leadership exemplifies the best there is in North Carolina and highlights the exemplary work of the people of Western NC. Again, I commend The Skyline Corporation for its service, support and dedication.

BAD FAITH ACTIONS AND POLICIES OF STATE FARM INSURANCE IN MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Speaker, I ask unanimous consent to speak out of order and to address the House for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from Mississippi is recognized for 5 minutes.

There was no objection.

Mr. TAYLOR of Mississippi. Mr. Speaker, on Wednesday of this week, Mr. Edward Rust, Jr., the CEO of State Farm Insurance Company, was supposed to be in Washington. I had hoped that I would have the opportunity to speak to him on behalf of the people of south Mississippi.

State Farm is one of three firms that for thousands of south Mississippians has denied their claims on wind policy, some of them for over $1 million; have said that they are not going to give a dime as a result of what happened at Hurricane Katrina.

Had Mr. Rust been there, I also would have had the opportunity to tell him that last Saturday I met with two whistleblowers, two sisters, Cori and Carey Rigsby, who walked away from jobs that paid well over $200,000 a year, investigating claims for State Farm, because they felt that company was abusing the people who paid for their policies, that their company was engaging in fraudulent behavior by denying these claims. Instead of being rewarded by that subcontractor to State Farm for telling the truth, they are being sued by that subcontractor for telling the truth.

So, Mr. Rust, if you had been there, I would have presented you with this letter, detailing what I think you have done to the taxpayers and to the people of south Mississippi. But since you were not there, I am going to put it in the CONGRESSIONAL RECORD and mail you a copy.

But there are two things I want you to know. You see, when you didn't pay people's wind claims in south Mississippi, you hurt them individually. You hurt average Joes like Joe Dee Benvenutti, who, interestingly enough, is also an insurance salesman; or guys like Mike Chapoton, who is a banker; or Dr. Leroy McFarland, who was my family's physician when I was a kid, and now in his 70s has been denied over $1 million claim.

But you also denied guys like Senator TRENT LOTT and U.S. Judge Lou Guirola. It is one thing to tell a banker or a former corrugated box salesman that you can't read a policy, but I think it is something else to tell a Federal judge that he couldn't read his policy, to tell a U.S. Senator with a law degree from the University of Mississippi apparently he can't read his policy.

If they are doing that to the average Joes, I am sorry, if they are doing that to the bigshots like U.S. Senators and Federal judges, then the question is, what are they doing to grandmothers? What are they doing to corrugated box salesman? What are they doing to high school teachers who don't have a prayer and who have been told that their cases could take years to be heard?

Mr. Rust, you not only denied those people, but, in my opinion, you also stole from the taxpayers. Let me walk the taxpayers through this. Flood insurance is paid through you, the taxpayers. It is heavily subsidized this year to the tune of over $20 billion. According to the Rigsby sisters, your agents were instructed to walk on a piece of property, and, without looking at any of the evidence, blame it all on the water. It was all water; offer to pay that water claim immediately, and say, we will get back to you on the wind, knowing full well that an investigation would not take place on the wind policy, and that the only check those people are going to get would be from the taxpayers.

You see, that broke the law, because under the False Claims Act, when you ask your Nation to pay a bill that it should not pay, you are liable for triple damages and a $10,000-per-incident fine. I think that is exactly what went on. This House has passed language asking the inspector general of the Homeland Security Department to look into that. Unfortunately, the other body has not acted on that. Senator LOTT, for his part, has passed the funding for that investigation for $3 million, but this House has not voted on that.

So, in return for your behavior towards the people of south Mississippi, where over 1,000 south Mississippi families feel like the only chance they have of any justice is to go to court, I am going to try to do three things in my time remaining as a Member of this House.

Number one, I am going to push for that investigation, because I am confident in my heart that you stole from the taxpayers when you did that.

The second thing is I am going to work to remove your antitrust exemption. I bet you it would surprise the average American to know that if the two hardware stores in town called each other up and said, let's charge this much money for a gallon of paint, if they were caught doing that, they would go to jail. But Allstate can call State Farm, who can call Nationwide, who can call Farm Bureau, and they can say, this is how much we are going to charge for an insurance premium, and this is what the benefit is going to be. Yes, let us all play hardball and not pay any claims. It is perfectly legal. Check my facts on that, it is perfectly legal.

Look at your own pay stub. I would guarantee probably that at least the fourth biggest expenditure in every American family is insurance. Do you want to know one reason why it is so expensive? There is no real competition. They are exempt from the antitrust laws. No one should be above the laws. I am going to work to take away that exemption.

Third thing is I am going to work to pass an all-peril policy so that the people of Mississippi, Florida, Alabama or Texas don't have to stay in their house with a video camera to record how their house was destroyed to get some justice out of you.

Lastly, I am going to work for Federal legislation because you have picked the States apart. You are picking on 50 little States, 50 sets of rules. You are taking advantage of the citizens of this country when you ought to be dealing with our Nation's government.

Mr. Speaker, I submit for printing in the CONGRESSIONAL RECORD a copy of a letter from me to Mr. Edward B. Rust, CEO, State Farm Insurance Companies, dated September 20, 2006.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 20, 2006.

Mr. EDWARD B. RUST, Jr.,
CEO, State Farm Insurance Companies, Bloomington, IL.

DEAR MR. RUST: I am writing to make you fully aware of the consequences of the bad faith actions and policies that State Farm has carried out against the people of South Mississippi since Hurricane Katrina.

First, allow me to establish a few basic facts about Katrina's damage in Mississippi. There is no property in Mississippi that was damaged solely by flooding. More than 300,000 properties, including many that were hundreds of miles inland, sustained wind damages but no flooding. Properties nearest the coastline were damaged or destroyed by some combination of hurricane winds and storm surge.

State Farm's assertion that hundreds of coastal homes were destroyed without suffering any wind damage has been easily and overwhelmingly refuted by every meteorologist, engineer, eyewitness, or investigator who is not on the payroll of an insurance company or an insurance company's contractor. Every community on the Mississippi Coast suffered four or five hours of high hurricane winds and powerful gusts before the surge. High winds continued to cause additional damage during the surge, and the wind and water in combination caused the worst destruction.

State Farm recently reported that it has handled more than 84,700 property claims in Mississippi, yet requested engineering reports for only 1,100 of the claims. Since engineering reports are needed for the purpose of determining whether damage was caused by wind or by water, State Farm must have acknowledged that other 83,600 properties were damaged by winds alone. In other words, State Farm has paid claims for wind damage far inland where you could not blame flooding, while denying wind claims on the coast where the winds were much stronger, but where you could blame flooding.

Many homeowners near the coastline had flood insurance, but not for the full value of their properties. Hundreds of homeowners who bought every property insurance policy that was available to them—homeowners, windstorm, and flood—are nevertheless left with huge uncovered losses because State Farm and other insurers have decided that only the federal flood insurance program, and federal taxpayers, should pay on homes that were destroyed by the combination of wind and water.

State Farm's twisted legal argument that the anti-concurrent causation language in your policies allows you to deny wind claims, even where you acknowledge that wind was a cause of the damage, is an especially cynical and despicable act.

Your company's betrayal of its policyholders has had horrible financial consequences for families and communities at their time of greatest need. Some policyholders will file bankruptcy and default on their mortgages. The lucky ones will recover only after depleting their savings and retirement accounts and assuming large new debts. Worst of all, I fear that your actions will result in unnecessary deaths in future disasters. If you succeed in establishing that the burden of proof is on policyholders to prove that wind and wind alone caused damage, I am convinced that some people who should evacuate will stay behind next time to record the damage.

State Farm and other insurers have contracts with the National Flood Insurance Program that permit you to sell flood policies and adjust flood claims that are backed by federal taxpayers. When your adjusters assigned all damage to flooding, I believe you committed fraud against the United States government. State Farm's contract with NFIP obligates your company to apply the same standards to flood claims as you apply to your own claims. The federal regulations do not empower you to assume flood damage anywhere it is possible, while denying wind claims unless no other cause is possible.

I believe that State Farm and other companies violated the False Claims Act by manipulating damage assessments to bill the federal government instead of the companies. I have written the Justice Department to recommend that the Katrina Fraud Task Force investigate whether insurance companies defrauded federal taxpayers by assigning damages to the federal flood program that should have paid by the insurers' wind policies.

In late June, the House approved my amendment to the Flood Insurance Reform and Modernization Act to instruct the Inspector General of the Department of Homeland Security to investigate the Katrina claims practices of the insurance companies that adjusted flood claims. Sen. Trent Lott added a similar provision to the Homeland Security Appropriations Act.

Even before Katrina, I was an original cosponsor of legislation introduced by Rep. Peter DeFazio to repeal the antitrust exemption that was granted to the business of insurance by the McCarran Ferguson Act. After Katrina, this issue will be much higher on my agenda. It is obvious that the large insurance companies conspired together to manipulate the claims process. It also is clear that state resources were inadequate to protect consumers from underhanded insurance practices on such a large scale.

In the decades since enactment of McCarran Ferguson, the federal government has assumed responsibility for insuring some risks that the insurance industry refuses to cover. Medicare and Flood Insurance are obvious examples. The federal government also provides disaster assistance and loans to individuals, businesses, and communities to help offset their uninsured losses. It does not make sense for the federal government to fill in the gaps left behind by the insurance industry and yet have very little role in regulating and investigating insurance companies and their practices.

In the next session of Congress, I plan to press for a vote on legislation to have the federal government take responsibility for regulation of insurance. It is ridiculous for the industry to claim that insurance is not "interstate commerce" rightfully under federal jurisdiction when companies stop issuing policies in New York and Florida because of claims in Mississippi and Louisiana. Congress and federal regulators should have clear responsibility for oversight of the insurance industry.

I also pledge to work tirelessly to enact a natural disaster insurance program that provides for all-perils insurance coverage. There is no reasonable way to distinguish the wind damage from the water damage from a major hurricane. The worst destruction almost always results from the combination of the two. The division of wind and flood coverage guarantees that legal disputes will consume millions and millions of dollars for engineering reports and legal fees instead of going to pay damage claims.

I cannot support plans to provide federal reinsurance for the current system that allows insurance companies to shift their liabilities to taxpayers and property owners. Any effort to provide a federal reinsurance backstop for insurance losses must insist on elimination of the exclusions and gaps in property coverage. Homeowners need to be able to purchase insurance and know that disaster damage will be covered.

Finally, I will continue to urge the leadership and my colleagues in Congress to undertake detailed hearings and investigations of insurance industry practices. Please know that the actions of your company have helped make the case that Congress and the federal government must move to regulate and investigate your industry in order to protect consumers and taxpayers.

Sincerely,

GENE TAYLOR,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members to direct remarks in debate to the Chair, not to others in the second person.

□ 1715

THE ISSUES AFFECTING AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. RYAN of Ohio. Mr. Speaker, I thank you for the opportunity, and I would like to thank Leader PELOSI and STENY HOYER, JIM CLYBURN and also JOHN LARSON, our Vice Chair, the leaders of our caucus, for the opportunity to come down here and speak to other Members of this body about the issues of the day.

Day in and day out, as we continue to have debates here on the floor of the House of Representatives, one of the main topics here and back in our districts is the issue of the war in Iraq, the issue of the standing, on the stature of the United States of America and the opinion of those around the world of us, and the need for us to build coalitions across the globe in order to fight this global war on terror.

We have major differences. We have had major differences, and we continue to have major differences in this body, in the body that is created by Article I, section 1 of the United States Constitution, as to how we should administer and execute this war on terror.

The Bush administration has tried to implement their philosophy with the war in Iraq, and I must say, Mr. Speaker, that their actions have created more terrorists in the world, it has made the bull's eye on the United States bigger, and it has completely almost eliminated the goodwill that was given to this country from around the globe after 9/11.

Many Members of this Chamber can remember the editorials and foreign newspapers where some were saying that today we are all Americans after 9/11. Today we are all Americans. That political capital that we had, that goodwill that we had, was squandered by a very divisive policy, a policy that was based on misinformation, was misleading.

As the days and the weeks and the months go by, we continue to see time and time and time again how this administration misled the Congress and misled the American people. And if we had a huge intelligence failure on 9/11, it only makes sense to be very, very careful before believing the intelligence that is then being presented to you for the war in Iraq.

This issue is the defining issue. The President can continue to try, Mr.

Speaker, to somehow change the topic, somehow try to change the debate to something that may be more favorable. But when you look at what is happening with our foreign policy and with our domestic policy, you will see that the American people are moving in a direction away from the President of the United States. They no longer, as Mort Zuckerman said, they no longer give the President the benefit of the doubt. And when the President loses the benefit of the doubt, the President loses the kind of authority and persuasive nature, basic nature of the office.

So let's talk about what is going on here. This war in Iraq has made us less safe. It has given us more terrorists in the world. It has increased the polarization. And if you look just on the front page where we have the President being called a devil, which I don't necessarily agree with, being called a devil at the United Nations, now, we can all at least say that that kind of rhetoric, although it is not helpful, signals the kind of discontent that there is out there in the world for the United States of America.

When you are fighting a global war on terror, Mr. Speaker, you need friends. You need people who are going to help you. You need assistance from all quarters, whether you are a Democrat or whether you are a Republican, whether you are a Member of the United States Congress or you are a member of a parliament in Europe or South America. You need help. We can't fight this global war on terror by ourselves, so we need to engage the international community. We need to engage the international community.

I want to share with the American people some of what is going on. We are going to start with what is going on with the money.

We can see here what the war in Iraq is currently costing the American taxpayers, $8.4 billion per month. It is costing the American people, this war on terror, $1.9 billion per week. $275 million per day, $11.5 million per hour. This is to fund what is going on in Iraq.

And this has basically put us in the middle of a civil war. Only about 7 percent of the fighters in Iraq are al Qaeda types. The rest are Sunni and Shia, and they are fighting with each other, with the American soldiers right in the middle of the mix.

We found out 2 weeks ago that Secretary Rumsfeld said that he would fire the next person who asked for a post-war plan.

Now, Mr. Speaker, we can agree and disagree on a lot of things here, but when you have the Secretary of Defense say to some of his underlings that the next person that asks me about a post-war plan will be fired, that goes right to the heart of the leadership of the Pentagon, the leadership of the Defense Department.

How do you go into a war with no post-war plan? This was a mistake to begin with. And then at the end of the day you start hearing about all the ties between al Qaeda and Iraq that didn't end up to be true. Then you find out the Secretary of Defense didn't want anybody to submit any kind of post-war plan at all to him, or the next one that did would be fired. It goes to the question of what kind of leadership are we getting here.

And when you have this cowboy diplomacy that we have had for years in the United States of America, you know, the "Axis of Evil" comments, and "we are going to smoke them out," and "bring it on," and "mission accomplished," and you have major magazines saying it is the end of cowboy diplomacy, well, when you look at the comments of some of the foreign leaders, calling the President of the United States a devil, it doesn't seem like they think this is the end of cowboy diplomacy.

So we have all got to move forward on this issue, Mr. Speaker, and we have got to somehow figure out together how we are going to do this.

One of the things that the Democrats want to do when we take over the House in January is to start having some hearings, to start providing some oversight.

If we could get that quote from Mr. Gingrich. Mr. Gingrich, the former Speaker, the man who led the Republican revolution in 1994, said in the Wall Street Journal column he wrote a couple of weeks ago that the only way to begin to fix this is to have an honest assessment of what is going right and what is going wrong in the intelligence, NSA, the war in Iraq.

But if we don't have an honest assessment, if we don't have honest hearings, and we get briefed every now and again from the Secretary of Defense and it is not helpful. It doesn't make any sense. And we continue to go down this road, to stay the course.

Here is what Speaker Gingrich is saying to us on staying the course. This is from the Wall Street Journal, September 7: "Just consider the following: Osama bin Laden is still at large. Afghanistan is still insecure. Iraq is still violent. North Korea and Iran are still building nuclear weapons and missiles. Terrorist recruiting is still occurring in the U.S., Canada, Great Britain and across the planet."

This is Newt Gingrich saying that this has been a real failure in leadership on the war on terrorism.

Then you come back to homeland security. You come back to what are we doing here at home with the ports, with the immigration issue, with what the Democrats want to do compared to what the Republicans want to do.

If you look at what we were able to accomplish under President Clinton compared to what has gone on with President Bush, this is just border security numbers, Mr. Speaker, the average number of new Border Patrol agents added per year. In the Clinton administration, 642. New border agents per year under the Bush administration, 411. Under the Clinton administration, we actually increased the number of Border Patrol agents much more so, by 230-some a year more than the Republicans have under the Bush administration.

Immigration, INS fines for immigration enforcement. In 1999, 417 under President Clinton. Only three in 2004 under President Bush. The Clinton administration was much more aggressive on the Border Patrol issue.

There were 78 percent fewer completed immigration fraud cases by the Bush administration. Look, in 1995, 6,455, and 1,389 in 2003 under the Bush administration.

If you look at what we followed as the immigration debate here in Congress has raged, you will see that if Democratic amendments, the amendments that we tried to get on over the last 5 years, would have succeeded, there would be 6,600 more Border Patrol agents, 14,000 more detention beds, and 2,700 more immigration enforcement agents along our borders than now exist.

It is clear that the Democratic Party doesn't only provide the rhetoric, but we provide the solutions necessary to try to solve some of these problems. Day in and day out, as we continue to have this debate, we can talk about it, or we can put our money where our mouth is and fund these Border Patrol agents. We can make sure that more than 6 percent of the cargo that comes in and out of the United States is checked for weapons of mass destruction, and for illegal immigrants, for that matter.

We have to do this, and we have to be willing to put the resources necessary into the programs. That means that there are going to be some difficult decisions, because over the last few years we have seen the budget in the United States of America go bust, billions and billions and billions of dollars wasted, billions given to the pharmaceutical industry, billions given to the oil industry, to corporate welfare.

If we don't begin to change that, if we don't begin to put in some basic structural changes to the way the budget process works by putting in PAYGO rules, by making sure you can't spend money that you don't go get somewhere else so you don't have to borrow it. And that is what is happening right now.

I must commend, Mr. Speaker, Senator VOINOVICH from Ohio, who is talking about waking up the Congress to say we have got to balance our budgets. We have to, because we have two options. We can ask the top 1 percent of the people in this country, the top 1 percent wage earners, people who make more than $1 million a year, we can either ask them to contribute their fair share, and they have benefited greatly over the last couple of years, and use some of that to help us reduce our budget deficits. We either ask them to help, or we borrow the money from China and Japan. Those are really our two options.

Over the past few years we have been borrowing the money from China, we have been borrowing the money from Japan, and it puts us at a tremendous weakness when we have to go to China and ask them for help with North Korea, when we have to go to China and ask them for help in Iraq, when we have to go to China and ask them for help with Russia.

All of a sudden we are going to the bank that is lending us money and asking them to help us with our diplomacy. I don't care if you are a liberal or a conservative, the United States has always prided itself on making sure we balanced our budgets.

In 1993 in this Chamber, controlled by the Democrats, without one Republican vote, we balanced the budget. 20 million new jobs. Economic expansion that benefited everyone. Welfare roles decreased and declined.

□ 1730

Then we look at what this President and this Congress has done. In the last 4 or 5 years, this President and a Republican-controlled Congress has borrowed more money from foreign interests than any other President before him. So 224 years, Mr. Speaker, all of the Presidents added up did not borrow as much as President Bush has borrowed.

So we have a solution, Mr. Speaker, that is not a Democratic solution or a Republican solution. It seems to be based on reality, and, Mr. Speaker, this is the advice that Mr. Gingrich has given on the broken system in Washington. He said in the Washington Post in July. "The correct answer," Gingrich said, "is for the American people to just start firing people."

And I think that is about the sentiment in the United States right now is that the American people are ready for new leadership. When you think about what Mr. Gingrich is saying, and you read his Wall Street Journal articles, and you read his books, and you think about what he is saying, in 1994, when the Republican Congress came in and the Republican revolution, and you think about what was said and how many times, and it was masterful campaigning, about we need to run the government like a business, we need to balance the budget, we need to make government more efficient, there is too much waste, there is too much fraud, there is too much abuse, and if we just squeeze the government, we are going to be able to get the kind of resources that we need to fund the programs that we need and give tax cuts and some relief to the American people; and if you look now, in 2006, as to what the Republican majority has done with that opportunity that the American people gave them, it is really a shame because we have huge budget deficits. We are borrowing money from foreign interests. The government is fat and bloated and bureaucratic, and we lose $9 billion in Iraq, and nobody really knows or seems to care as to where it goes.

You have all this pay to play going on. You have a K Street Project going on, started by the Republican Party, that basically says if you are a lobbyist and you want us to help you, if you want the Republican Party to help you, you need to hire my ex-chief of staff to run your lobby organization, and then you will have access.

When you look at the money, the public money that is being spent on corporate welfare, $12-, $13-, $14-, $15 billion to the energy companies, that is not a real record to be proud of.

When you talk about running the government like a business, and you look at the waste and you look at the bloatedness and you look at the government's inability to address two, at least, of the major responsibilities that we all could agree on here, and that is national defense and emergency response.

The national defense side, look at the war in Iraq. This great Republican revolution gives the power and the responsibility to Rumsfeld and Wolfowitz and then does not take that responsibility away, then does not demand that they get fired, but they promote him. Wolfowitz is now at the World Bank, and Rumsfeld, no one will dare disappoint him, Mr. Speaker. This is the architect of one of the great catastrophes in the history of the United States of America. No one's been fired.

I run into business people, hard-core conservative Republican business people in my district, and they say, if I was running the business, Rumsfeld would have been fired 2 years ago.

This is not a partisan issue, but you have to provide oversight. It is not about putting your party before the country, and that is what is happening now, and no one will admit it, this stay the course, bury your head in the sand and somehow forget about the reality that is happening on the ground.

When you see time and time again, time and time again, generals that leave and retire and then all of the sudden have a lot to say about what is going on on the ground, and they have a lot of opinions about what is happening in the administration because no one was being listened to, first it was not enough troops, then how it had to change on the ground and the lack of responsiveness. That is not running government like a business. That is not responding to the market in the case of Iraq. That is ignoring the facts on the ground to benefit yourself politically. That is putting the Republican Party ahead of the Republic, and it does not work that way.

Sometimes you make mistakes and you get egg on your face. It does not mean you go get a new banner printed or a new slogan printed. It means you admit it, and you go forward.

Let us have hearings. I am fortunate enough, Mr. Speaker, to sit on the Armed Services Committee. The brainpower on that committee, the kind of experience of Members on that committee, is tremendous, and it has been one of the nonpartisan committees for the most part. Why not go before this committee? Let us let all these people who have traveled the world, who have been involved in the war in 1990, people like Mr. MURTHA who are on the Defense Appropriations Subcommittee, sit down with these people. Let us figure this out, and someone may get some egg on their face, and someone may have to be fired, but if the team's not performing, you may have to cut a few people. You may have to move some positions. You do not promote them.

And you look and see what these generals are saying. "Rumsfeld and his team turned what should have been a deliberate victory into a prolonged challenge." John Batiste in the National Journal, chief military aide to Paul Wolfowitz, brigade commander in Bosnia.

Anthony Zinni: "We're paying the price for the lack of credible planning or the lack of a plan. Ten years worth of planning were thrown away."

How can you have lack of planning in a major war? Again, we are not talking about a Rotary Club building a river walk. We are not talking about a Kiwanis group in our local community putting flowers in a courthouse square. We are talking about going to war. We are talking about the most deliberate act that a government can make, that we are going to put our soldiers in harm's way. There are probably going to be innocent lives that are going to be killed, and we are going to kill other people, and now we have these generals saying we did not have a plan. That is the height of irresponsible leadership.

You look at what General Charles Swannack, Jr., said: "I do not believe Secretary Rumsfeld is the right person to fight that war based on his absolute failures in managing the war against Saddam in Iraq." That was in the New York Times in April.

This is not the Democratic Caucus saying this. This is not me.

Look at what another general said: "If I was President, I would have relieved him 3 years ago." This is someone who has got the Bronze Star medal with Combat V, Silver Star medal with gold star, Legion of Merit. These are well-respected people in the military establishment saying we need to get rid of Rumsfeld, which I think would be a great gesture to the international community to say we have made a lot of mistakes. Maybe we can be a bit humble and say that and ask for help and say that we need to make this a global effort.

If you have this kind of irresponsible behavior, this lack of self-awareness to say that we have made some mistakes and we want to go about fixing them I think disrespects the process here, and quite frankly, it disrespects the American people. To try to pitch this al Qaeda-Saddam Hussein pie, when we find out that Saddam did not want to help al Qaeda at all, when you see that, and then yet you continue to ignore the facts on the ground, Mr. Speaker, it only puts us in a deeper hole and makes things more difficult.

So the war side has not been executed like a business because we have not changed, we have not streamlined. And you look at the wasted money on contracts and the amount of money some of these big donors have made, the war profiteering, again, a slap in the face to the American people.

Then domestically when you look at Katrina and a lot of the emergency response problems that we had, we find out again that this government really was not run like a business, that this emergency response system was not streamlined because we had Wal-Mart and we had some of these other businesses, they were getting water and supplies in and out. Their response was much better, much more efficient, much more effective than the Federal Government's.

But it is the Federal Government's responsibility to make sure that we can address these national and natural disasters that happen in the United States of America. That is our responsibility. That is our constitutional obligation. So it is very important that we figure out how to streamline that. Where are the hearings? Where is the oversight? Where is the accountability? There is not any.

And then when you talk about the bloatedness of government, I want to share with you, Mr. Speaker, and the other Members of this body about one of the great proposals that we have here and that the Democrats will offer in January when we take over this Chamber.

Those are two bills, one by Representative TANNER from Tennessee and one by Representative CARDOZA from California. These bills say that we are going to run an audit, a real audit, of the Federal Government, and we are going to squeeze this government. We are going to make it fit an information-, knowledge-based economy, and we are not going to sit back and just allow the bureaucracy to grow and grow and grow and keep feeding the beast and just say if we write a bigger check, somehow the problem will go away. You cannot fix it without providing some auditing and then the reform necessary.

The programs that do not work, we get rid of. The programs that work, we fund them, and we fund them by squeezing the waste and the bureaucracy out of some of these other programs, and making sure that every dollar that we get from the taxpayer is spent well and accounted for.

What I like most about these two bills is that we are going to hold the Secretaries of the departments accountable, and so if there is an audit, and recommendations are made, then the Secretary, the CEO of that department, will be held accountable. If they do not meet the requirements of that audit, that Secretary will have to go back to the Senate to get confirmed again.

That is accountability. That is saying no matter who you are, whether you are Secretary Rumsfeld or you are Secretary of Health and Human Services, if the GAO audits you, a real audit, and we make sure that we know that the facts are right, and you do not meet the requirements of that audit, then you will have to go back for a reconfirmation.

That is how you get change in these huge bureaucracies, and that is what the Democrats are going to do, because if we do not reform this government, if we do not get it ready and able to move us into an information-, knowledge-based economy, we are going to continue to fall behind because we do not have the resources. We cannot keep going back to the taxpayer, asking them for more money and more money and more money, because they do not have it.

Now, if you look at what is going on, why they do not have it and the squeeze that the average people are going through now, look at this.

□ 1745

The minimum wage is now at its lowest level in 50 years adjusted for inflation. Real household income has declined nearly $1,300 under the Bush administration. So you are making $1,300 less. The cost of family health insurance has skyrocketed 71 percent since Bush took office. And if you look, the cost of tuition and fees at a 4-year public university has exploded by 57 percent. These are facts. These are not made up.

So hourly wages are down 2 percent, consumer confidence is down, gas prices are up 20 percent, and mortgage debt is up 97 percent since the year 2000.

We can't keep going back to these people and asking them for more and more money. And the unfunded mandates that are coming from this Congress down to the States and the local tax burden is being increased for mental health levies, for library levies, for community development projects, and these cities and many of them, and one of them is one I represent, Youngstown, another one Akron in Ohio, these cities don't have the resources. And if we are going to compete as a country, you have got to look at it like this: right now it is much different. Cities like Youngstown, cities like Akron, northeast Ohio, Cleveland, we are not longer competing with each other, and we are no longer competing with New York and Chicago. We are all now competing in a global economy.

And as we compete in this global economy, as regions and as a country, we have got to recognize that we only have 300 million people in the United States of America. And when you compare that to the 1.3 billion people in China and the billion people in India, you will see that we have got to be at the top of our game because we only have 300 million people. And when we have many of those people living in poverty, and Cleveland is now rated the poorest city in the entire country. I see Mrs. TUBBS JONES is here who represents that area. With the poverty rates in Youngstown and all of these cities where 80 percent of the kids who go to some of these schools qualify for a free and reduced lunch. And their nutrition levels go down in the summertime when the school lunch programs and those kind of things that are offered, breakfast programs, aren't available in the summer. So how are we going to be ready, Mrs. TUBBS JONES, to compete in a global economy when we are not making the proper investments here at home?

I yield to my friend from Ohio (Mrs. JONES)

Mrs. JONES of Ohio. I absolutely agree with you, my colleague. And I want to thank you for your leadership on this issue, and I thought I would give you a moment to take a break.

The real reality is that in Cleveland we have suffered so greatly since 2001. Since 2001, in the city of Cleveland alone we have lost 60,000 jobs, and those 60,000 jobs were high-paying jobs. These were jobs of steel workers; these were jobs of people in the auto manufacturing area. And when you start talking about unemployment, the discussion always is that these folks have gone back to work. They have gone back to work, but what kind of money are they making? They are making $5, $6, $7, $8 an hour instead of the $20 that they were making. So they move from being part of the middle class to part of the working poor, where they are working every day, they are getting paid wages, and they are still very poor.

Let me give you an example. President Bush talks about economic change that has occurred since he has been in this administration. But the reality is that economic change has not hit those of us who go to work every day.

Let's take a look at this chart here. If you look, the minimum wage has not increased any in 9 years, but whole milk, the cost of whole milk has increased 24 percent. How many families end up having to purchase gallons of milk, gallons of milk to take care of their babies and their kids and their high school students? Let's look at bread. Bread costs have increased 25 percent. Minimum wage still at zero.

Let's look at a 4-year public college education, increased 77 percent, and minimum wage is still at the same. Let's look at health insurance, increased almost 100 percent, 97 percent; and minimum wage is still a zero increase. And then let's take a look at regular gasoline, increased 136 percent.

Now, right now, the gas is going down, and we don't want people to be fooled that gas is going down in reality, because this election is about to come up, and they don't want to be accused of having high gas prices very close to the election. But don't be fooled. Minimum wage still has not gone up, bread has not gone down, milk has not gone down, college education has not gone down, health insurance has not gone down. In fact, there are people who are in bankruptcy as a result of not being able to afford health insurance. And as a result of the cost of their health insurance, they are in bankruptcy losing their house because they have to pay the cost of health insurance.

Mr. RYAN of Ohio. If the gentlewoman will yield, because I think this fits. If we are going to be competitive as a Nation, we need to have healthy citizens. All of them, not just some of them. The days of us just being able to compete globally by having everyone in the steel mill and just a few percentage healthy and working in the office are over, and we know that, in northeast Ohio. And so if we don't have these kids and our citizens healthy and educated, and provided some opportunity, it is going to be hard for us to compete. So that is a key component of us being a great country.

Mrs. JONES of Ohio. Absolutely. And it is a security crisis for us to have people who are going to work that are unhealthy. How many of you have ever gone to work and get to work and somebody has the flu, or they have something, and you get to work and you have the flu and people start coughing on one another and the whole office needs to go home because that one person couldn't go somewhere and get taken care of? It is a terrible situation for us to be in currently.

I have got one more chart, and then I am going to leave it to the 30-something Group. I am 30-something-plus, but I am going to leave it to the 30-somethings when I get done.

Let's look at another increase, congressional salary increase versus minimum wage increase. I am a Member of Congress. I voted for a congressional salary increase. But I have always voted and screamed and hollered for a minimum wage increase, and I can't seem to get it to happen.

In 1998, the congressional salary increase was $3,100; minimum wage, a big fat zero. In 2000, the congressional salary increase was $4,600; minimum wage increase, zero. 2001, $3,800; minimum wage increase, zero. 2002, $4,900; minimum wage increase, zero. And the chart goes on. And as recent as this year, 2006, the congressional wage increase was $3,100. And you know what? Minimum wage was zero.

Now, there are some of my colleagues who won't vote for a congressional salary increase. And you know why they won't vote for it? Because they think their constituents will say, why should you get an increase? But they won't vote for a congressional increase and they won't vote to increase the minimum wage. It is unfair; it is outrageous. And if we are going to be a competitive country, working people, people at the bottom of the rung, the working poor who go to work every day, who work hard to take care of their families ought to get paid.

I am so glad to join the 30-something Group here. My colleague, KENDRICK MEEK, I want you to know how proud I am of you, of the work that you are doing in your area and on the national scene.

These two young men have shown strong leadership. When the Democrats take control of the House, we are going to be in great shape. We have got a farm team operating right here.

Mr. RYAN of Ohio. I yield to my colleague, Mr. KENDRICK MEEK, the gentleman from Florida.

Mr. MEEK of Florida. I thank you, Mr. RYAN.

I can tell you, Mrs. TUBBS JONES, when I pulled in here close to the Chamber, I was off campus, and I saw your car there and I knew everything was going to be well represented here on the floor. And I am glad that you brought issue and put life in the lungs of what is actually happening here. When you talk about minimum wage, I can tell you right now, as it relates to the middle-class squeeze on families, especially as it relates to lower incomes and higher costs, these are rising health care costs up here. And here are the falling incomes of those individuals as they continue to make less and less and they are having to spend more and more.

And I think it is also important, Mrs. TUBBS JONES, to point out the fact that we want to take this country in a new direction. That is what we are talking about.

You want to talk about salary increases, Mr. Speaker. For Members of Congress, we are saying here on the Democratic side of the aisle we are not going to vote for another pay increase for Members of Congress until the American people get an increase.

And we do know, Mrs. TUBBS JONES, that we had some legislation on the floor because we were hammering away at the Republicans on this side, majority, okay, on the other side of the aisle about an increase for American workers. What did they do? The Potomac two-step, put together all kind of stuff that was unpassable in the Senate, and then brought it to the floor knowing full well that it wasn't a well-intentioned minimum wage increase. We want to take it to $7.25 an hour. They know full well, and I am saying "they" because that is what Newt Gingrich is calling the Republican majority. That is not me, Mr. Speaker. That is what Mr. Gingrich said when he said "they."

It is important for us to say that we are willing to stand up on behalf of the American people, all American people, Republican, Democrat, Independent, those who are not voting yet, Mrs. TUBBS JONES, and to make sure that they receive an increase. And what happens with salaried workers, let's just say there are people in our districts that are not individuals that are making the minimum wage, they are making a little more than the minimum wage. And if they make $8, $10 an hour, when the minimum wage goes up, then there is going to be a renegotiation of their salary. And these CEOs, I mean, I am not disliking CEOs. Mr. RYAN and I always say that profits are good, we think it is a good word, it is not a bad word. But when you have CEOs that are making more than 500 employees in a company and you are having individuals who are not able to cover their health care costs, Mr. Speaker, I think that is something we bring into balance.

And this Democratic caucus, when in the majority, if allowed to be in the majority by the American people, have already said one of the first business actions that we would take is increasing the minimum wage, amongst other things.

Mrs. JONES of Ohio. And the beautiful thing about it is, and maybe I misstated when I said that we haven't voted for a minimum wage increase, we haven't voted for a stand-alone minimum wage increase.

You know how they did that? What they did is, Okay, working folk, we are going to take care of you. We will say we will give you a minimum wage increase, but it will be included in a package where we give the top 1 percent, a few families, $1 trillion in tax cuts. Outrageous. It doesn't make any sense.

And know when the Democratic leadership takes over, we are going to take care of the working people, and they won't have to worry about anything else. They want to couch us as being tax-and-spend Democrats and not concerned about security, but we are going to take care of the working people, and they will know that we will be there for them.

Gentlemen, thank you very much. On that, I am going to see you later.

Mr. MEEK of Florida. Thank you so very much, Mrs. TUBBS JONES. And I can tell you, it is always good, Mr. RYAN, having a member of the Ways and Means Committee here to be able to share some higher thoughts on legislation here that we are talking about.

But, Mr. Speaker, I think it is important, I think it is very, very important that we shed light on what has actually happened here in this Chamber and what has not happened. There are a lot of pieces of legislation that are coming to the floor as we close out this 109th Congress, as we start right before the elections, before we go on what we call a lame duck session after the elections. Members of Congress, many are on jets and driving, or planes, trains, or what have you, going back to their districts. We decided to be here, the 30-something Working Group. We have another hour after the Republican hour to come back here to be able to share the information not only with the Members but also with the American people and make sure that they know that we are here on their behalf as Americans first.

I think the facts are overwhelming here, but I just want to make sure, because whenever you identify a problem, you have to have a solution coming shortly thereafter or right before. So I am going to take the opportunity in addressing the Members and talking about the solution, and then identifying the obvious problem. Not a problem that we have identified within the Democratic caucus, but the U.S. Department of the Treasury has identified, the Inspector General, the Department of Homeland Security has identified, and that the Government Office on Accountability have also identified as major issues that are facing our country that we haven't faced in the history of the Republic.

☐ 1800

I am saying since we have been a country, we haven't been in the posture that we are in right now, and I think it is important that we present those facts.

We are saying on this side of the aisle we want to take America in a new direction. That new direction consists of six points. It goes beyond, but mainly six points. First, the protection of Social Security is so very, very important. I am from Florida, and Social Security is a major issue in Florida and throughout this country. As we look at disability benefits for American workers when they are injured on the job, to be able to have Social Security which they paid into, they can receive their full benefits. When you have retirees, one thing they can count on, and they probably can't count on a pension from a company that they have been working for or at for some 25 or 30 years, but they can count on Social Security because it is backed by the U.S. Government.

And also survivor benefits. As we look at survivor benefits for folks that were working, and if they pass on, their children have an opportunity to educate themselves. There are some Members of Congress here who are presently serving who have taken advantage of survivor benefits that have made our country stronger in preparing these bright, young minds to be able to lead our country in the future.

I am really sad to report that it continues to be under attack by the Republican majority and the Bush administration. I am concerned about that. But we have made a commitment for 2006, taking America in a new direction, that we will protect Social Security, as we have protected it from attempts by the Republican majority and the President, who burned all kind of jet fuel to try to ram a privatization plan down the throats of the American people. I think it is important that Members go on HouseDemocrats.gov and get our plan as it relates to securing Social Security.

Looking at affordable health care, I think it is important that we look not only at prescription drugs, but also make sure that there is a major focus on health care. And there are health care professionals, I had a major health care insurance company come into my office just this week and say something has to happen.

From the small business to the Fords and the GMs of the world, health care is crippling this country. We have a war in Iraq, but we have a war here as relates to health care in the United States. We are dedicated to making sure that we have affordable health care for children and seniors, and making sure that we use our buying power to secure lower prices for our seniors as it relates to part B.

We talk about energy independence, investing in the Midwest versus the Middle East. We are talking about E85 and alternative fuels and using coal. We are the Saudi Arabia here in the United States in regards to coal. We have enough coal to supply the whole world as it relates to energy, and we can use it for our own benefits to secure America, and that is homeland security in making us stronger.

We have already put out our innovation agenda, Mr. Speaker, and also energizing America, making us energy independent. Members can also view that on HouseDemocrats.gov. That is making sure that the next generation is ready to take over. And for this generation, broadband for all Americans, making sure that all Americans have access to the superhighway, and making sure that they have broadband opportunities.

Making sure that we reverse the tax increase that the Republican majority has put as it relates to student loan opportunities. There is legislation filed in this 109th Congress that would reverse that and cut it in half; and make sure that we give tax credits to students, and also parents who are trying to educate their children. That is something that is very, very important. The Republican majority has brought a great increase in the cost of college. We have said that we are dedicated, and we have the will and desire to make that happen. That is part of our six-point plan.

We have talked about the minimum wage. That is so very, very important. We have Members on the majority side that want to belittle that idea. But when you haven't increased the minimum wage since 1997, and say it is okay for you to give Members of Congress pay increases as far as the eye can see since 1997, $3,100, $4,600, $3,800, $4,900, and on and on and on, continued pay increases for Members of Congress.

And don't get me wrong, it is difficult for Members who have decided to serve their country and have a home in their district and try to have some sort of a place to live here in Washington, D.C. Yes, I am not knocking cost-of-living increases for Members of Congress, but I must say that I am very, very concerned with the fact that those individuals that punch in and punch out every day, 15-minute break in the morning and afternoon, 30 minutes for lunch, we put them at an unfair disadvantage when we allow ourselves to receive pay increases.

The Republican majority has done that. We have said on this side not another pay increase for the Members of Congress until the American people get a pay increase. That is something that we are standing very close to and making sure that we deal with it.

When we talk about homeland security, homeland security, there is a lot of discussion about homeland security. We have said that we are going to implement not any ideas that someone in some office here in Congress just says, oh, I think that is a great idea, we will do it if we get in the majority. No. Well-thought-out, well-fleshed-out ideas as relates to homeland security that the 9/11 Commission has called for, and making sure that we implement the 10 unimplemented recommendations by the bipartisan Commission that went through this Congress and that the President spoke to, the National Security Director testified in front of, former and present Members of Congress, members from our intelligence organizations spoke before it, 9/11 families spoke before, and survivors of 9/11. They all took an opportunity to testify in front of this committee, and there are a number of issues that are unfinished business as it relates to that.

Some of the higher points, and I won't go over all of the 10 points right now, but one simple one, air cargo. What is going on with that? I mean, we are running around at the airport giving up hand sanitizer, shaving cream; taking off your jacket, belts and shoes before you get on the plane. Meanwhile, cargo goes in the bottom of the plane, no problem whatsoever.

It took the Brits to disclose a liquid explosive attempt on a plane that was headed to the United States of America before the Department of Homeland Security started saying maybe we ought to deal with that because that was one of the 9/11 recommendations.

We are saying that we don't want to be reactionary. We want to be proactive. We want to implement the full recommendations of the 9/11 Commission, and that is something that we are dedicated to doing if we have an opportunity to do it.

Some may say, Congressman, why aren't you doing it? We are not doing it because we don't have the chairmanship of the committees or the ability to bring a bill here to the floor after going through the Rules Committee, to bring these pieces of legislation and ideas to the floor.

Another thing, Mr. Speaker, and I will to go beyond the six points here to say that we have the will and desire to work in a bipartisan way. I feel personally that there are some Members on the Republican side that understand the importance of implementing the full recommendations of the 9/11 Commission.

I don't want to go off on a philosophy that nothing major is happening in the United States so we must be doing something right. I would be on the side of recommendations by a bipartisan commission led by a Republican former governor who continues to give low marks to this legislative branch because we have not carried out the things that we needed to carry out.

Mr. RYAN, before I yield back to you, I want to mention as the ranking member on the Subcommittee on Homeland Security, Oversight and Management, there was a company that was awarded the SBInet contract that put surveillance cameras along the border. Something that I am not proud of is the fact that there are two other similar programs prior to this program that has been renamed for the third time that spent $426 million of the taxpayers' money. Towers were built in some areas, cameras did not work in other areas, it was not monitored the way it was supposed to be monitored, yet we awarded a $2.5 billion contract to a company.

We have the inspector general of the Department of Homeland Security who is going to be coming before our subcommittee after the election in November, I must add, and he will report that the Department of Homeland Security doesn't have the capacity to be able to take on such contract, or monitor the contract, in a way to make sure that we don't have cost overruns and making sure that taxpayer dollars are not spent inappropriately.

The 9/11 Commission, one of the 10 points was that we add 2,000 border protection officers yearly. The President sent his budget to this Congress and only asked for 215 border officers. You want to talk about Article I, section 1 oversight, making sure that we ask the tough questions? We are not doing it. The Republican majority doesn't want to do it. We are saying that we have the will and the desire to do. So let's make that we do it, and we are up front and straight with the American people.

Mr. RYAN, as we start to look at not only the new direction we want to take American in, as the Democratic Caucus and as a Congress, we want to make sure that we identify where we are falling short.

Mr. Speaker, all of this is very achievable if individuals were just to legislate and have oversight and work in a bipartisan way. Legislation is brought to the floor in the closing days of this 109th Congress to split the Congress as it relates to philosophy.

There was a bill up last week that talked about building a double-link chain fence along 200 miles or so of the border with no funding. That is like me saying, Mr. RYAN, I would like to build a monument out on the Washington Mall to celebrate the great victories that this country has had, whether they be educationally or whatever the case may be, over the history of our country, but I am not going to appropriate any money for it. But we are going to take it to the floor, and we will pass it anyway. Just on that, on the basis of the fact that there is no funding, it is like an empty suit. It is like a suit hanging up in the closet and no one in it.

It is important that we come straight with the American people. If we are serious about protecting our borders, let's do it for real. Let's not pass a bill without appropriations. Let's not bring a bill to the floor talking about giving authorization to local law enforcement agencies to interrogate undocumented individuals in our country without any funding, because what the Federal Government is going to do is hand that responsibility to local sheriffs and city police officers and send the recommendation for the 250 Border Patrol officers to the House when they know we need 2,000. Let's stop handing it down to local governments and saying it is your responsibility. Let's man up, woman up and leader up and do what we have to do on behalf of the American people. We are saying if we are in the majority, we will do it.

Mr. RYAN of Ohio. As I stated earlier, if Democratic amendments over the course of the past few years, the last 5 years, would have been adopted, there would be 6,600 more Border Patrol agents. There would be 1,400 more detention beds, and 2,700 more immigration enforcement agents along our borders to help us solve some of these problems.

It is a lot like when you invite me out to dinner and you offer to buy me dinner, and then you don't bring your wallet, you know what I mean, and then I end up paying for the dinner. It is just the same thing. You say you are going to provide the Border Patrol agents, and then there is no money there. You invite me to dinner, and then there is no money there. It is pretty much the same thing.

Mr. Speaker, as we wrap up here, this is the 30-something Working Group. We are taking e-mails. You can visit us at www.HouseDemocrats.gov 30something. All of the charts that you see here, Mr. Speaker, are accessible on that Web page.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

HONORING SERVICEMEMBERS IN GLOBAL WAR ON TERROR

The SPEAKER pro tempore (Mr. REICHERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Tennessee (Mr. WAMP) is recognized for 60 minutes as the designee of the majority leader.

Mr. WAMP. Mr. Speaker, as I rise tonight to begin this hour, I rise with a very heavy heart, but with the most renewed sense of pride and patriotism I have ever had as I honor the life of Sergeant David Thomas Weir.

Sergeant David Weir died 8 days ago on the streets of Baghdad in service to our country. He is from Cleveland, TN, where last night over 2,000 people showed up at the Bradley Central High School football arena to honor a great American hero.

☐ 1815

I spoke with Sergeant Weir's mother and father 2 days ago, Lynn and Jackie Weir, and it is just extraordinary to me that there are families in this country that love freedom so much, love our country so much that even in the most grief and sadness they could ever imagine or experience, a hundred percent believe in the mission, the service, the sacrifice of their own son to defend liberty for our Nation.

Lynn Weir told me that if he would have tried, and he didn't, to keep his son from going, he could not have kept his son from going. He said David Weir, from the time he was a little boy, wanted to serve his country in uniform. He was a member of the 101st Airborne. This was his career. This was his way of life. He leaves a wife behind, Alison; a little 18-month-old son, Gavin, who does not understand what has happened. But everyone else knows very clearly what has happened. A great American patriot died doing what he wanted to do, which was to stand in harm's way on behalf of our civilian population, as the Greatest Generation did, as other generations have been called to, at a time when there is a very real and imminent threat to our way of life called the Islamic jihadists.

And Sergeant Weir goes to heaven, leaves this Earth, as others have, in the most sacrificial way, answering the scriptural call that says "No greater love hath any man than to lay down his life for his friends."

And I say to Jackie and to Lynn and to Alison and to Gavin, your father; your husband; Chris, his brother; your son gave his life for everyone in our country. We will never forget him. We will always remember him. We hail his life, a sacrificial life of service to others, putting everyone else above himself, believing in his mission and his comrades.

His father said he talked to him the day before and he was so excited about getting out in the streets of Baghdad because he didn't want to be sitting behind a desk, because that was not what he was trained to do. That was not what he volunteered to do. That was not what he was prepared to do. He did what he went there to do, and it cost him his life. And while his parents grieve, our State and our Nation stand united, I believe, in their full appreciation of his life and his sacrifice and his extraordinary courage and bravery.

On Monday, this coming Monday, I am honored to be with the family in Chattanooga, Tennessee, with full military honors as we lay him to rest in the national cemetery.

Thank you, Sergeant Weir, for loving our country so much that you were willing to die for it.

Another friend from my district, Lieutenant Colonel Brett Hale, is there serving in Iraq today. He is the commander of the Dragon Slayers. He too is a patriot. His family is back home praying for him every day, a wife and children.

He sent me an e-mail 10 days ago. I want to read part of it in my tribute and our honor on the House floor tonight of these great American patriots who volunteered to serve our country and make their life secondary to ours.

He wrote me and said: "If we could only get the truth communicated to the public, they would know we have made great strides here in Iraq. Weekly we are transferring responsibility for the security in many provinces," and another one was transferred yesterday, "and cities back to the Iraqi military. While certain people want to say it is a 'civil war,' I want to tell you firsthand it is more about Islamic jihadists crossing over the borders. They continue to attempt to disrupt a young emerging democracy. The insurgents are capitalizing on the inexperience of this government and directly causing the sectarian violence and so-called fueling the fire. They get more and more strength and resolve when they hear the discourse in our country. They know it is only a matter of time before we give up because we perceive the war in Iraq is too difficult.

"We all know anything worthwhile is not easy. Freedom is not free. The Iraqis are trying to make it work. If we retreat, the terrorists win. They win now and they win in the future when they have a safe haven to plan, train, and operate and attack us again.

"It is our choice. We are either going to support our efforts to win the global war on terror, or we are going to support those that want to retreat inside our borders and wait for the next attack. We found out on 9/11 if we retreat, they attack.

"Finally, why did we go to Iraq? Ask yourself why did we fight Germany in World War II? Japan attacked us, not Germany. The same principle applies. We couldn't take the chance then and we can't now. Those that say otherwise are sympathizing with the enemy."

That is from Lieutenant Colonel Brett Hale to me on the ground in Iraq. What a patriot. As he says, the word is not getting out in this country in a fair way of the progress that we are making. As General Casey said, "If we leave, they will follow us home." These threats are real.

Mr. Speaker, I have been down here 4 weeks in a row as I have been in Washington to try to go through the severity of these real threats around the world and the fact that the jihadists are spreading like wildfire through Europe. Read the book "While Europe Slept." Read the book "Londonstan." You will know that through the mosques there is a radicalization under way. Even the Pope can't speak of it because it is not politically correct to say that fanaticism in religion is not good for the world. It ought to be obvious. Regardless of what the religion is or how many there are or what is politically correct, fanaticism does lead to holy wars and the crusades. And we don't want that. We want the mullahs and the ayatollahs to condemn suicide bombings. We want peace and security for the world. We want our allies to have a backbone and stand up and acknowledge the threat. We want our President to go to the United Nations and say we can't appease other countries. We have to stand behind security for all and freedom for people and liberty everywhere.

We are all amazed in this country that from our own hemisphere to the south, the President of Venezuela come to our country and says this. Hugo Chavez is his name. In this country we call each other out of respect. Even the people who just spoke, whom I couldn't disagree with more. The people who just spoke are all talking politics. They are all interested in the next election, not, frankly, the future of our country and preserving liberty and standing up and meeting the challenge of this generation. It is all for them about 47 days from now in an election instead of "I believe in my gut," standing up and protecting our country. But despite that, because we are decent, reasonable, we call them "honorable." We call each other "honorable," regardless of whether we agree or not.

I have got to tell you what the President of Venezuela did in this country yesterday was dishonorable. It dishonored his nation. It dishonored the people of his nation. It dishonors everyone south of here in our hemisphere because what it does is it causes people in this country not to trust or even like people who come into this country and say what President Hugo Chavez said yesterday.

He said this: "The devil was here yesterday. It still smells of sulfur around here," he added. He said, "The President of the United States, the gentleman to whom I refer as the devil, came here, talking as if he owned the world, truly, as the owner of the world.

"I think we could call a psychiatrist to analyze yesterday's statement made by the President of the United States. As the spokesman of imperialism, he came to share his nostrums, to try to preserve the current pattern of domination, exploitation, and pillage of the peoples of the world."

He said, "The President of the United States came to talk to the peoples—to the peoples of world. What would those peoples of the world tell him if they were given the floor? . . . I think I have some inkling of what the peoples of the south, the oppressed peoples, think. They would say, 'Yankee imperialist, go home.'

"I have the feeling, dear world dictator, that you are going to live the rest of your days as a nightmare because the rest of us are standing up, all those who are rising up against American imperialism, who are shouting for equality, for respect, for the sovereignty of nations."

This was the President of Venezuela, in our country, saying this.

And let us praise a Democrat in this House named CHARLIE RANGEL, whom I seldom agree with. But, boy, do I appreciate his patriotism in defense of our country and its traditions when he said this today. He said, "You do not come into my country, my congressional district, and you do not condemn my President. If there is any criticism of President Bush, it should be restricted to Americans, whether they voted for him or not. I just want to make it abundantly clear to Hugo Chavez or any other president, do not come to the United States and think because we have problems with our

President that any foreigner can come to our country and not think that Americans do not feel offended when you offend our Commander in Chief."

Thank you, CHARLIE RANGEL, for being an honorable Democrat who stands united at this time of war.

Hugo Chavez is a troublemaker in a big way. He wants to work with Iranian President Ahmadinejad. I watched his interview last night on Anderson Cooper, and he calmly looked Anderson Cooper in the eyes, and he gave a very warped view of history, not even willing to acknowledge that the Holocaust took place. Completely in denial. You would have to wonder where in the world he gets his facts or his view of the world.

This is a troubling time in American history. I say to young people everywhere I go, the days ahead will be very, very difficult. We need to be honest with them about this. But the character of this great Nation was born out of the sacrifices, the courage, and the willingness to face these challenges of our grandparents and our great-grandparents. The Greatest Generation, they are the standard for stepping up to meeting global challenges, and they gave us our character. We didn't get our character by the big buildings or Wall Street or wealth or even military power. We got it by sacrifice and dedication and commitment and family, and they are the standard.

They didn't cower or retreat from these challenges. They stood up. They faced them head on. They showed us what it took to preserve freedom and extend it from one generation to the next. And we must do the same thing. We must come together as a Nation.

I hate it that we are in the middle of this political campaign while we are at war because it is not good for us to say the things we say, even on the floor of this House. It is not good for Lieutenant Colonel Hale and others to look back here and see the potshots being fired. I hate it that over half of the Democrats in the Senate voted to remove Saddam Hussein by force and almost half of the Democrats voted and now they all say it was a mistake.

Let me tell you there has never been a pretty war. Never. There has never been one perfectly executed, and you do not remove a genocidal mass murderer with a picnic. It is ugly. And a brand new democracy takes a while to develop. And it is tough. Tough. But thank goodness that men and women in uniform will volunteer to go serve and carry out this tough mission and extend liberty from one generation to the next. These are difficult days. America needs to pull together.

I want to yield to my colleagues that have come tonight, two of the people I respect the most in the House. First the gentlewoman from North Carolina.

□ 1830

VIRGINIA FOXX is a new Member, but you would never know it because she has got tons of experience, and she has been down here standing up for what she believes, day in and day out. I want to yield to her on this most important issue of global security.

Ms. FOXX. Mr. Speaker, I want to thank my colleague from Tennessee (Mr. WAMP) for organizing this event tonight, and the other ones that he has mentioned. I think it is important that we stand up here and explain to the American people things that they may not hear on their local television station, and that we let folks know how strongly some of us feel about what is happening in this world and what options we have and what things we ought to be doing about it.

Mr. Speaker, the proliferation of Islam extremism and jihadism has already inflicted our Nation with great pain; and it continues to grow and spread. And it is our job to continue to fight these Islamofascists on their land and on our terms. Any other option is unacceptable.

When the Islamic religion is perverted, twisted and turned into an excuse for hatred, violence and the extermination of entire populations, we must stand against it and remain steadfast in our battle to eliminate this extremism.

This situation has been brewing for a long time. It is not something that just happened overnight. It is a clash of ideologies. It is a fight between freedom and democracy versus terrorism and tyranny. This is a battle we cannot afford to lose.

To allow the terrorists to win would destroy America and modern civilization as a whole. We must persist in rooting out terrorist cells and those who preach hatred and death and continue to adapt to the needs of the war on terror to ensure security, stability and freedom throughout the world.

Make no mistake about it, this goal will yield a prolonged effort. We must never forget the day America awoke to the frightening new world where jihadists flew planes into buildings, killing over 3,000 innocent civilians. While we have yet to experience another attack on American soil, there are continuous plots that have been executed and others that have been foiled. The bombing of a night club in Bali, the bombing of a commuter train in Spain, and the bombings last summer in London on the subway and buses are only a brief list of terrorist attacks that have been planned and executed by Islamofascists.

Yet, through intelligence sharing, surveillance programs, and effective antiterrorist initiatives, other plans have been foiled, such as the attempt of shoe bomber Richard Reed and the recent plot to blow up planes en route to the United States from Great Britain.

Furthermore, due to the nature of their work, the greatest success by those in our intelligence community will never be known. There is no negotiating with Islamofascists who demand death and violence against anyone who does not accept their warped world view. We must remain vigilant against this very brutal and very real threat.

As I speak of the rising threat of Islamofascism and its role in the global war on terror, I must object to the unbelievable and outright deceptive speech of the President of Iran, Mahmoud Ahmadinejad. While we should be condemning such tyrannical leaders who preach hate and destruction, I was stunned that he was given the opportunity to address the United Nations, an organization whose resolutions he has repeatedly ignored.

It points out again how dysfunctional the U.N. has become. He mentioned that justice was a victim of force and aggression, which it certainly was when he participated in the overthrow of the American embassy in Iran in 1979 and held American hostages for 444 days.

He spoke of ridding the world of nuclear, biological, and chemical weapons, yet he continually refuses to halt the production of enriched uranium in Iran. He wants to rid the world of aggression and strive for peace, even though he created a proxy war in Lebanon and continually funnels weapons to Hezbollah.

I was astonished when he spoke of dignity for all human beings and his longing for peace. These words are surprising to hear from a man who has prayed for the demise of America and constantly calls for Israel to be wiped off the map.

His biography reads like a horror novel, directing multiple assignments while he was in elite military units and working with Ansar-I Hizbullah, the violent Islamic vigilante group. His main goal is the destruction of Western Civilization.

That speech was a complete farce. He has shown his true agenda time after time, and one misleading speech at the United Nations will not fool America or the world. While we witnessed the Iranian dictator lecture us on freedom, democracy and justice, it is ironic that in his own country this tyrant denies his own people the basic rights of freedom of speech and freedom to assemble.

His speech focused on freedom, justice and dignity for human beings. But as the president, he has done nothing to bring any of his so-called goals to his own people. Women are denied rights of inheritance, divorce and child custody, and use of their rights of self-expression and economic creativity.

Basic rights are denied to the people of Iran, and that is why, even with the soaring prices of oil, more than 40 percent of the Iranians live below the poverty line. Today in Iran, dissent is brutally suppressed and terror is the regime's only instrument of domestic or foreign policy.

While he may resent us for being powerful, he does not realize that the foundation of our power is rooted in the freedom of our great people to pursue happiness, to innovate and to speak freely.

This tyrant accuses the free world that they are denying the people of Iran their right to nuclear energy. Yet he forgets that the Islamic regime is denying the great people of Iran their God-given rights to self-respect and human dignity. He spoke of universal justice, yet he denies the existence of the Holocaust.

This regime wrongfully portrays the war on terror as a war of civilizations. Yet, he uses every opportunity to export its brutal ideology violently to other nations. We are not at war with any peaceful religion or civilization. We are at war with terrorists, and terrorists' warped interpretation of religion.

We need to protect the civilized world from the threat that these people represent. Mr. Speaker, we suffered a setback on the war on terrorism by allowing this terrorist a podium from which to address the world.

And, again, I think that it is our place here in the United States Congress to remind the world of who is the country that represents true freedom, true democracy, true opportunity for people, and to continue to bring this message to people and speak the truth, instead of allowing people like that to come to this country and live in a fantasy world that they live in.

Again, I want to thank my colleagues for being here tonight, and for the other times that they have been here to bring this message to the country and to anyone who is watching us. I want to turn the time back over to my colleague, Mr. WAMP from Tennessee.

Mr. WAMP. Mr. Speaker, I thank the gentlewoman for her service and for her message tonight on this global threat.

Before I yield to the gentleman from Michigan, let me just remind everyone here in the House of Representatives and anyone who may be watching our proceedings tonight, Mr. Speaker, that regardless of what some would have you believe, or even you may get filtered to you through the national media, this war is with fanatics called the jihadists, who, by their own charter and their own doctrine, want to reestablish a caliphate for themselves and their rule that extends from northwest Africa all of the way east, basically, to the Far East, through Indonesia, above Australia.

And I say that because those are the words that were in the letter that Zarqawi wrote to Zawahari before we killed Zarqawi. The top al Qaeda leaders, in their own communication with each other, said, use the infidels', the U.S., that is what they call us, presence in Iraq to recruit insurgents and other terrorists to try to extend this caliphate, reestablish the caliphate for radical Arab rule. So this is an aggressive plan.

If we left Iraq tomorrow, the terrorists would not only win, but it would advance their cause. And it is spreading. This is a real threat, and it did not just start on September 11. That was one more attack. It happened to be the largest. But it was not the first on American soil or American sovereignty.

They tried to bring the World Trade Center down in 1993, and their engineering did not work. We did not pay enough attention to it. But they had hit our embassies, which is sovereign U.S. land in other countries, time and time again, the same people.

It all started, Mr. Speaker, in 1979 in Iran, the sponsor of Hezbollah, which has now exported terrorism and frankly stolen the government of Lebanon from the Lebanese people and engaged in war with Israel, and elected terrorist leadership in Palestine called Hamas. And these terror networks are coordinating and spreading and the threats are growing, and our way of life in the future will be at stake if men and women do not stand in harm's way on our behalf.

And you may say, well, that is over there on the other side of the ocean. But I will tell you when Hugo Chavez comes here and says what he said yesterday, and he is coordinating and communicating with these terrorist leaders from other countries, and identifying himself with them, standing with them, wanting to be on their team, and he is in our hemisphere, and through his oil he is trying to bribe and own other South American countries by lending them oil so they will be obligated to him, and he has a warped sense of reality, and comes and says these ridiculous crazy things like he said yesterday, we have threats.

That brings us to the southern border. Because I will tell you, our security in this country is critically attached to our ability to keep people that we do not want in this country from coming across the most porous place, and that is our southern border. I want to talk about that again in a moment, but right now I want to yield to a Member from Michigan who people from one side of the spectrum to the other here in this House look at as one of the most knowledgeable, intellectual, thoughtful, tough Members of the House, THADDEUS MCCOTTER from Michigan. I am so honored he came to the floor tonight to stand with me and go through this Special Order. The gentleman from Michigan.

Mr. MCCOTTER. Mr. Speaker, I thank the gentleman. For a moment there I thought you were introducing someone else. But I appreciate the compliment, however misguided it may be. We in America are so seemingly secure in our rights, our liberties, our God-given constitutionally recognized rights, that we too often cursorily scan our Nation's foundational truths which secure those liberties.

We also as a young Nation far too often have a disdain for history, because since our inception, our eyes always have been fixed forward, towards the progression of our Nation and the expansion of liberty to our fellow Americans. We also, because of the size of our country and its vast beauty, tend to overlook world geography and the relative situation of other nations to each other.

We cannot do that any longer. We cannot ignore the mistakes of past history. We cannot ignore the realities of geography. And we cannot ever endeavor to forget our own history. As the gentleman pointed out, we call each other in this house "honorable," and rightly so. For we are all people who have been elected to serve our fellow Americans.

And he rightly pointed out the remarks of the gentleman, the distinguished and honorable gentleman from New York (Mr. RANGEL). He could not have pointed to a finer example. Because Mr. RANGEL not only serves his Nation in this Chamber; Mr. RANGEL also is a decorated veteran who served his Nation in a foreign war.

I bring up history to Mr. RANGEL because like the gentleman from Tennessee and the gentlewoman from North Carolina, to Mr. RANGEL history has a way of revealing the elemental truths of a Nation to itself however unwilling we may be at the time to recognize them, for the very same Mr. RANGEL who defended our Nation abroad, had ancestors in this country who were enslaved by the government and the people of this Nation.

The gentleman from Tennessee and the gentlewoman from North Carolina and myself doubtless had relatives in the United States at the time of the Civil War who were sworn enemies who endeavored to kill each other.

☐ 1845

Yet because of the foundational truth of this Nation, we stand here today recognizing each other as honorable and joined in the peaceful resolution of our political disputes, because where there is liberty, there is a chance to transcend history to a better tomorrow. In our Nation's history, we have always done so.

When we look abroad, we can go back to the past of that great conflagration that emancipated a race and forged a more perfect Union, to what we are trying to do today. For it is by remembering that in the age of industrialization America could not endure half slave and half free that we realize in an age of globalization our world cannot endure half slave and half free.

When we face the grim contest, the unsought struggle in which we find ourselves against Jihadist fascism, which is more akin to a death cult than any governing political philosophy, we can trace the strain of our own trials and tribulations to ensure more perfect liberty to ourselves and to the efforts that young men and women of our military and our State Department and others are trying to expand throughout the globe, because we know that America's security rests in the promotion of liberty.

We face an enemy that seeks to enslave the globe under its warped worship of death. If we fail in the task before us in the Middle East, if we allow the newly emancipated people of Iraq, the newly emancipated people of Afghanistan, to be thrown to the wolves at their door, and allow Iraq to evolve back into a state sponsor of terror, if we allow the Taliban and its bloodthirsty ilk to again rule Afghanistan and turn female parliamentarians back into property, slavery will have consumed them, and our liberty will be imperiled.

When we look at the efforts of Ahmadinejad and Chavez, we see a common union between oppressors. We see that the Iranian President would seek to impose the oppression that he puts upon his own people, and his common link with the Venezuelan oppressor of his own people. It would be easy at this point in time to see Mr. Chavez is nothing but a third-rate Castro clone, but he is not, because while Mr. Chavez may seem to us to be a bit of a caricature, he is actually a very cunning individual, as is the President of Iran.

The President of Iran, I believe, has a very good grasp of geography. The President of Iran understands that while we have helped to expand liberty on the frontiers of Iran in places such as Afghanistan and Iraq, which have put nascent democracies on his doorstep, he needs only to look to South America to see the conditions of poverty and oppression that are rife within that continent and seek to prey upon them by joining league not with duly elected democratic governments that are out to better the quality of lives of their people, but he joins hands with Hugo Chavez to attack the President of the United States, to attack the United States of America, to distract both their citizens, citizens of both countries, from the reality that it is they who are oppressing them, not the United States, who is emancipating them.

If we look at our southern border and the absence of security, the comity between Mr. Ahmadinejad and Mr. Chavez is clear, and the danger to our security becomes clear. If we have, as some reports lead us to believe, indications of Jihadist fascism in South America, in Mexico, in other places, that are willing to cross the border, or joining with gangs to cross the border, it is painfully obvious to see that what the President of Iran will do is export his version of worldwide slavery, through the person of Mr. Chavez, with the assistance of the Cuban dictator Fidel Castro, and try to utilize our lax and porous southern border to help these individuals infiltrate the United States.

You see, we may not know geography, we may not learn the lessons of history of how dictators band together to attack free people, and we may be devoid of our own knowledge of our own responsibilities to each other and to our fellow citizens, but our enemies are not. Our enemies believe our strengths are our weaknesses. It is up to us to prove them wrong.

For as every generation of Americans before us, when faced with a challenge to their own liberty and security, have met that challenge directly, they have defeated it, and they have expanded liberty to their fellow human beings abroad.

I have no doubt we will continue to do the same, because as Americans it has been our tradition, and it is our duty, and we have never shirked from our duty as a free people.

Mr. WAMP. I thank the gentleman so much for his articulation of these problems, and the potential threats. Clearly our hemisphere could become a serious problem for us because of these relationships. If you don't think it's a global problem, you should follow what has happened in East and North Africa just in recent weeks where, in Somalia, one of the top al Qaeda members on our watch list is put in charge of the Government of Somalia.

The Sudan is a meltdown, there is a vacuum: Algeria, much the same. Just last week, for the first time, our country established a U.S. military command in northern Africa. Why? Because there is a vacuum in leadership.

What interests do the terrorist networks have in a vacuum of leadership? That is what they had in Afghanistan. The Taliban took over Afghanistan because there was no leadership, and it gave them a sovereign nation from which to operate.

Frankly, one of the elemental factors in my decision to vote to remove Saddam Hussein by force was to make sure that in the heart of the Middle East we didn't give them another sovereign nation from which to operate, and we sure don't want to let them come into one of these areas in northern Africa and take over a country like they did Afghanistan.

You know, it was a crafty way that Hezbollah took control in Lebanon. Go in with some money backed by Iran, money and oil revenues, and basically put people to work, make them obligated to you. Frankly, it is the same kind of thing that Castro did years ago with communism in Central and South America. Meet them at their point of need, make friends with them, and then put them to work for your way of thinking, dictatorial; speaking of imperialism, repressing all human rights. You know, I tell you what, I daresay that people in Venezuela don't have the right to speak there as Chavez spoke here in just the most blatant way. These threats are real. No one, no one likes war.

John Stuart Mill said this: War is an ugly thing, but it is not the ugliest of things. He said the decayed and degraded state of patriotic feeling which thinks that nothing is worth war is much worse. He said a person who has nothing for which they are willing to fight, nothing they care more about than their own personal safety, is a miserable creature, who has no chance of ever being free, unless those very freedoms are made and kept by better persons than himself, end quote.

Those better persons are the men and women in uniform of our Armed Forces, who every single one volunteered to serve our country; whether in the Guard, Reserve or Active Duty, every single one of them volunteered to stand in harm's way on our behalf.

The President of the United States believes deep in his soul that this mission must be carried out and completed, and I agree with him. It is so important, especially right now, with all of these voices in the world and all of these people jockeying for legitimacy and position, that we are not in retreat, that we follow through on our commitments, that we don't leave the people of the Middle East wondering if America has all of a sudden, for the first time in 230 years, lost our heart, lost our backbone, our resolve.

We can't afford to fail in Iraq. No matter how you voted, or no matter how many mistakes have been made, or no matter how you spin it, we can't afford to fail. We can't afford to retreat. We can't afford to leave early. There is a lot at stake. The enemy is real. The enemy is all over the place.

I am a member of the Homeland Security Appropriations Subcommittee, have been since we established the Department of Homeland Security. Some things I can say, some things I can't say. There are a lot of people in this country we don't want here, because we are free, because there are 2,000 miles along the Mexican-U.S. border, because there are 5,500 miles along the Canadian-U.S. border, because there are 12,000 miles of U.S. coastline, because there are 328 million people that come across our land border crossings each year, because there are 71 million people that come in through our international airports from all over the world. There are 157 land ports of entry.

We have a lot of people coming and going from this country, and now there are a lot of people in this country that, the truth is, we don't want them here; that because we are a free country and they haven't yet done anything wrong here, we don't remove them. We don't line them up and ship them out until they do something wrong. But I have got to tell you, we are watching them, because the threats are real.

Hezbollah is the A team in terrorism. They are the source of the conflict between the Lebanese, well, actually, between Hezbollah and Israel in Lebanon, because they pirated the country from the Lebanese, not their fault. That was a huge conflict 2 months ago. Thankfully they are not warring today, but that is Iranian-based, started next door to Iraq, still the source of the terrorist insurgents into Iraq.

These threats are real, they are global, and we have to watch our own southern border.

Let me continue on the southern border. There is a lot of talk about immigration reform, and we need to continue to carry it out. But I will tell you, the American people just want to see that southern border that I mentioned was 2,000 miles long secured. But one thing that we haven't had much help in is the word getting out of what has happened, because I want to tell you, as a member of that subcommittee, what has happened in the last 12 months, because there has been a serious effort under way to secure the southern border in the last 12 months.

Last week our chairman, Hal Rogers from Kentucky, gave testimony to our entire leadership at a hearing, and I attended it, that is really compelling. One of the most important things that the Department of Homeland Security has done is they ended the policy that had evolved from 20 years back that was known as catch and release, and replaced it with a new policy called catch and return.

Now, catch and release said that if you were an illegal immigrant coming across our southern border, and you were apprehended, you would be arrested for a misdemeanor charge of illegally entering the United States and released on your own recognizance depending on your open court date, and people obviously would not come to court. So thereby people would gain into our country and disappear into our country and probably get a bogus Social Security card so that they could be hired by somebody, and that would constitute the 12 million illegals that we have here now.

We stopped that policy. In the last 60 days, 99 percent of aliens apprehended along the southwest and northern borders are detained and removed from this country. So catch and release was replaced by catch and remove. A year ago, it was 34 percent were sent back to their country of origin. Today it is 99 percent, a huge change in the culture.

Now, let me tell you what that act says, and the gentleman in the chair knows that better than anybody because of his background. It acts as a deterrent. What you want in law enforcement is not a perfect system that catches every single person every single time; you want a deterrent that is raised a level at which it keeps things from happening because most of the people get caught.

This is an effective deterrent, because word has spread back through Central and South America that if you go to all the hassle of getting to the southern border, and then somehow you get across, I am going to tell you in a minute that is not as easy as it used to be either, and you get caught, you will not be released into the United States of America. You will be held and then sent back to your country of origin. Once that word spreads, a whole lot less people come because they don't want to go to the hassle and the risk of dying or being injured or whatever, and then not be released into our country.

But it was so easy for so long that it happened so often, and we ended up with 12 million. As a matter of fact, in July of this year alone, our Border Patrol apprehended 66,000 illegal aliens along the Mexican border, a staggering number in 1 month, 66,000 illegal aliens.

□ 1900

But, guess what? That was 31,000 fewer than the previous year in the same month. Word is getting out: we are not going to allow you to stay; don't come here illegally.

Yet we are going to come up with, I believe before the end of this year, not only strengthened border security in a meaningful way, which is well under way with 6,000 National Guard troops. $21.2 billion has been spent on the southern border in the last 12 months. $21.2 billion, on everything from agents to detention beds.

We now have 13,000 agents and 4,000 new detention beds, 1,500 new Border Patrol agents, for over 13,000 agents and 6,000 Guardsmen. That is 18,000 people on the southern border, catching these people by the minute and sending them home and getting the word out: you are not going to be released into this country. It is an effective deterrent. Things are changing.

But I do believe by the end of the year we are not only going to have additional legislation to continue the fence, sometimes it is visible, sometimes it is not because you can have a protective barrier by using the latest in technology depending on the frequency of people coming, but we are also, I believe, going to come up with some kind of a guest worker plan, so that the work gets done in agriculture, in construction, that needs to be done; but everybody is going to know.

You have got to identify yourself and have a real card, biometrically certified, that this is you. Employers are going to have a period of time to comply, or there will be serious enforcement. I believe we are going to deliver this whole thing by the end of the year.

But the border is much more secure than it was a year ago. Tremendous progress has been made.

More Members have come to join me. When the gentleman from Texas is ready, I want to yield time to him, because few people have the experience that he has, both in the law and being from the State of Texas on this particular issue of border security.

Let me also say that the Department of Homeland Security is going to roll out this month, in September, a multibillion dollar border security technology and tactical infrastructure program called SBI Net, a program that is committed to obtaining control of the borders within the next 5 years.

What they are doing now in the Science and Technology Directorate at the Department of Homeland Security under the incredibly capable leadership of Admiral Cohen is deploying finally all the abundant technology that we have. Even Thomas Friedman, who wrote "The World is Flat," has had to amend his book to say, I overlooked a lot of technology that exists in this country.

We are now taking that technology to the border to put it to use through the Department of Homeland Security to secure the border and biometrically certify people.

Now, we don't want a national ID card, but we want people who are coming here to work to have a card that shows that is them. I believe that is going to be part of this more comprehensive solution. I don't want to even use the word "comprehensive solution," because the Senate passed a bill earlier this year that they called comprehensive immigration reform that is going to cause many, many, many more problems than it is going to solve.

So we don't want to be associated with that comprehensive approach. We want to say that we want a guest worker plan with border security and get it done, and we are getting it done.

Mr. Speaker, at this time I yield to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. I thank the gentleman. I appreciate the time, and I appreciate your calling attention to so many of these important issues. We have heard today that there is an agreement between the White House and the Senate on the issue of interrogation.

It has amazed me, Mr. Speaker, that so many people that work here in the Capitol, most of them down at the other end, have not understood what really goes on. You would have thought, especially someone who had been a POW, would understand what people like my hero, former POW Sam Johnson, understands, that, as he has pointed out to me, Korea signed on to the Geneva Convention, Vietnam signed on to the Geneva Convention, they did not observe it at all. Yet we had people in this Capitol saying, gee, we have got to be careful because it might cause mistreatment of our troops.

All you got to do is look around, look at the news, read the news. Our troops have been, are being, mistreated. When you stick a knife and cut the guy's throat and head as he is screaming, that is not somebody that observes the Geneva Accords. We don't do that kind of thing. We never have, never will. But we are in a war for our survival.

One of the things that has probably amazed my friends on this side of the aisle is we have heard even from a former marine lambasting current active duty marines as being cold-blooded killers, as saying the Defense Department is all engaged in this coverup. They need to give credit where credit is due.

I spent 4 years in the Army, and I can tell you having visited troops around different spots in the globe and the country, we have the best fighting forces, men and women, ever in our history; and they deserve better treatment than they have been getting. Oh, yes, we hear, oh, we support our troops, and in the same breath turn around and lambaste them.

So if it would be permissible, I would like to pay tribute to one more. I did this last night, a man that won the Congressional Medal of Honor for his bravery and heroism. I would like to pay tribute right now to another gentleman. I have been asking for information on people that won our Nation's highest awards, to pay tribute, as a contrast to what some of our friends across the aisle have done in lambasting and criticizing so unfairly our troops.

Tonight, I would like to recognize another true American hero. On October 28, 2005, Dallas native Captain Joshua Glover was presented this Nation's third highest award for valor in combat, the Silver Star Medal.

The 2001 Naval Academy graduate received his award in Washington, D.C. from the commandant of the Marine Corps, General Michael Hagee.

Glover received the award for conspicuous gallantry and intrepidity in action against the enemy while serving as 81mm mortar platoon commander with Weapons Company and quick reaction force platoon commander, 1st Marine Battalion, 5th Marine Regiment, 1st Marine Division, in support of Operation Iraqi Freedom on April 13, 2004, in Fallujah.

That morning, First Lieutenant Josh Glover led and directed his platoon through enemy lines to recover classified material from a downed CH–53 helicopter. As the sun came up, they started receiving incoming fire, including a mortar fire explosion that created three casualties.

With wounded marines, Glover got permission to return to base. On the way back, the convoy ran into between 30 and 40 insurgents hiding in reeds, irrigation ditches and standing by the road firing from the hip. As they plowed on, one of the Humvees was hit, wounding several more marines, which also included one fatality.

Running on flat tires, the convoy made its way back to base, only to be sent out again 7 hours later. Despite losing one of their own that morning, Lieutenant Glover's marines were ready to go again under his command.

About 15 marines were trapped behind enemy lines after insurgents hit their amphibious vehicle with several rocket-propelled grenades, killing one marine and wounding two others. Under heavy insurgent fire, a rocket-propelled grenade, or an RPG, was shot at Glover's vehicle at close-range and thankfully missed.

Glover and his marines found themselves up against a company-sized Iraqi force along the enemy's main line of resistance where as stated in the Silver Star citation: "He repeatedly exposed himself to enemy fire as he engaged enemy targets at point-blank range while directing the rifle platoon's relief and coordinating recovery operations."

Ultimately, Lieutenant Glover and his marines fought their way through to the marines trapped and were able to get them and the slain marine's body out.

When asked about the war, Lieutenant Glover humbly diverted attention away from himself and said, "I received this award because of something we did as a platoon. I am really proud of what we accomplished that day."

He said, "When you are in combat, I think you do it for your fellow marines. You know you got 60 reasons why you have got to do it well."

While the battle for which Glover was awarded was a success, he feels the enormity of the price that was paid. "I lost a marine that day, as did another unit in the battalion. We cannot separate the victory from the loss, and I think we need to do our best to make them and their families proud."

In addition to the Silver Star, Captain Glover has also received two Purple Hearts, a Navy Achievement Medal and a Navy Commendation Medal, both with combat distinguishing device for valor. He served three tours in Iraq.

Mr. Speaker, it is an honor to stand here tonight and share this story of heroism, bravery and humility. Josh Glover, like so many others fighting alongside him, represent the best of the best. That is the kind of story America needs to hear, not predetermined judgment of our fine troops. They deserve our support, not just in lip service that, oh yes, we support the troops, but are they ever a bunch of cold-blooded killers. That is not support. That is both condemnation and hypocrisy.

So it is an honor to stand here with my colleagues, Mr. Speaker, and pay tribute to our troops. They are not only protecting freedom, they are spreading freedom, and we ought to thank God for them, as we do, and thank God for our freedom, thank God for our liberty, and thank God for the opportunity all of us have to serve.

Mr. WAMP. I thank the gentleman from Texas. I want to yield again to the gentleman from Michigan.

Mr. McCOTTER. Mr. Speaker, I know our time is short. I thank the gentleman.

I wish to emphasize why, as the gentleman from Texas pointed out, our border security efforts to date have been a good step, but they must be increased.

History shows us that once before an enemy of the United States, the communist Soviet Union and its Bolshevik dictators, joined league with the communist Castro on the island of Cuba to plant nuclear weapons 70 miles off the United States shores.

What a sad irony in history it would be for the United States today to see a dictator in Tehran join league with the oppressive dictator Mr. Chavez in Venezuela to potentially place nuclear devises within America's borders.

I think we should look back to what President Kennedy talked about when he addressed the Cuban missile crisis in order to steel ourselves for the struggles ahead. President Kennedy pointed out that America does not keep its word only when it is easy. America does not keep its word only when it is easy. And while the price of freedom is always high, Americans have always paid it.

I am convinced that if we learn from the lessons of histories and from the successes of individuals like President Kennedy, from his commitment to defending this Nation, to the expansion of liberty, we ourselves will see the day where both Cuba and Venezuela and the people of Iran are free.

Mr. WAMP. I thank the gentleman, and in closing, let me say this. I am not the most partisan person here at all. As a matter of fact, I don't think either party has an exclusive on integrity or ideas. I grew up a Democrat, and now I'm a Republican.

Argue with us about the role of the Federal Government in education and whether it is best at the local level, the State level or Federal level. Argue with us whether the health care system should be turned over to the government or private.

But don't argue with us whether we are fighting these threats of global jihadism and whether we unite anymore at the water's edge in defense of liberty. Don't argue with us on that. Join us. Be patriotic and honor the sacrifice and the legacy of the Greatest Generation.

THE NEW DIRECTION FOR AMERICA

The SPEAKER pro tempore (Mr. REICHERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House once again. I would like to thank the Democratic leadership for allowing us to have this hour, the 30-something Working Group. We come to the floor for the second time tonight to share the new direction for America.

There is great reason to promote a new direction for America, especially as it relates to our actions near the U.S. House of Representatives.

I don't want to take any great deal of responsibility for what is said or what is done in the White House, because I am a Member of Congress, and Article I, section 1 authorizes us to take legislative action. Also within our rules and the spirit of our rules is to have a level of oversight and also investigative powers here in the House.

There are a number of things that are taking place in our country that have been pushed forth or have been rubber-stamped by this House out of the administration that should not be, and we want to make sure as we start talking about our new direction for America, especially on the Democratic side of the aisle, that if we are in control we look forward to working in a bipartisan way, making sure that Republicans who do want to be a part of this new direction can definitely participate in that process if it is within the spirit of making sure that we have real security here, here in the United States as it relates to implementing the 9/11 Commission recommendations.

□ 1915

Also, making sure that we have better pay for jobs that American workers carry out day in and day out. The minimum wage has not been increased through this Congress and through the White House since 1997. It is very unfortunate that we do have some Members on the other side of the aisle that are willing to vote for pay increases to Members of Congress, including Senators, but not pay increases or a minimum wage increase for the American people, which we have said on this side of the aisle that one of the first actions of the Congress, of the Democratic Congress, would be to make sure that we move the minimum wage to $7.25.

Making sure that we deal with the cost of the increased college tuition that has been brought about through this rubber-stamp Republican majority. We are willing to reverse that and make sure that we give tax deductions to those that want to educate themselves and those family members who want to assist in that process, making sure that we expand Pell Grants. A lot of promises were made right up here at this podium just below your podium there. Mr. Speaker, the President made as it relates to the expansion of Pell Grants, and that has not happened. It has decreased in many ways.

Energy independence. It is important that we do this. Just today I was watching the evening news talk about how some billionaires in other parts of the world and here have invested in an initiative of the Clinton Foundation as it relates to making us energy independent. Some $10 billion of the president and CEO of Virgin Airlines has put in over the next 4 or 5 years to make sure we can look for alternative fuels. These are private citizens that are now stepping up to try to look for alternative fuels because they have seen what it has done to the United States of America.

Since the Congress does not want to rein in big oil companies and wants to have a special relationship with big oil companies where they receive more subsidies than they will ever receive in the history of the Republic, and also higher profits and the highest profits that they have ever experienced in the history of the world, leave alone the United States of America, and still there is no legislation that is really promoting alternative fuels through this House.

We are dedicated and committed to making sure that not only the research, but making sure the access for E85, using coal and other alternative fuel initiatives, to make sure that we invest in the Midwest versus the Middle East. And what is happening right now, the Republican Congress is voting to invest in the Middle East versus the Midwest.

Making sure that health care is affordable for every American. I think that is very, very important. Some people may say, well, Congressman, you are talking about individuals. We are not talking about individuals. We are talking about small business having an opportunity to provide health care for their employees. We are talking about companies as big as Ford having a plan to lay off or a plan to have early retirement for many of their employees, mainly because of health care costs, of what it is costing big companies here in the U.S. and small companies as they go to provide opportunities for their workers.

And looking at the issue of balancing the budget, I think that is very, very important as relates to bringing this out-of-control spending and borrowing Congress. The Republican majority has borrowed more money from foreign nations in 4 years than in the history of this country. No other time, 224 years prior to this Republican administration that we have now and the rubber-stamp Republican majority that we have here in the House, no other time in the history of the country, this is not our numbers, these are the numbers of the U.S. Department of Treasury, that we see that kind of activity taking place.

We are the only party, Mr. Speaker, I must add here, in this House that has actually balanced the budget. Other people can talk about it. We have actually done it. If there was a job interview, and the Republican Conference versus Democratic Caucus and individuals talk about balancing the budget, the qualifications are clear that here on this side of the aisle, without one Republican vote, I do not like to say that, but without one Republican vote, that we balanced the budget. It is what it is. It is history, and it could be the future as it relates to this House if allowed to lead this House by the American people.

Also, when we look at the Social Security, we talked about this in our last hour. There are a number of Republicans and also the President has just said if he gets the kind of rubber-stamp Congress he has right now, he is going to continue to celebrate in moving towards the area of privatization, privatizing Social Security. That is not what I am saying. That is what the President has said. So I think it is important for people to understand that.

On this side of the aisle, there was about 1,000 town hall meetings that took place in districts throughout the country, and we went to other parts of this country to have town hall meetings where other Members would not have town hall meetings on this issue, along with a coalition of a number of groups that were out there that were concerned about Social Security not only for seniors, but also making sure that we have survivor benefits for those that have passed. They had paid into Social Security so that their family members would be able to educate themselves, and those individuals that were on the job and all of the sudden were injured on the job, regardless of what the benefits of the job, Social Security was there to give a little bit towards making their lives somewhat livable.

And through the privatization scheme that Republican majority, rubber stamp, along with the President of the United States, who flew all around the country and tried to sell, and the American people still said no, taking us through that process all over again versus trying to balance the budget and go back to the years when the Democrats were in control. We actually balanced the budget, and we saw surpluses as far as the eye can see and a healthy future for the Social Security Trust Fund. That is not Democratic talk. That is American talk. And guess what? It is action, and it was action.

What we are hearing now is a lot of we want to cut it in half, we think we are going to cut the budget in half, we believe that we are going to do the better job versus the other person. I mean, you can talk about the issues.

You want to talk about border security, Mr. Speaker, Republican majority, we can talk about it. They said the American people are fed up. Well, how did they get fed up? And how do we get to the point that they got up to 80 or 90 percent of some of the things I heard here on this floor today; how did they get there?

I guess some members of the Republican majority come and say, well, it is the Democrats' fault. We are in the minority. We do not have the power to bring legislation to the floor, to be able to have real border security, because if we had the power, Mr. Speaker, when the 9/11 Commission report and recommendations were sent to this House and to this Congress and to this White House, we would have 6,000-plus more border agents right now on the border. We would have a real strategy. Maybe we would save $429 million that was wasted in monitoring the border in cost overruns and scandals that the inspector general, Department of Homeland Security, has identified. I am talking fact, not fiction. Maybe, just maybe, the new plan that has just been released to a U.S. company for $2.5 billion would have the oversight that they have and also have agents that can respond to monitoring our borders. I mean, we are understaffed as it relates to law enforcement on the border.

Meanwhile, the Republican Congress wants to do everything that they have done thus far and passing responsibility and unfunded mandates to the State and also to local parishes and counties and cities to say that, oh, yeah, we will give you the authority to carry out our function. Meanwhile, while the police officer and the first responder, Mr. Speaker, I must say that I was once a upon a time in life as a State trooper. Goodness, we had enough to deal with not only enforcing the laws of the State of Florida and local ordinances there, but at the same time now I have got to become a border agent because the Republican Congress decided to shortchange me, but allow these big companies to run away with the lack of oversight.

The headlines of the Department of Homeland Security is not today, Mr. Speaker, about how secure in America. It is about how someone ran off with a contract, how we overspent as it relates to Katrina contracts, how we continue to have overspending and lack of accountability in the war in Iraq.

All of these issues, the cost overruns. I went over to the Department of Defense. There is a lot of stuff over there, but I am saying cost overruns and the lack of oversight as it relates to the Department of Homeland Security, and I am a member of the committee, trying to bring about change, but guess what? I am in the minority. The only thing I can change here is that the Members, I am almost done, Mr. Speaker, in trying to encourage the Republican majority to see the light, like the 9/11 Commission and first responders throughout this country have seen the light and survivors of 9/11 families have seen the light, of saying just do what we have laid out, the work product from the 9/11 Commission.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman would yield, this is what it comes down to here. Here is the war in Iraq costs, okay? So when you are talking about whether it is homeland security, whether it is the cargo or whether it is the planes, whether it is the first responders, whether it is the kind of technology that we need, all of these other issues, here are the costs, Mr. Speaker: $8.4 billion per month we are spending in Iraq; $1.9 billion per week in Iraq; $275 million per day; and $11.5 million per hour.

So when you are looking at what we need to spend on and what the costs are here, whether you are a Democrat or you are a Republican, Mr. Speaker, we can agree that this money that has been spent to the tune of $400 billion, and when you look at the projection for war spending in Iraq over the next few years, when you look at what we are going to spend and you look at the situation that we are in while we are in Iraq right now, we are in the middle of a civil war. So we are basically dumping good money after bad, getting misinformation from the administration.

Here are the projected costs for the growing cost in Iraq in billions of dollars, and we see in the blue over there about $318 billion, getting close to $400 billion. And you look at the projection out into the future, talking about $500- or $600 billion, getting close to $1 trillion we are going to spend in Iraq, Mr. Speaker.

When you look at the cuts that are going on here at home, when you look at the lack of investment here at home, we can all say that what value are we getting from this investment into Iraq, which are in the middle of a civil war? We have ethnic groups fighting with each other, with the United States in the middle. The number of terrorists are going up. The number of incidents in regards to American soldiers and international forces and Iraqi troops there, all going up.

This is not getting better, it is getting worse, and we have some 84 or 85 former members of the national security saying that we are losing the war in Iraq. We are certainly not winning it. It is time for us to reevaluate, and I think Mr. MEEK and myself and Mr. MURTHA and Mr. SKELTON and the members of the Armed Services Committee are saying let us have some oversight. Let us have real hearings, because how can you have the Secretary of Defense, who is in charge of this whole operation, still be in place, failure after failure, bad intelligence, bad information, lack of a plan, and at the end of the day, you may be able to accept all that, but 2 weeks ago, about a week and a half, 2 weeks ago, when it all came out that the Secretary of Defense was quoted as saying that he would fire, Mr. Speaker, the next person who asked him when are we going to come up with a postwar plan, when are we going to come up with a postwar plan. And one of the main provisions for going to war is how are we going to get in, what is the strategy, and the most important question, how are we going to get out.

This Secretary of Defense said he does not have a plan to get out, and the next person that asks him in his inner circle about having a plan, they are going to be fired. Now, that is not leadership.

Then we get caught in these situations, and we have, it is like if something is going wrong, we have to get a new banner we put out and a new slogan that we put out and mission accomplished. That is unfair to the American people.

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Because the lack of oversight, the lack of review, the lack of account. And it is amazing to see how poorly this has been executed and no one has been fired. Nobody has been fired.

And so we call upon the Republican Congress to execute their constitutional obligations, Article I, section 1 of the Constitution that creates this body we think needs to provide the kind of oversight. And it is not a coincidence. No one can be appointed to this body. You have to run. You have to be directly elected to this body. If something happens to a Senator, they resign, they pass away, a Governor can appoint. You can't get appointed to the House of Representatives, Mr. MEEK. You have got to run; you have got to get elected.

And so the costs are there. Mr. Speaker. All those billions of dollars. And when you compare those costs to what we could spend that money on here in the United States, it is baffling, it is mind-boggling.

Mr. MEEK mentioned the Homeland Security Department, $33 billion for a year. That could be paid for, our homeland security budget could be paid for with 4 months of spending in Iraq. How about equipping commercial airlines with the proper defenses against shoulder-fired missiles? $10 billion. That could be paid for by 5 weeks in Iraq. And on and on and on.

Now, a lot of our cities, I represent Youngstown, Ohio; Akron, Ohio; Warren, Ohio. A lot of the issues we face back home are the issues of cops and making sure we have police on the beat. And a lot of these local communities, very poor, they don't have the necessary resources, Mr. MEEK, to fund the police and fire. There are always levies going on the ballot getting shot down. We could double the COPS program which provides community policing grants. We could double the COPS program, $1.4 billion a year with 5 days in Iraq.

So you want to talk about homeland security? You want to talk about making our neighborhoods safe? Just a few weeks in Iraq, we could be able to fund this program.

Mr. MEEK of Florida. Thank you, Mr. RYAN. The COPS program is something that the Association of Police Chiefs wants; it is what the Association of Sheriffs wants. It is something that local communities, Mr. Speaker, they want it. The cops support community-oriented policing support from the U.S. Congress.

Now, if 20 percent or 10 percent of that funding is in place, it would be shocking, and it is not there. As a matter of fact, in many areas it has been zeroed out. And so this is where people get an opportunity to see its government at work: bike patrols, preventing crime before it happens. I think it is very, very important.

Mr. RYAN, because we believe in third-party validators in the 30-something Working Group, I just wanted to take out the Washington Times, by no stretch of the imagination the liberal paper, because as the Republican majority always talks about, you know, when I was in Florida, they had this caucus called the Freedom Caucus, and they wanted to be conservatives.

But I just wanted to say that I think it is important that we bring third-party validators, not just fiction, but third-party validators. The Washington Times. It is an article. I guess Members can go online, July 9 of 2006. I take this stuff and I read it, and I make sure that we get it to be able to bring out in such a time as this.

Here is an article right here: "Social Security Battle." The President is quoted here saying: "If I get a Republican Congress," okay, "I am going to rekindle the fight to privatize Social Security." He says it right here. I didn't go in the back and print this up. He says it right here. And I think, Mr. Speaker, that it is important that we identify those issues and that we bring it to the floor and we also share with the American people.

I guarantee you, there is not one Member of the Republican conference that is going home that is having a town hall meeting, because very few took place, as it relates to the privatization of Social Security, since it was so unpopular. I guarantee you, while we all go back to our districts and ask our constituents for their vote and for their vote of confidence, that nowhere in campaign literature that may be printed are we saying, I support the President in privatizing Social Security.

Well, you know why that is not the case, Mr. Speaker? It is because it is so unpopular, because the only people that have a guaranteed benefit in a Social Security privatization plan is Wall Street, over $535-plus billion. I believe the GAO just came out with a report recently. And also I stand here, Mr. Speaker, I mean, we come to the floor to do business. We don't come to the floor to play around and whatever, picking things out of the sky saying that we believe or are using fiction and all. Here is something right here. Members can go on WWW.house.gov/waysandmeans—democrats where you can get this report here of "Social Security Privatization, A Continuing Threat." And it quotes the Governmental Accountability Office and what they found. And here is a copy of the GAO report, just a summary right here, just some points, confirming that the impact of the Bush plan would result in a benefit cut. And I think it is very, very important that people understand that and that you understand that benefits will be cut.

We had some folks here on this floor, Mr. Speaker, it happened in 109th Congress, all of us here in this Chamber right now. And those Members in their offices know full well that people came here to the floor and said, you will not experience a benefit cut.

It is not about the special interests getting what they want, Mr. Speaker. It is about the American people getting what they need and what they deserve. Because special interests is not paying into Social Security, when you look at what the average American has to pay into Social Security. And then we are going to privatize it so that others can benefit off of social security benefits for the American people?

If you drive an F–10 or you drive a flex vehicle, this is your issue. If you are an American worker and you got injured on the job and you are on disability, this is your issue. If you are a retired American or coming close to retirement, even though you may have a pension or a 401(k), this is your issue.

Because this is what the Federal Government has said, that we have your back on Social Security. When all else fails, when Enrons of the world take place and when all these kinds of things take place where people thought that they were going to have something and they don't necessarily have it the way they thought they were going to have it, one thing that they can count on, Mr. Speaker, and that is Social Security. One thing that they can count on.

So when we start talking about privatizing Social Security, there were going to be some very happy special interest folk that for Medicare thought that they were going to be able to bank in on the sweat and sacrifice of American workers and taking that Social Security benefit and put it into some sort of stock exchange scheme, and to say that, oh, we are going to let everyone have their own students. And they really went after young people.

And I want to commend a number of people that need to be: Rock the Vote, and different coalitions that were out there that worked so very, very hard. And the 30-something Working Group, Mr. Speaker, we came to this floor night after night and day after day commending those organizations, as we moved down the line. The AARP and a number of other groups were out there against this.

And, now, for the President, after being defeated by the American people and by the Democratic minority, I must add, here in this House, by defeating the Republican majority that was willing to walk in lock step and rubber-stamping what this Republican President, and regardless if it is a Republican or Democratic President, there is something fundamentally wrong when you have a President that can say yes in the Oval Office. And that the U.S. Congress, forget about Article I, section 1 of the U.S. Constitution, forget about what is here.

The President can say, yeah, we can do it. Just like Vice President CHENEY and his aides had the conversation with Big Oil executives in the White House who cut a deal on energy in 2001, gave them a head nod there in the White House, and then came to Capitol Hill and got exactly what they wanted that then turned around in record-breaking profits, oil companies. Here it is right here, Mr. Speaker. Like I said, we come to the floor to carry out business on behalf of the American people. We don't come here, somebody hand us a sheet and say you start reading this, this is what we want you to read.

Look at these profits. A meeting happens in the White House. I know I have my article here somewhere, and I will pick up the article on the back end of this chart. It happens in 2001. In 2002, $34 billion in profits for Big Oil companies. 2003, $59 billion. 2004, $84 billion in profits. Record-breaking. 2005, $113 billion in profits, and climbing, Mr. Speaker.

Profits, Mr. RYAN and I always say, is not a dirty word. But let me tell you what makes it disgraceful, dirty and unclean, if I can double describe things here, is the fact that the American people at the same time these profits were taking place were paying through the nose, and still in my opinion paying through the nose, for overpriced fuel and for overpriced gas here in the United States, need it be heating oil, need it be diesel or what have you. And the American public is paying for this because now trucking companies have a fuel surcharge on it, and so not only are you paying at the pump, you are paying at the grocery store and you are paying at the department stores.

Again, third-party validator, and I am going to yield over to Mr. RYAN here in a minute, is the fact that we have the White House documents. Here is a Washington Post story, 2005, November 16, front-page article. This is the kind of stuff you save, Mr. Speaker. You don't like, oh, read it and then put it somewhere off to the side in the recycling bin and let it go. You keep this because you want to remind your colleagues on the other side of the aisle that you know exactly what they are doing to the American people:

"White House documents shows that executives from Big Oil companies met with Vice President CHENEY's Energy Task Force in 2001." It goes back to the chart that I just identified here, "something long suspected by environmentalists but denied as recently as last week by industry executives testifying before Congress."

That is okay if the Congress doesn't want to hold their feet to the fire and hold them in contempt, but folks thought they were going to jail. And these are our constituents that are paying through the nose. Meanwhile, we are letting them out the door.

The document obtained by The Washington Post shows that officials from ExxonMobil Corp., also Shell Oil Company, BP of America met in the White House complex with Cheney aides who were developing national energy policy, parts of which became law, parts that are still being debated here in Congress.

Mr. Speaker, I rest my case. I don't need to come up with any slick slogans. I don't need to talk to anyone about what will sound good on the floor. I don't need to do that. I can walk through these Halls of Congress with great confidence. I sleep well at night because I know we are here saying we are willing to put this country in a new direction, we are willing to deal with real energy-efficient ways of dealing with fuel and alternative fuels.

Last point, Mr. RYAN. This is what happens when you have a rubber-stamp Congress and special interests that reach right into the legislative process here, or the lack thereof. Here is ExxonMobil. I didn't do this; this is what they have done.

You have the regular, special, super plus. You have got a couple of prices there. Here is the E-85 here. Here is the little sticker that is on the pump: "Cannot use your Mobil credit card." I am even going to say, "Non-Mobil product." Some might say, well, if we just put "cannot use your Mobil credit card" and leave that "non-Mobil product" off, then someone may say, well, that is a little bit too unfair. But I think it is important as we look at this, if you can walk into a Mobil station and buy a bag of chips or a carton of cigarettes or 10 gallons of milk with your Mobil credit card, which you can do, then why can't you buy E-85, an alternative fuel that is going to help us continue to invest in the Midwest versus the Middle East and help us towards energy independence? Mr. RYAN.

Mr. RYAN of Ohio. I want to thank Mr. MEEK.

There is no question about it, Mr. MEEK. And whether you are dealing with the environment, whether you are dealing with the oil industry, the energy industry, whether you are talking about the pharmaceutical industry, you have got it. And I think Mr. Gingrich has said it best.

And we are joined with a guest here, a special guest for the 30-somethings. And I just want to share, Madam Leader, real briefly, on July 13 what even Newt Gingrich is saying, the third-party validator, Mr. Speaker, about lack of leadership here in the United States Congress.

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He said, "When facing a crisis at home and abroad, it is important to have an informed independent legislative branch," created by Article I, section 1 of the Constitution, "coming to grips with this reality and not sitting around waiting for Presidential leadership."

It is time for this body to step up and start leading. And with that I yield to our fearless leader, Ms. PELOSI from California.

Ms. PELOSI. I thank the gentleman for yielding. I thank you, Mr. RYAN of Ohio, Mr. MEEK from Florida and Ms. WASSERMAN SCHULTZ, the cochairs of our 30-something Working Group, for the boundless energy that you have expended, the tremendous intellect and the great commitment to a new direction and a better future.

Our 30-something Working Group has been an inspiration to Congress and invigoration to us all, and I join as a mother of 30-somethings, and in thanking you for what you have done.

It is appropriate that the 30-something Group is advocating advancing in a new direction because this new direction is absolutely essential for young people in our country. Our 30-somethings are committed to a better future for all Americans. So is our new direction, a new direction for all Americans, not just the privileged few.

We can begin with our Six for '06, to make America safer. We will begin by passing the 9/11 Commission recommendations. We have just observed the fifth anniversary of 9/11. Here we are 5 years after 9/11. The Commission is giving the Federal Government Ds and Fs and incompletes for implementation of their recommendations. The first day of Congress we will pass the 9/11 Commission recommendations and make America safer.

We will make our economy fairer, and we will begin by passing the minimum wage. We can do it next week. The bill is in the hopper. To make our economy fair, we can pass the minimum wage, and certainly not have Congress have any increase in its salary until there is an increase and unless there is an increase in the minimum wage.

We can also remove the incentives for companies to send jobs overseas. Imagine taxpayers are giving incentives for companies to send job overseas. We will end that.

We will make colleges more affordable. It is important to broaden the opportunity for a college education, and we will begin by making college tuition tax deductible and cutting in half the interest on student loans.

We will make health care more affordable, and we will begin by allowing the government to negotiate for lower prices for prescription drugs.

And we will promote stem cell research. That is better for a healthy America.

We will move towards energy independence that our colleagues were talking about here. We will begin by repealing the subsidies that have been given to big oil and big energy companies, and instead use that $18 billion for research in alternative energy resources.

Every day that we are here, we will work for a dignified retirement by preserving Social Security, protecting pensions and encouraging savings for America's seniors. This we will do within the first 100 hours of a new Congress, given the opportunity. But we could do it now even before Congress leaves. Instead, we have a do-nothing, rubber-stamp Congress.

I see the rubber stamp here. Here we are just a few days from the end of the fiscal year, and this Congress has still not passed the budget for this fiscal year. How could it be, a week before the end of the fiscal year, and this do-nothing Congress has not even passed the budget?

In addition, we have a crying need in our country for comprehensive, bipartisan immigration reform. We certainly are not moving in any direction to make that possible.

The list goes on. We haven't finished our appropriations bills. We shouldn't leave here until we have an increase in the minimum wage.

But when we return, and hopefully with a verdict from the American people, we will get about the people's business, the issues that are relevant to the lives of the American people, their jobs, their health care, their economic security, the health care for their families, the education of their children, safe America, safe neighborhoods and a secure America with energy independence.

We will do all of this from the very first day with integrity. Our first rule that Members will vote on will be for integrity, to sever the link between special interests and legislation so that we are here for the people's interest instead. With civility, with bipartisan administration of the House so that every voice in the country is heard, not only the voices of those who happen to have their Member be in the majority; and we will do it with fiscal discipline. No more deficit spending. Pay as you go, audit the books, account for the money to the American people.

All of this is possible because of the energy and enthusiasm of our 30-somethings, Mr. RYAN, Mr. MEEK, and Ms. DEBBIE WASSERMAN SCHULTZ, and all of the other 30-something members who have participated here on the floor of the House and throughout the country to talk about a new direction.

The American people are an optimistic, confident, hopeful lot, and we build on that spirit, American spirit, as we go forth with an optimism into these elections, an optimism about a better future. We owe it to our troops who work to protect us. We owe it to our Founders and the vision they had for America, and we owe it to our children.

With that, I yield back with all of the compliments in the world to these two distinguished gentlemen for bringing the idea of a rubber-stamp Congress to the floor here. It is a fact of life on the floor of Congress, and they are pointing that out to the American people, but not without a spirit of optimism about change. Change is necessary, change is possible, and it will happen because of the leadership of the Congressman TIM RYAN and Congressman KENDRICK MEEK. Thank you so much.

Mr. RYAN of Ohio. Thank you so much. It is an honor to have you down here with us. We come here a lot, and to be graced with your presence. I think it is important what the leader said about what we can do not within the first 100 days, but within the first 100 hours. They are some very basic, simple steps.

We talk about just the average person, what changes will happen in their own lives if their student loan rates are cut in half and the minimum wage is raised within the first 100 hours. That is a significant impact on people around the country.

It is not that we are going to wave some magic wand, but we are going to do the people's business. With the gentlewoman's leadership, it is going to be an exciting time.

Mr. Speaker, you see excitement among Democrats about some alternatives. We have some challenges, but any time you challenge the American people, they seem to step up. I know Ms. PELOSI will provide us with that leadership.

Ms. PELOSI. I think the American people are way ahead of this Congress, and they are waiting for us to catch up. We look forward to that with your full participation. Thank you very much.

Mr. MEEK of Florida. Thank you very much, Madam Leader, for coming down. You definitely cement what we have been talking about for 3 years on this floor.

Mr. Speaker, we had it from the top person. If we have an opportunity to lead this House, and we sure hope that we will have that opportunity, you heard it from the person who will drive the agenda and make sure that we are able to do what we have to do.

Leader, I want to thank you for having confidence in those of us who are young Members here in this House to be able to carry the message, to carry the fight to stop Social Security from being privatized. We have an article in the Washington Times that talks about the fact that if the Republican majority is back after the elections, that the President feels that he has the support here in the House to privatize Social Security, and they may very well do it.

I want to thank you for allowing us to come to this floor and share with the Members our plans and alternatives, and make sure that they know full well that we are ready to move in a new direction.

One thing that I mention all the time, and you mentioned in your comments, bipartisanship can only be allowed if the majority allows it. I personally appreciate as a Member who has spent 8 years in the State legislature and has worked in the Florida Senate in a bipartisan way, a lot can be accomplished on then the State and now this country. And I know if we are allowed to lead with that philosophy, America's agenda will move forward.

Like the leader said, the American people are far ahead of us. We are trying to catch up with them. We are saying that we have the will and the desire to do so. Thank you for coming here.

Ms. PELOSI. I thank you again for your leadership in the fight to preserve Social Security, to stop the privatization, to stop the raid on the trust fund, and to stop the reduction in benefits. Without the participation of the 30-somethings, we would not have been as successful as we were.

But the threat still looms. The President and the leadership of this House talks about it, and the leadership of the Republican Party nationally talks about it, and the President's staff also talks about it. This is something that is an ongoing fight. With you in the forefront, with you as a voice for your generation, and as a voice for our country, that we will prevail. Thank you.

Mr. MEEK of Florida. Thank you.

Mr. RYAN, I look forward to continuing, until the clock runs out on this Congress, to continue to come down to the floor to share with the American people.

Mr. Speaker, we can't get any higher than where we are right now as it relates to the commitment and the will and the desire to put America in a new direction.

Mr. RYAN, I think with the leader coming down to the House, to this floor a few minutes before 8:00, 8 p.m. eastern standard time after a full day of legislative session, she has pretty much laid it out as relates to the Democratic plan, put this country in a new direction and have real security. Forget about the first 100 days, like a lot of politicians like to talk about; the first 100 hours of a Democratic Congress and all of the things that she identified.

I am willing to yield to Mr. RYAN, and we can close out, and then we can move on from this point. I don't think that we can add any more this evening to what the leader has already said.

A lot of times we can talk about what the leadership said they would do, but when you have the leader of our caucus, the leader of the House Democrats, hopefully the future Speaker of this House of Representatives, she has said on the CONGRESSIONAL RECORD, not for the first time, second time, third time or fourth time, but tonight of what we would do if given the opportunity.

Mr. RYAN of Ohio. I thank the gentleman, and I want to thank the leader again because I think you are exactly right. This is in the CONGRESSIONAL RECORD. This is not a campaign promise on the stump somewhere across America. This is right here with the stenographer taking down the words and making sure this is recorded for posterity.

I think the reason this is possible, Mr. MEEK, the reason that this first 100 hours is possible and why it will happen, is because our leadership has gone to great lengths over the past couple of years to unify our caucus. Never before has the Democratic Caucus been more unified in support of basic legislative initiatives which we can actually move on.

What has happened for years and years is we tend to always talk about what divides us. We come down here and we are critical of the administration, but what we want to do as leaders is figure out what can unite us. Ms. PELOSI has done that not only in this caucus, but also with the Senate, also working with HARRY REID in the Senate and their leadership for a new direction for this country. So it is very important.

I was corrected by a good friend of mine, Mr. MACK from Florida, about the ability of someone to be appointed to this body. No Member can be appointed, but the general membership can appoint a Speaker, and the Speaker doesn't necessarily have to be a Member of this body, so I am told. And so someone can be appointed to this body to oversee it.

Now, someone on the other side should think about maybe looking at that and taking advantage of it. But I know when we get elected and we take over this Congress, I know it is going to be Ms. PELOSI who is going to be our Speaker.

I yield to my friend, and I thank my friend, and I look forward to seeing you next week back here again with all of your skills and rhetoric and commitment.

Mr. MEEK of Florida. Mr. RYAN, let me say this: Since we are getting into the debate of who can be appointed or what have you, I could be a millionaire, but I am not. Let me just say this, and I didn't stay in a Holiday Inn Express last night, either. But let me just say this. As we continue on with the 30-somethings coming to a close, as we wait on our Republican colleague to come get his or her next hour, I just want to say that it is very, very important because this is very serious business. Sometimes here in the 30-something Working Group we spend a number of hours, I must say, Mr. Speaker, a number of hours not only studying before we come to the floor, of sharpening our tools and talking about what we are going to do, how we are going to do it, talk about the history of what we have done in the past, and talking about the legislation that is filed in this Congress.

□ 2000

You heard Leader PELOSI. She said we have a minimum wage increase for the American workers at $7.25 already filed. It is not some saying, well, if we could or we are dreaming of a piece of legislation. It is already there. So when we talk about the first 100 hours to the Republican majority and to the American people, this is not something that we have to say, well, wait one second, wait one minute, we have to draw up some plans. They are already there. They are already there because the American people have said that they want it, overwhelmingly.

And at the same time we talk about real security and securing America. It is not something where we are going to come up with some plan or some gimmick. It is already there. Taking the recommendations, you heard the leader, in the first 100 hours, the Democratic majority, the 10 uninitiated 9/11 recommendations that are vital to securing this country will be implemented.

Like I said, as the ranking member of the Oversight Subcommittee of the Homeland Security Committee here in this House, Mr. Speaker, I have seen the schemes that have been brought about, that we are going to monitor the border and what have you. The American people want something more than monitoring. They want to secure the border, whether it be south or north. They want to secure it, not just monitor it.

So let's just say, for instance, Mr. Speaker, that this new $2.5 billion initiative to monitor the border actually works. And the reality, Mr. Speaker, is the fact that the President, years after the 9/11 Commission report has been sent to the Congress and went to Barnes and Noble and Amazon.com and folks have copies of it, two or three copies of it, read it three times, still sends his budget to the Hill calling for 250 Border Patrol agents. If the Democratic amendments were adopted, Mr. Speaker, we would have over 6,000 new Border Patrol agents at 2,000 Border Patrol a year, as the 9/11 Commission called for. It was not that we went to the Democratic caucus and said, hey, let's just come up with a number of what we think should happen. We took the bipartisan recommendation from the 9/11 Commission.

So like I said, the leader has already laid the foundation. The leader has come to the floor here in the p.m., a little bit before 8 p.m. eastern standard time, to deliver the message on behalf of the Democrats in this House that have the will and the desire to lead and said what we would do in the first 100 hours.

So now that I know that our Republican colleague is here now, Mr. RYAN, I know that you were going to give the information out.

Mr. RYAN of Ohio. As you were talking, and we have all reviewed the Constitution, one of the things I found very interesting as I was reading this is the very beginning, the "We the people" paragraph. " . . . in order to form a more perfect union, establish justice, insure domestic tranquility," and then this last little phrase here hit me: "provide for the common defense and promote the general welfare." The general welfare. Not the special interest groups, not the oil companies, not the energy companies, not the pharmaceutical companies, but the general welfare, Mr. Speaker.

And that is what we are here to do is provide for the general welfare. And I think next year in January, when we agree as a caucus to elect a Member of this Chamber, an elected Member in Ms. PELOSI, we can move in that direction, our constitutional obligation to provide for the general welfare.

www.HouseDemocrats.gov/30something. All of the charts and the rubber stamp and everything are on the Web site for people to access. HouseDemocrats.gov/30something.

Mr. MEEK of Florida. Mr. Speaker, we would like to thank the Democratic leadership for allowing us to have this hour. We would also like to share with not only the Members but the American people that it was an honor to address the House this evening, sir.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109-135)

The SPEAKER pro tempore (Mr. CAMPBELL of California) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2006. The most recent notice continuing this emergency was published in the *Federal Register* on September 22, 2005 (70 FR 55703).

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, in Pennsylvania, and against the Pentagon of September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to repond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 21, 2006.*

THE DISTINCTIONS BETWEEN THE REPUBLICANS AND THE DEMOCRATS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to be recognized on the floor of the United States Congress again and the opportunity to share some of my thoughts and hopefully enlighten some folks as they listen in on our conversation here tonight, Mr. Speaker.

But as I listen to the previous conversation here on the floor, generally that will help or redirect the things I am about to say as I get down here, and perhaps I could just take a few of them from the bottom back towards the top.

One of the things I would point out as a distinction from my esteemed colleagues on the other side of the aisle, and I especially appreciate their continuing their dialogue here until such time as I arrived, but one of the things that was repeated over and over again over the last hour was the "rubber-stamp Congress," the "rubber-stamp Congress." And we have to take that to mean exactly what it is intended to mean, as the allegation that this majority in Congress rubber stamps whatever it is that the President says that he wants.

And nothing could be further from the truth, Mr. Speaker. I would point out that if this is a rubber-stamp Congress, and, in fact, we should do it this way: when the President proposes an agenda, a piece of legislation, a piece of policy, if we need to endorse a piece of foreign policy, then we need to evaluate that to the fullest extent that we can. We need to bring the collective brains together in this place, and we need to have a vote in this Congress. We do that. We do that, Mr. Speaker.

In fact, we initiate all spending here in this House of Representatives. That is according to the Constitution. The deliberation comes from here. When the President has a budget request, he puts his budget together and offers it to the Congress. We evaluate that budget. We produce our own. In the time I have been here, we have not rubber-stamped the President's budget. We have produced our own. And we have had some struggles with the President on the things that we were not willing to fund and on some of the things that he wanted to and vice versa. That is as it should be. We are to put our collective brains together and come to a compromise conclusion so that we can get appropriations passed out of here.

That is not rubber stamp. That is hard-fought due diligence done not just in the Budget Committee that puts some limits on our appropriations, but done in every appropriations committee within the limits of the authorizations that are done by the standing committees, and in that process we are carrying out our constitutional obligation and doing due diligence, Mr. Speaker. Not a rubber stamp. And if it were a rubber stamp, the President's budget would get a rubber stamp. There wouldn't be deliberations here, and he would get his way. Sometimes he gets his way; sometimes he does not. Sometimes the Congress holds sway over the President. But it is far from a rubber stamp in that process.

Many of the initiatives that the President has brought forward have been denied by this Congress. And, in fact, the allegation that it is a rubber-stamp Congress fits right into the same breath as "the President wants to privatize Social Security." Well, there are two things wrong with that statement. The President has never stated that he wanted to privatize Social Security and neither has anyone in Congress who I know of. In fact, I would challenge the minority to identify a public statement by any Member of Congress that they wanted to privatize Social Security. That is the mantra. That is the allegation. It is false. No one in this Republican majority has taken a position to privatize Social Security. Neither has the President, Mr. Speaker. The President has stepped forward and said, I want to reform Social Security.

Well, one of the promises that just got made by the other side was they would fix Social Security and they would balance the budget. We know that the only way, with the propensity for spending that comes from that side of the aisle, to balance the budget, would be if we raise taxes, raise taxes, raise taxes. And then it only lasts for a little while until business activity begins to shrink, shrink, shrink; and at that point you could either make a decision on whether you want to cut taxes to stimulate the economy or whether you want to continue to kill the goose that lays the golden egg.

Rubber-stamp Congress, Mr. Speaker? Rubber-stamp Congress? The President wanted Social Security reform. He went out in the cities of America before gathering after gathering, before the media, everywhere he could and invested a tremendous amount of political capital just in the aftermath of his fantastic second inaugural address that took place here on the west portico of the Capitol building. We left that address full of enthusiasm and optimism for the second term of President George W. Bush.

And the agenda that he drove was to reform Social Security, save it so it doesn't go bankrupt, save it so it can be there for the next generations, and preserve and protect and guarantee the sacred covenant we have with the senior citizens. We pledged that we will hold their benefits together, that we will not increase the funds that are paid into that. We will not increase the payroll tax. We will hold the benefits together for the senior citizens, and the President proposed an opportunity for young people to take a portion of their payroll tax Social Security contribution and put that into a personal retirement account, a limited retirement account. Not a wild investment kind of a venture capital thing but a controlled kind of investment that the Federal employees all have access to as part of their pension program that they have. Tried, true, very popular among Federal employees. Offer the same thing to young people in America and guaranteed to our seniors. The President invested a tremendous amount of political capital and a logical, rational solution for Social Security.

And what happened, Mr. Speaker, was the other side of the aisle demagogued the issue and over and over again stated, they want to privatize your Social Security. They want to turn it over into the markets. They want to dump it into Wall Street, and it is all going to blow up and the markets will crash and everybody will be broke and live in poverty forever after. That was the demagoguery that America was faced with, and that scared senior citizens off their support that was necessary to reform Social Security. That demagoguery costs Social Security reform. The very people that stood in the way of it are the ones that are now tonight saying, we will fix it.

But, you know, Mr. Speaker, they don't have the tools to do that. They demagogued the only tools that can fix Social Security unless you want to just raise the rates. And if you want to raise the rates, there is no sense in doing it next year because it is something that could be adjusted anytime along the way.

But the truth is that there is a surplus coming into Social Security right now, and that Social Security trust fund is a little over $1.7 trillion, and that is an IOU from the government to the government. They are actuall bonds printed on cheap copy paper, no more valuable than this piece of paper right here, Mr. Speaker. And those bonds are in a filing cabinet in Parkersburg, West Virginia, keeping track, stacking up, 3, 4, 5, $8 billion to a bond, an IOU from the government to the government.

And even when we use the resources from the year when this runs out, and this surplus runs out in about 2017, that is when the revenue stream goes negative. When the revenue stream goes negative, we are going to have to find some money because that $1.7 trillion is not money. It is IOUs from the government to the government. It is like writing yourself an IOU and then putting it in your pocket. Well, I am going to cash that IOU in on myself in about 2017.

But even if that money were there, over the period of time from 2017 until 2042, that fund of $1.7 trillion, which will have grown substantially by then, will diminish and reduce itself down to zero by 2042, Mr. Speaker.

So the reform that is promised here tonight on the other side of the aisle can only be, We will raise the rates and we will take it out of the pockets of the working people.

In fact, the working people of America pay the highest percentage of their revenue into payroll tax of anybody in the country. We look at a regressive tax. Social Security, Medicare and Medicaid, but especially Social Security is a regressive tax. It is .0765, 15.3 percent altogether for the payroll tax. And that 15.3 percent, if you do that calculation, and I do not have the number in front of me, but it will be in the area of for the first $10,000 you earn, you will pay $1,500 in tax.

☐ 2015

That becomes a 15 percent tax on the payroll of someone who is making only $10,000. And once you go up, that percentage rate you hit the trigger, the cap point, and then the percentage that you pay in a payroll tax goes down.

So this is a regressive tax that would be increased in order to, I suppose, keep a promise in the first 100 days that we would reform Social Security. But you are not told we are going to increase your payroll tax on the poorest people in America, the highest percentage, the most regressive tax, we are going to increase it.

It is the only solution if you are not willing to allow young people to have a portion that they earn to invest so that they could have the same kind of benefits that our senior citizens have today, and the same kind of benefits that we guarantee to our people that are, say, 50 and above all over the United States today.

We will keep that sacred covenant with our seniors. And I stand here and say this, Mr. Speaker, and I am confident when I make this pledge, and I am confident that I represent perhaps the most senior congressional district in America.

The State of Iowa has the highest percentage of its population over the age of 85 of all of the States in the Union. And in the 99 counties in Iowa, of those 99 counties, I represent 10 of the 12 most senior counties in Iowa. We are healthy. We get fresh air. We work. We get exercise. And we live longer in western Iowa than maybe anyplace else in America, for a congressional district.

But out of that 10 of the 12 most senior counties in Iowa in the Fifth Congressional District, and Iowa being perhaps the most senior State in the Union, I believe I represent the most senior congressional district in America.

When I stand here, Mr. Speaker, and say, we will keep this sacred covenant with our seniors, we will not raise the rates on you, and we will not reduce the benefits, that is our pledge to you. You are the greatest generation. You have carried the torch for us ever since you cut your teeth on the Depression and fought and won World War II, carried us through the victory in the Cold War, and the transition into this time when we will keep our pledge.

The promise to reform Social Security in the face of that, I would be interested in the details of that plan, Mr. Speaker.

But a rubber-stamp Congress? Cannot possibly be. That argument cannot sustain itself at the same time that you demagogue the President's need and leadership to reform Social Security. You demagogue that issue and then say you are a rubber stamp. If this had been a rubber-stamp Congress, Mr. Speaker, the President would have by now had Social Security reform.

Most of us wanted to vote for it. We did not have the 218 votes or we would have passed it, and it would no longer be an issue. But it was killed by the other side. And now they say rubber-stamp Congress. The argument does not hold up. If you cannot pass the President's agenda, no matter how hard you try, you are not a rubber-stamp Congress.

And that is not the only thing, Mr. Speaker, but there are a series of those. And then the argument that things would get done within 100 days, does that include the Senate? We pass an awful lot of legislation out of this House of Representatives. This is no do-nothing House of Representatives, Mr. Speaker. We have sent piece of legislation after piece of legislation over to the Senate, where it goes over there to die a death of asphyxiation because they cannot crack the 60 votes that is necessary to beat the filibuster, the cloture vote.

Who are the people over there obstructing legislation? The people that are in the minority in the Senate, just like the people that are in the minority here in the House of Representatives, the ones who are obstructors, pointing their finger at the people that have been passing legislation and actively moving policy that is good for America and saying, you are do-nothing.

Well, if nothing gets finally accomplished and onto the President's desk for a signature, it is not because this House of Representatives did nothing. In fact, it is not because the Republican leadership in the United States Senate did nothing; it is because the obstructors in the minority party on each side of the aisle stepped in the way, did everything they could to slow down the process, obfuscated the issue, demagogued the issue, and then said, you are do-nothing.

That would be like having somebody dump sugar in your gas tank and then argue that you were not there on time when you went to go to work, blame you for something that they did.

Another case in point would be the energy issue that was raised here. We are going to solve the energy problem in America is what was said. We have been working to solve this energy problem in America. And, Mr. Speaker, and for the information of the minority leader in the United States Congress, I will point out that we are producing more renewable energy than any country in the world today, right now, today.

I have heard people on this side of the aisle say we need to go to Brazil and learn what they are doing with ethanol down there, because we need to do what they are doing. Well, the problem with that is two- or three- or tenfold, Mr. Speaker. And one of them is Brazil is producing ethanol out of sugar cane. We do not have a lot of sugar cane here; we are not likely to get a lot of sugar cane here. But we are producing it out of corn. And we will produce it out of cellulosic material such as switchgrass, cornstalks, hay grounds, you name it.

But to go down to Brazil to learn what they are doing with ethanol, when they are making it out of sugar cane, and they are making a lot of it with archaic equipment, when Brazil, even though they burn far less ethanol than we do, cannot produce enough to meet their own needs, and to repeat the argument that Brazil is a 100 percent, they are burning 100 percent ethanol, it was not made here tonight, that I heard, Mr. Speaker, and I want to clarify that, but I have heard that on this floor before, that is a false statement when you hear that.

I went down to Brazil. I looked at their operations down there. I went to their ethanol production and their car production facilities. I went to their gas stations. I drove down their roads. They only have 20,000 miles of hard-surfaced roads in Brazil. And their ethanol production, as a percentage of the gallons burned on the roads, all of the roads in Brazil, is only 15 percent; not 100 percent, 15 percent. That is all, Mr. Speaker.

If you take out of that mix the diesel-burning vehicles, the cars and the trucks that are burning diesel fuel and just get them down to the vehicles that are flex-fuel gas burners, ethanol burners, those cars that can conceivably be retrofitted to burn ethanol, then your number becomes 37 percent of that is ethanol, and the balance is gasoline.

They have a blend. We burn a 10 percent blend in Iowa. That is popular across the country. That is a standard ethanol mix. But the blend that they use is 25 percent. When we got down there, they had just dropped the 25 percent blend down to 20 percent because Brazil did not have enough ethanol to meet the demands of their marketplace. So they burn more gas, less ethanol, did not have enough sugar cane, and were not able to produce enough ethanol, and we are considering going down there to learn from them.

Mr. Speaker, I would submit the United States of America produces a lot more ethanol than Brazil does now or ever will. And we are in an aggressive growth mode. It is such an aggressive growth mode that now, in fact today, there is discussion in the hearing in the Ag Committee about how we are going to have enough grain left over to feed our livestock if a huge percentage of it goes to fuel production.

And I can tell you, Mr. Speaker, that in my congressional district there were producers there that for the first time, I will say the first time anywhere, the first time in history, owned shares that were invested in an ethanol production facility for corn, and a biodiesel production facility for biodiesel. And so they had to make a decision do I plant more soybeans because I am likely to get a better return off my shares invested in the biodiesel plant, soybeans go into that diesel, or do I plant more corn because I am likely to realize more profit when my corn goes into my ethanol plant.

What do I do? I have got, say, 1,000 acres. How do I balance that all out? Those questions were being asked by producers when they put the crop in the ground this spring for the first time ever, and next year there will be hundreds more with the same happy predicament, Mr. Speaker.

And the list goes on and on. And in the Fifth District where we are close to the number one ethanol producer in America, I believe we will be there by the end of next year, there are at least 14 ethanol production facilities that are up and running, on the drawing boards, or have broken ground, or are under construction, one of those three phases, at least 14 in the congressional district, the 32 counties in western Iowa that I represent.

And there are more of them out there that I have not caught up with the business transaction on that yet. But there is a tremendous amount of investment going into ethanol production all throughout the Corn Belt. We started, actually Minnesota initiated some very good policy that initiated home-grown engineering that has now grown into the region where I live, and into that region in Minnesota, north central Iowa, western Iowa, and parts of South Dakota and Nebraska as well.

That home-grown engineering has been a real, real asset to the development of ethanol production. But we produce far more ethanol in the United States than they do in Brazil. We have more modern technology than they have in Brazil. There will be over $1 billion of capital investment in my congressional district this year alone put on the ground for renewable energy production facilities, including wind chargers.

So there is a lot of progress being made economically. But, Mr. Speaker, there is also a lot of progress being made to provide this supply of ethanol, and provide this supply of biodiesel with the renewable fuels that take the burden off of Middle Eastern oil and give us more freedom, more autonomy, and make us less dependent on Middle Eastern oil.

That is what is going on with energy from the renewable energy perspective. It is a dynamic time. I would add, also, that in the State of Iowa, if you add the counties that are in our neighboring States, one county in Minnesota, Illinois, I better say Minnesota, Wisconsin, Illinois, Missouri, Nebraska, South Dakota, that circle of our neighboring States, just one county in, you add that to the ethanol production facilities within the State of Iowa, and you are looking at about 61 ethanol plants all together. Sixty-one. And they will probably all not get built. But if they do, they will be able to process every kernel of corn that we produce in the State of Iowa, which causes us to have to make some adjustments. Absolutely.

Up until just a few days ago, all of the biodiesel production in Iowa was in the Fifth Congressional District, Mr. Speaker. And we are aggressively building out biodiesel production. That is going to go out to the limits of the Soybean Belt.

Ethanol production is going to go to the limit of the Corn Belt. And cellulosic is a few years away, but there is high, high hopes for what it can do with the potential for energy.

Those things are happening. They are happening now. We provided the tax credits. We have put the structure in place so that individual entrepreneurs could invest their capital, could put together the business transactions so that we can have ethanol production and biodiesel production that is large in scale, efficient in its operations, and available to the American consumer like it is today in growing quantities. These plants are averaging 75 million gallons a year, roughly, or more. It is a significant quantity of renewable fuels.

Who is going to solve this energy problem? The people that are here that have provided for the ethanol, biodiesel, the people that have passed legislation that is going to provide for better sitings and more sitings for the refinery of crude oil that comes into this country. And we cannot refine all of our crude oil anymore because it has been an environmentalist barrier that has blocked the construction of oil refineries, and it has limited our ability to process. So we find ourselves buying more gas, more diesel fuel on the market rather than refining from crude oil and keeping those jobs here in the United States.

Who stands in the way of that, Mr. Speaker? The people on this side of the aisle. The people that argue that, well, you cannot have that oil refinery in my back yard, the NIMBY phobia. You cannot have that oil drilling rig offshore from my State. And so we have this situation where we are growing the renewable energies in the United States aggressively and dramatically, and at the same time we are sitting on a tremendous amount of oil, a tremendous amount of natural gas, being blocked by environmentalist elements that you will find in that caucus in huge numbers, in my conference in very small numbers.

But it is not the Republicans that are holding the energy development up in the United States, it is the other party that is doing that, Mr. Speaker. We need to be drilling up there on the North Slope of Alaska. We did so successfully starting back in 1972. That has been an environmentally friendly operation going on up there, and one of the measures would be that the caribou herd in 1972 was 7,000 head, and now, as of about 3 years ago, the last numbers I have seen, that caribou herd is 28,000 head.

Now, we could not have damaged the environment and had that kind of a growth in the caribou herd on the North Slope. But if you go east to ANWR, the same kind of topography, there just is not a native caribou herd. They do come in from Canada and have their calves there and go back again about the middle of June, the latter part of June. But we can do even better there with the new technology that we have.

What nation, what nation, especially an energy-dependent nation, would sit here and refuse to tap into massive supplies of crude oil that we know lay underneath the North Slope of Alaska, in ANWR, along the shore in the arctic coastal plain? What nation would leave that oil there and buy from the Middle East and buy it from Hugo Chavez? The more money we send to them, the more belligerent they get, Mr. Speaker.

□ 2030

It defies logic. But it is being held up by that side of the aisle, Mr. Speaker, not this side of the aisle.

Outer continental shelf drilling, we know there is a minimum conservative investment of 406 trillion cubic feet of natural gas offshore. We are trying to open up the legislation to get that drilled. It is a narrow little transaction going on. We should do far more.

We should simply open up the whole thing and let development come in and start pumping that gas out, pump the oil out, get it into this market, grow the size of the energy pie, provide more and more Btus of energy from all sources, and then start apportioning the percentages of those sources according to whether they are a finite or a renewable source so that we can have a well-managed energy policy.

Mr. Speaker, I think we can get there. We are moving down that path. But every time a person on that side of the aisle is elected to this Congress, there is a great risk, and the odds are they are going to vote with the green interests, whether they understand the issue or not. That is why we have trouble with our energy policy. That is why this Congress can't open up those energy fields.

And do not be deluded for a minute, Mr. Speaker, into thinking that there is going to be an opening up of ANWR or the outer continental shelf if there happens to be some people from the other side of the aisle that will get their hands on a gavel. There be less of that kind of energy, not more. Energy prices will go up.

If you believe in the law of supply and demand, there would be under their scenario less supply. There would probably be then more demand, which means the price would go up on energy.

They will not solve the energy problem. We have offered the solutions here, and we have had to squeeze them past them, and we are going to keep doing that until such time as the American people send us more allies here to get this job done even better.

So, the idea of the energy situation is something that I think that needs to be explored. And if were a rubber stamp Congress, as the other side of the aisle alleges, then we would be drilling in ANWR right now, we would be drilling on the outer continental shelf right now, Mr. Speaker. We would have a significant supply of energy for the American people to consume. Oil wouldn't have peaked out there above $75 a barrel. Thankfully it is down now.

I would like to tell you that I am going to take responsibility for the gas prices here over the last couple of weeks. I don't have any credit for changing those prices in the last couple of weeks. I would like to take credit for it, but I can't. But I bought gas for $2.10 last weekend, Mr. Speaker, just last weekend, $2.10. It was up over $3 gallon, I remember $3.07 a gallon perhaps a month ago.

So as the price of gas spirals downward, part of that is because you have marginal wells that weren't pumping, there wasn't profit for them to be pumping, and when oil prices went up, it paid them to pump that oil out on to the market. So when you raise the price, you can buy a lot more oil, and a lot more oil gets explored.

Chevron found a tremendous find down in the Gulf of Mexico, and it is one of the largest finds anywhere at any time. As that field gets developed, that will change the price of oil worldwide and it will make it more available to us here in the Western Hemisphere.

So I am looking forward to moving forward. We will solve every energy problem here in the United States of America. We have the ability to do that. We have the incentive to do that. We just need to get the people out of the way that don't take a rational position, but take a protectionist position.

I would challenge them, if we should be starved for energy, Mr. Speaker, I would say to them if we should be starved for energy, then where do you stand on opening up ANWR so we can get that into the pipeline? Where do you stand on opening up the outer continental shelf?

I think we know, Mr. Speaker, because the votes are on the board. We have had a number of votes on those issues in here, and we know what happens. The other side of the aisle blocks those agendas and they don't produce a constructive result. They simply say "we need to pass a law that says Detroit has to make a car that gets 50 miles to the gallon." Then that fixes everything.

Well, it just may not be possible to make a car that will haul my family that will get 50 miles to the gallon, so to legislate that kind of efficiency is not a very good return on our legislative investment, Mr. Speaker.

So, a number of these promises will not be kept, and I am trusting the American people won't provide that opportunity, because they will understand that.

But I would like to shift us over, if I could, Mr. Speaker, to another field of interest, and that field of interest would be the Afghanistan and the Iraq theaters that are there. As we review those circumstances, I have been refreshed on the issues that are before us in Afghanistan and in Iraq.

Mr. Speaker, I can tell you that we have exceeded the expectations in Afghanistan for a long time. Yes, we have conflict going on there now. There has been some resurgence of the Taliban in Afghanistan.

We need to keep in mind also that these kind of conflicts are seasonal. This is the seasonal push that wraps up, and by winter they go back into the mountains and hole up again, it is too cold at the high altitudes, so there isn't a lot of activity going on in the wintertime. But when the weather is warm and people can move about, that is when our troops have been attacked and that is when we have descended upon them.

But every time it has been the Taliban that has dramatically lost the encounter. And it will continue to take some of these kinds of operations in Afghanistan for a considerable length of time.

But while this is going on, NATO troops are standing up, American troops are supporting them, and troops from other countries are coming in under the command of NATO. We are getting Afghanistan handed over more to the coalition of international forces underneath a NATO banner. That is a very good thing, Mr. Speaker, and it is a very positive transition that is taking place in Afghanistan.

We need to understand that when you go into a country that has no tradition of a liberal democracy, no tradition of being able to go to the polls and vote, select their national leaders, direct their national destiny, they don't have that tradition, they don't have the experience, they don't have the culture that they can get to this place where we are fortunate to be in this country without some help and guidance, and are glad for that help and guidance and they are reacting towards it and they have had a significant amount of stability in Afghanistan that has flowed from the liberation that took place within a couple of months of the September 11 attacks here on the United States.

I consider it to be a very successful operation in Afghanistan. We need also to keep in mind that there are elements there that do cause violence. One of them is just the tribal conflicts that have gone on there for century after century. Those tribal conflicts still exist. We would be deluding ourselves if we tried to convince ourselves that there are not going to be tribal conflicts going on over the next decade or half a century or maybe even a century. It is hard for that to get all put away.

So there are likely to be some flare-ups that are just tribal conflicts in Afghanistan. That is the way it has been. That is the frictions that have been there for millennia, and that is the frictions that are likely to be there at least into the future of our lifetimes. So there will be violence that comes from tribal conflicts.

There will also be conflicts that come from the temporary resurgence of cells of the Taliban. We are always able to go into those areas and pacify those areas, and the local people have been supportive of our troops and they are supportive of the NATO troops. So that is an issue that we will have to continue with.

Then there is just plain simple criminality that goes on. It goes on in any country in varying degrees, and at some point you get the rest the violence toned down, the Taliban violence, some of the tribal violence that is more likely to happen under these circumstances today than it might be when there is more stability in Afghanistan.

So when the tribal violence gets toned down and the tribal violence gets toned down, then we are just left with the criminal violence that is there for the most part, and it needs to get toned down to where it is manageable, and at that point the police force takes over.

So the progress that is being made in Afghanistan should give us good cheer. It should give us good optimism. It has exceeded the expectations of this Congress, and it is to the credit of our President, it is to the credit of Secretary of Defense Rumsfeld, the Joint Chiefs of Staff, General Pace, General Myers, who has commanded this during that particular period of time, our commanding officers, our intelligence, our logistics. Our troops on the ground, our soldiers and Marines that have served so well and honorably, have turned out a result in Afghanistan that exceeded our expectations and continues to be promising. So, Afghanistan is moving along at an optimistic rate.

In Iraq, Iraq, Mr. Speaker, has been a little more difficult. In fact, significantly more difficult, but far from hopeless. Far, far from hopeless.

The allegation was made today that in Iraq we are in a civil war. I have defined a civil war here on this floor before Mr. Speaker, for the benefit of those who don't think it through.

For the benefit of those that want to throw that term around without being challenged on the validity or accuracy of their prediction, they say "civil war" because I think secretly, well, not in secret, a civil war in Iraq would serve their political interests. I don't know what they secretly wish for, but a civil war in Iraq would serve the opposition to this White House, to this majority, it serves their political interest. So they come to this floor regularly and say civil war in Iraq, civil war in Iraq.

It can't be substantiated by fact. I have defined what a civil war would like look. It would be when the Iraqi military, Kurds and Shi'as and Sunnis alike, put on the same uniform, strap on the same helmet, charge into the same combat situations together, guarding each other's back, when those people that are defending the freedom and the safety and providing for the security in Iraq, the Iraqi military, that are now over 300,000 strong, when they choose up sides and start shooting at each other, that, Mr. Speaker, would be the definition of a civil war.

It is not a civil war. It is not likely to be a civil war. But there is rising sectarian violence that does threaten some stability in Iraq. It is also the violence that comes from the insurgents, from the terrorists, from al Qaeda. Those people are a smaller percentage.

But we have to discourage and eliminate the local militias taking that security into their own hands. That security needs to be in the hands of the authorized personnel from the government of Iraq that ultimately will end up answering to Prime Minister Maliki in that pyramid chain of command that has to go out through that country.

As the days and weeks and months go by, more and more Iraqis are trained, more and more are performing well, and more and more the Iraqi people are starting to see that their future is with a strong and prosperous and unified Iraq.

I want to give credit to a good idea, Mr. Speaker, that came from the gentleman who has added so much to the fiscal discussion in America, Mr. Steve Forbes. His idea was, and I have given it some thought and it is intriguing to me and I am inclined to be supportive and ready to endorse such a concept, Mr. Speaker, but he suggests that all the oil revenues in Iraq really belong to the Iraqi people.

A significant percentage of those revenues need to go to the government of Iraq in order to run the government and fund the operations that go on there. But to set aside a percentage of that oil revenue and then divide that up among Iraqis, so much to each Iraqi citizen. He said if you did that in the fashion that Alaska does that with their people, I believe he said that the annual check for being an Alaskan that comes from the oil revenue is about $834 a year.

If that number, $834 a year, is something that provides for Alaskans to have a stake in Alaska, can you imagine what a similar check like that would do for Iraqis to have a stake in Iraq? The idea that if the oil flows out of Iraq, prosperity flows in, you are not cut out of that economic equation if you are an Iraqi. If you register yourself as an Iraqi with an address, you end up with a group of citizens from Iraq that are on a certified voter registration list, a list of people there, people who will live by their own identification and have to because that check will find them if they are who they say they are.

It is an intriguing idea. It is an interesting idea, because it does unify and move towards the unification of the Iraqi people. If they all have a vested interest in producing a lot of oil and shipping that oil out of Iraq and those royalty checks that would come in, come into the national coffers and be distributed out to the Iraqi people, they are going to be keeping their eyes out when somebody comes out to sabotage a pipeline or an oil well or a refinery or a distribution terminal out in the Gulf. They will protect their interests, and they will all line up, I believe then, against the people that are seeking to destabilize Iraq. It is a good idea, and it is an idea that I hope our President takes a look at and one that can be discussed over in the Middle East.

□ 2045

But this was never going to be easy, and the idea that Iraq is a diversion in this global war against Jihad fascism could not be more erroneous. Mr. Speaker, if Iraq was not a threat to us, then what other Nations were not a threat to us?

I would ask, produce that list. Put them up on the board so we do not have to worry about them anymore, and we do not have to send anyone in there or be prepared with a military contingency plan. We can simply turn our focus on to the place where the folks on the other side of the aisle allege we ought to be putting it which I do not know where that is, Mr. Speaker. All I know is they tell us where it is is not, and they contend Iraq was never a threat.

In fact, today, in the aftermath of Hugo Chavez's speech before the United Nations, Mr. Speaker, that nearly frothing at the mouth, radical, emotional, unstable speech that was delivered by Hugo Chavez, the President of Venezuela on the floor of the United Nations, where he said things about our President that were way beyond the pale, and remarks that the junior senator from Iowa said, I can understand where he is coming from.

He said there were people by the thousands that lit a candle and marched in Tehran September 11 in support of the United States and in sympathy with the United States for being victimized on that day by those terrorist attacks and that all of the Muslim world was on our side on that day. This is the statement of the junior senator from Iowa, Mr. Speaker, but you know, it needs to have a different clarification.

There may have been people walking in the streets of Tehran that lit a candle in solidarity with the United States. I would expect they were the people that were the moderate Muslims, the ones who were well-educated, and they were working towards a future and they had a measure of freedoms until the Ayatollah came in 1979. I imagine those people that were walking with candles with solidarity towards the United States back in 2001, September 11, were the very people that are our allies today. But the junior senator said we turned them all into enemies and now we have polarized and alienated the Muslim world against the United States.

I would submit, Mr. Speaker, that a more objective truth is the truth that in almost every major Muslim city in the world on September 11, when that hit the news, there were people dancing in the streets with glee because the United States had suffered those blows on that day. That is the reality of it. They showed their true colors. In fact, in some of the Muslim enclaves in the United States, people took to the streets to celebrate, and in some of the mosques in the United States, the Imam preached about what kind of blow was landed on the United States favorably.

These are facts of historical reality, Mr. Speaker, and I have spoken towards the tale end of this about just the United States, but across the world we have had radical Islam line up against us and it is not just because we are the ally of Israel. I will say that Israel is the bulls-eye in this global war that is going on right now. They would like to annihilate Israel because they see that as doable. They would like to annihilate the United States because they believe we are the antithesis of their culture. I would submit that it is not a culture they represent.

I would ask this question. In the last 700 years, Mr. Speaker, is there anything in that culture that is aligned against us, radical Islam, is there any contribution that that civilization has made in the last 700 years that would be a contribution in the area of math or science or physics or chemistry, any kind of medicine? Is there any kind of contribution in the last 700 years, Mr. Speaker? I hope that there is someone that can come up with a contribution in 700 years from that civilization that has declared war on us. I cannot find it. I asked Middle Eastern scholars to find it for me. They seem to be stumped as well, Mr. Speaker.

And so is it a civilization that we are at war with or is it a defunct civilization, hardly a civilization at all, one that lashes out, one that worships death, one that we could never understand and should not try because it is not rational? It is not rational from a Western civilization viewpoint. No deductive reasoning approach will help us figure out the Middle Eastern, suicide Jihadists, fascist mind.

But what we must do is change the habitat for the people who believe that their path to salvation is in killing us. That culture has to change or this war will not be over, and this price that has been paid with nearly 3,000 lives on September 11 and nearly another 3,000 lives since that period of time in the theaters of Afghanistan and in Iraq, will continue to mount week by week, month by month, year by year in a perpetual conflict until such time as we change the culture of the people who believe their path to salvation is in killing us.

Mr. Speaker, it is not Islam. It is not the Muslims that are the problem. They are the host upon which the parasite Islamic fascist lives, and a parasite will attach itself to a host, which Islamic fascism does to Islam. It will feed off the host, which Islamic fascism does to Islam, and it will reproduce on the host, which Islamic fascism does to Islam. Sometimes it attacks the host. Sometimes it drops off and attacks another species, goes through another cycle and attaches itself back to the host again.

That is what is going on, and I am asking the moderate Muslim world, help us eradicate the parasite from within your midst. That is the only way we can do it in a relatively painless fashion. It must happen because they have pledged death to all of us who do not subscribe to their perverted version of the religion.

So, Mr. Speaker, those are the circumstances that face us and the people that dance in the streets with glee in Muslim cities in the world where radical Islamists, the Islamic fascists, the people who are at war with us, and it is not that we made them enemies after that period of time. It is not that going into Afghanistan or going into Iraq made them enemies. They were our enemies before then. They danced in the streets on the very day that the junior senator from Iowa said there were folks in Iran carrying candles, and I thank those people in Iran. I believe they were, but I believe they are still with us.

Our enemies are still against us. That dynamic has not changed except for the habitat has changed in Afghanistan and changed in Iraq. No longer can either one of those locations be a terrorist staging area, terrorist training grounds or terrorist breeding grounds. That has changed because freedom has arrived in both of those locations, even though we have got some work to do in Iraq.

I would shift to another subject matter, Mr. Speaker, and one that I think is important to have a brief discussion on. We have taken some significant steeps here on the floor of this Congress to resolve the biggest problem that this United States has, and that is, how are we going to provide national security if we do not control our borders, if we do not enforce our immigration laws, if we cannot bring together a solution that resolves this issue.

The statement was made over here on the other side of the aisle that they would provide a comprehensive immigration reform policy. Well, that comprehensive immigration reform policy that they are talking about, Mr. Speaker, is the one the President presented. It is the one the Senate has passed. It is the one the President had endorsed. It is the one the Democrats want to vote for, and do you know, Mr. Speaker, if this had been a rubber stamp Congress, we would have comprehensive immigration reform.

But the truth is, this House of Representatives has blocked the amnesty legislation that is proposed by the gentlewoman from California, the esteemed minority leader who spoke here on the floor within the last hour, and also by the President and also passed by the United States Senate.

That is amnesty, pure and simple. Although it is complicated and convoluted, it has come back to the big scarlet A word, amnesty. The American people have rejected amnesty, amnesty in any form, amnesty by any name.

They want enforcement. They understand that there is an average of 11,000 illegals pouring across our southern border, not every day, Mr. Speaker, every night. That is when the action starts. Every night, on average, 11,000 illegals pour across our southern border.

The border patrol has testified here that they stop perhaps 25 percent to 33 percent. Testifying witnesses have also said that in the last fiscal year, the border patrol intercepted 1,188,000 in an attempt to come into the United States, just on our Mexican border. The year before it was 1,159,000 that were arrested trying to come across our Mexican border.

Now, to do that calculation, Mr. Speaker, if you take the 25 percent number or someplace a little higher than that of interdiction that I gave, that means more than 4 million people attempted to cross our southern border last year and the year before. When I go down and talk to the border patrol agents and I say you are getting 25 percent enforcement on people that are breaking into the United States, they say, no. The most consistent number they give me is perhaps 10 percent, not 33 percent, not 25 percent, perhaps 10 percent.

One officer who was an investigative officer and should have been in the position to know, when I posed the question to him and said do you stop 25 percent, he broke up in hysterical laughter, Mr. Speaker. He said, no, not 25 percent. I said how about 10 percent? Not 10 percent. About 3 to 5 percent is about all they stop.

So calculate these numbers out. The population of the United States is growing, Mr. Speaker, and it is growing a number of ways. It is growing every night when 11,000 illegals pour across our southern border.

For the period of time it works like this. Every 8 seconds, on average, another illegal comes into the United States. In that 8-second period of time, what is that comparable to? Oh, a bull ride, if you do not get bucked off, is 8 seconds. Every, I think the number is 7.6 seconds in America a baby is born. So every time a baby is born in America, an illegal jumps the border. Our population is growing simultaneously. Illegals in this column, newborn babies in this column and that graphical number is going up and up simultaneously almost to, well, within the 3 to 4/10ths of a second. Every 8 seconds an illegal crosses the border, every 7.6 a baby is born, and every time a bull rider gets on that bull, by the time you hear the bell, another illegal has jumped across the border.

That is how intense this is, 11,000 people a night, 4 million people a year, and it goes on and on and on.

The leadership and the majority in this Congress, the Republican majority, understand that it is a terrible wound in our border that has to have a tourniquet put on it. We have got to stop the bleeding, Mr. Speaker, and so we look at a number of ways to do that.

I will say behind me is a model of the concrete model that I have designed, and that came not because I sat here and listened to testimony, although a lot of that data mattered. It did not come about because I listened to other people around here talk, although I listened to them. I put together a number of ideas, and a year and a month ago, I called for a fence on our southern border. It was an opening round that was designed to sell the idea, and the idea gained momentum although I was criticized roundly for such a radical statement, but the idea gained momentum, and 3 months, 3 weeks and 3 days later, 114 days later, we passed the fence legislation off the House of Representatives, 700 miles, double wall much of it in the most important strategic locations, and leaves us open I believe to continue to build more fence on our southern border.

We can put a fence in. We can put this concrete wall in that I have designed that is behind me here, Mr. Speaker, and we will do this, but the reason that we need to build a wall on the border, contrary to the position that was taken by one of our esteemed newspapers today is because we have an open border that is not even marked for hundreds of miles. Anybody that wants to, you can walk, crawl, run or drive, occasionally fly, across that border is free to do so. We have not even defined the border, and yet the force of 11,000 people a night, 4 million people a year, $65 billion worth of illegal drugs coming across that border and people that want to get a job and for a better life, I concede that point.

The force of all of that together cannot be stopped by putting border patrol agents shoulder to shoulder on the border. We can do that. It would cost a lot of money, and we have to have backup people, but that is not the best and most economically viable solution.

If we build a barrier, we can force all human traffic through the ports of entry. That is what I submit we do. I would put a chain link fence down on the border itself, and then I would put the concrete wall in 100 feet. I would design it this way. I would put wire on top, and that wall would be the structure that would be too difficult to cut through, pretty difficult to go dig under. It would have to be patrolled and have sensors, but I believe that this 25 percent effectiveness that we have today would turn into a 90 or 95 percent effectiveness if it is managed, maintained and controlled and has sensors put on it and cameras to back it up and we integrate our technology along with our physical barrier, Mr. Speaker.

Then I would submit to the American people, if there are some things we have not considered adequately in this debate, this idea of a comprehensive bill that really says amnesty starts with a couple of premises, one of them is that there are Americans that will not do this work.

□ 2100

And, truthfully, every single job there is to do in America is being done by natural-born Americans, people that have birthright citizenship here, those who are born to a mother and a father who are both citizens. Traditional Americans are doing every single kind of work there is in this country.

We have a 30 percent dropout rate in our high schools in this country. Those young people who don't have a continuing education, that don't have a high school education, they need the lower-skilled jobs. Some of them, that is what they want out of life, but their opportunities are being taken from them by the price being undercut of money going to illegal workers in this country by the millions.

The 30 percent of the dropouts then end up on welfare, on crime. They end up not being the quality of citizens that they could be, not realizing their potential, because the entry-level jobs and the kind of jobs that they haven't access to because of their limited education are being taken away by illegals. That is point number one on that issue.

Then there is the argument of we don't have enough people to do this work. That is another falsehood, Mr. Speaker. And I would submit the response to it this way, that is, if you are a corporation and you are looking to move into a city or a town, a region, or community to establish a new production facility of some kind, and you need to know what the available labor supply is to evaluate that location versus perhaps several other locations, Mr. Speaker, what you would do is you would send a little team in there to evaluate the area, and you would meet with the mayor, the chamber of commerce, the development corporation, maybe meet with the law enforcement people to get a sense of what the crime rate was, and you would meet with the educational people and get a feel for that whole community.

And to evaluate whether there is enough labor supply there, you wouldn't do what the advocates for amnesty are saying. They are saying, well, there is only a 4.7 percent unemployment rate, which means that is a full employment economy. Well, first of all, it is not, Mr. Speaker. During World War II, we had a 1.2 percent unemployment rate, and that still wasn't a full employment economy, but as close as it has been in the last century. So I submit that as a number to measure that is a lot closer to full employment than 4.7 percent.

Just the same, there are 7.3 million people in the United States that are on unemployment. That is not the only number you would look at if you are a corporation looking to place a facility in a location. You would go in there and do a study and say, not how many are on unemployment, yes give me that number, but your question would be, what is the available labor supply? And what is the educational level of these workers? And what is the wage scale here? And what are we going to have to provide for benefits to compete for these employees? You would ask those questions and you would get your answer. And for the United States of America, Mr. Speaker, it works out this way, the available labor supply is this:

We have 143 million people working. We have 7.3 million people that are unemployed. But we have not in the workforce between the ages of 16 and 69, 61,375,000. Pardon me, that is to the age of 74. Wal-Mart hires people to be greeters there and they enjoy their days. So that is 61,375,000. You add to that the unemployment rate, and I look at this number on this chart, 7,591,000, the most current number that I have. It takes me up to 69 million nonworking Americans.

So if you would like to reduce that smaller number there, that is about 7 million or so between the ages of 70 and 74, fine, you can take this number down to 61 or 62 million people.

But we have maybe, maybe 7 million working illegals in America and maybe 70 million nonworking Americans. So what kind of a rational policy would not hire one out of 10 of the nonworking Americans rather than bring in tens of millions of people here, 66 million people by a significant number of analysis of the Senate version of the bill, match the total number of all Americans naturalized in all of our history, double that, 66 million from 1820 until the year 2000 and another 66 million, and employ about 60 percent of them and end up with having to support the deficiencies in health care and a burden on the infrastructure when you have got 70 million people in America that are not in the workforce today that are of working age.

Mr. Speaker, this approach often defies logic. The people that have a vested interest are the ones that are driving this debate. The libertarian powerful business interests on the other side, they are making money on this deal and they are using that money to advance an illogical approach that does not take into consideration the long-term best interests of the United States of America. And the liberals on the other side see political power, so open the borders. And that is why they are hollering and calling for what they call a comprehensive immigration plan, which is an amnesty plan that would bring in 66 million new people.

And what we know about them is when they come into a place, they will assimilate into the politics of the locale where they arrive. And that means they aren't going to be bipartisan split down the middle. If you can get them to go into a Democrat enclave, that is what they are going to be. If you could get them to go into a Republican enclave, that is what they are going to be. If anybody doubts that, just ask yourselves, how many Irish Catholic Bostonian Republicans do you know? I understand there are two. I know one. They have not assimilated into the politics of the rest of America; they stay in their political enclave. That is what will happen with the newly arriving immigrants into this country as well, just to add another point to all this, Mr. Speaker.

So I submit we need to establish an immigration policy that is designed to enhance the economic, the social, and the cultural well-being of the United States of America and use those considerations and no other. If we do anything otherwise, we are opening up our borders to be the relief valve for poverty, and we know that there are at least 4.5 billion people on the planet that have a lower standard of living than the average citizen in Mexico. And so we cannot be the relief valve for poverty unless we are willing to accept a population in the United States that would exceed, say, 5 billion people or more.

What should the population of the United States be 50 years from now, 100 years from now? A significant question. What is our future? What is our destiny? This is a long-term issue, and it is one that needs to have serious consideration. But enforcement, seal the border, and birthright citizenship, shut off the jobs magnet is what we will do, and we will build a fence and we will start it this year.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. ZOE LOFGREN of California, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, September 25, 26, and 27.

Mr. JONES of North Carolina, for 5 minutes, September 25, 26, 27, and 28.

Mr. SIMPSON, for 5 minutes, September 26.

Mr. MACK, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, September 25.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3408. An act to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act.

H.R. 3858. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with households pets and service animals following a major disaster or emergency.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 260. An act to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program.

S. 418. An act to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 1025. An act to amend the Act entitled "An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes" to authorize the Equus Beds Division of the Wichita Project.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until Monday, September 25, 2006, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9526. A communication from the President of the United States, transmitting a request for FY 2007 budget amendments for the Department of Homeland Security; (H. Doc. No. 109-134); to the Committee on Appropriations and ordered to be printed.

9527. A letter from the Deputy Chief of Legislative Affairs, Department of Defense, transmitting Notice of the decision to conduct a standard competition of the support services function performed by civilian personnel in the Department of the Navy for possible performance by private contractors, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

9528. A letter from the Deputy Chief of Legislative Affairs, Department of Defense, transmitting the Department's preliminary planning for OMB A-76 commercial activity study; to the Committee on Armed Services.

9529. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses, as required by Section 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6), as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on International Relations.

9530. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-57, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Canada for defense articles and services; to the Committee on International Relations.

9531. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Governments of Norway and Spain (Transmittal No. DDTC 031-06); to the Committee on International Relations.

9532. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001; to the Committee on International Relations.

9533. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency blocking property of persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on International Relations.

9534. A letter from the White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9535. A letter from the White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9536. A letter from the Agency Tender Official, Installation Services, Department of Labor, transmitting two letters for Congressional notification in compliance with Title III, Subtitle C, Section 326 of the Ronald W. Reagan National Defense Authorization Act of Fiscal Year 2005, Pub. L. 108-375; to the Committee on Government Reform.

9537. A letter from the Special Assistant to the Secretary, White House Liaison, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9538. A letter from the Deputy General Counsel, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9539. A letter from the United States Trade Representative, Executive Office of the President, transmitting the FY 2006 Performance Plan and FY 2004 Annual Performance Report, pursuant to the requirements of the Government Performance and Results Act (GPRA); to the Committee on Government Reform.

9540. A letter from the Office of the District of Columbia Auditor, transmitting a copy of the report entitled, "Auditor's Examination of McKinley Technology High School Modernization Project"; to the Committee on Government Reform.

9541. A letter from the Acting General Counsel, Department of the Treasury, transmitting a draft bill that would amend certain unworkable, statutory investment provisions relating to the Department of the Treasury's investment of the Yankton Sioux and the Santee Sioux Tribes' Development Trust Funds; to the Committee on Resources.

9542. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Cessna Aircraft Company Models 208 and 208B Airplanes [Docket No. FAA-2006-23648; Directorate Identifier 2006-CE-07-AD; Amendment 39-14514; AD 2006-06-06] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9543. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnel Douglas Model DC-9-31, DC-9-32, DC-9-32F, DC-9-33F, DC-9-34, and DC-9-34F Airplanes; and Model DC-9-40 and DC-9-50 Series Airplanes [Docket No. FAA-2006-24430; Directorate Identifier 2006-NM-048-AD; Amendment 39-14671; AD 2006-13-18] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9544. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Mitsubishi Heavy Industries MU-2B Series Airplanes [Docket No. FAA-2006-23578; Directorate Identifier 2006-CE-01-AD; Amendment 39-14668; AD 2006-13-15] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9545. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. TPE331 Series Turboprop Engines [Docket No. FAA-2006-23706; Directorate Identifier 2006-NE-03-AD; Amendment 39-14688; AD 2006-15-08] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9546. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GROB-WERKE Model G120A Airplanes [Docket No. FAA-2005-19473; Directorate Identifier 2004-CE-35-AD; Amendment 39-14146; AD 2005-13-09] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9547. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. TPE331 Series Turboprop, and TSE331-3U Model Turboshaft Engines [Docket No. FAA-2006-23704; Directorate Indentifier 2006-NE-02-AD; Amendment 39-14674; AD 2006-14-03] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9548. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Nicholasville, KY; Correction [Docket No. FAA-2006-24686; Airspace Docket No. 06-ASO-7] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9549. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Camp Ripley, MN; Establishment of Class E Airspace; Camp Ripley, MN [Docket No. FAA-2005-22472; Airspace Docket No. 05-AGL-08] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9550. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Corporation Ltd. 750XL Airplanes [Docket No. FAA-2006-13-05; Directorate Identifier 2006-CE-02-AD; Amendment 39-14658; AD 2006-13-05] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9551. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727-200 Series Airplanes Equipped with a No. 3 Cargo Door [Docket No. FAA-2006-24073; Directorate Identifier 2002-NM-272-AD; Amendment 39-14653; AD 2006-13-01] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9552. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasiliera de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes [Docket No. FAA-2006-24523; Directorate Identifier 2006-NM-057-AD; Amendment 39-14654; AD 2006-13-02] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9553. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757 Airplanes [Docket No. FAA-2005-20689; Directorate Identifier 2004-NM-197-AD; Amendment 39-14655; AD 2006-13-03] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9554. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation (formerly Allison Engine Company, Allison Gas Turbine Division, and Detroit Diesal Allison) 250-B and 250-C Series Turboprop and Turboshaft Engines [Docket No. FAA-2005-22594; Directorate Identifier 2005-NE-28-AD; Amendment 39-14659; AD 2006-13-06] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9555. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and A300 B4 Series Airplanes; and Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes) [Docket No. FAA-2004-19566; Directorate Identifier 2004-NM-72-AD; Amendment 39-14657; AD 2006-13-04] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9556. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200 Series Airplanes Modified by Supplemental Type Certificate (STC) SA979NE [Docket No. FAA-2006-25175; Directorate Identifier 2006-NM-099-AD; Amendment 39-14670; AD 2006-13-17] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9557. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3 Airplanes [Docket No. FAA-2005-23173; Directorate Identifier 2005-NM-190-AD; Amendment 39-14644; AD 2006-12-18] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9558. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Airplanes [Docket No. FAA-2006-24431; Directorate Identifier 2006-NM-011-AD; Amendment 39-14748; AD 2006-12-22] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9559. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200, -300, -300ER Series Airplanes [Docket No. FAA-2006-24173; Directorate Identifier 2005-NM-262-AD; Amendment 39-14652; AD 2006-12-26] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9560. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737 Airplanes [Docket No. FAA-2006-25102; Directorate Identifier 2006-NM-117-AD; Amendment 39-14666; AD 2006-13-13] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9561. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30509; Amdt. 3181] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9562. A letter from the Administrator, General Services Administration, transmitting informational copies of lease prospectuses that support the General Services Administration's Fiscal Year 2007 Capital Investment and Leasing Program; to the Committee on Transportation and Infrastructure.

9563. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for Calendar Year 2007 [CMS-8029-N] (RIN: 0938-AO19) received September 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9564. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rates, and Annual Deductible for Calendar Year 2007 [CMS-8030-N] (RIN: 0938-AO23) received September 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

9565. A letter from the Acting Secretary, Department of Transportation, transmitting the Department's annual report on the administration of the Surface Transportation Project Delivery Pilot Program, pursuant to Public Law 109-59, section 6005(h); jointly to the Committees on Transportation and Infrastructure and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 5092. A bill to modernize and reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives; with an amendment (Rept. 109-672). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 5418. A bill to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges; with an amendment (Rept. 109–673). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BLUNT (for himself, Mr. POMEROY, Ms. BALDWIN, Mrs. CAPITO, Mr. CONAWAY, Mrs. CUBIN, Ms. HERSETH, Mr. KING of Iowa, Mr. LUCAS, Mr. MORAN of Kansas, Mr. OBEY, Mr. SALAZAR, Mr. SOUDER, and Mr. SENSENBRENNER):

H.R. 6130. A bill to enhance the State inspection of meat and poultry in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. CHOCOLA (for himself and Mr. GILLMOR):

H.R. 6131. A bill to permit certain expenditures from the Leaking Underground Storage Tank Trust Fund; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. BLUNT, Mr. CARDIN, and Mr. PALLONE):

H.R. 6132. A bill to amend title XVIII of the Social Security Act to extend the exceptions process with respect to caps on payments for therapy services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia (for himself, Mr. GORDON, Mrs. MYRICK, Mr. NORWOOD, Ms. HERSETH, Mr. WELDON of Florida, Mr. DEAL of Georgia, Mr. BURGESS, Mr. SHIMKUS, and Mr. SHUSTER):

H.R. 6133. A bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CANTOR (for himself and Mr. RYAN of Wisconsin):

H.R. 6134. A bill to amend the Internal Revenue Code of 1986 to expand health coverage through the use of high deductible health plans and to encourage the use of health savings accounts; to the Committee on Ways and Means.

By Mr. MARSHALL (for himself, Mr. RANGEL, Mr. ACKERMAN, Mr. BOEHLERT, Mr. OWENS, Mr. TOWNS, Ms. SLAUGHTER, Mr. ENGEL, Mrs. LOWEY, Mr. MCNULTY, Mr. SERRANO, Mr. WALSH, Mr. HINCHEY, Mrs. MALONEY, Mr. MCHUGH, Mr. NADLER, Ms. VELÁZQUEZ, Mrs. KELLY, Mr. KING of New York, Mr. FOSSELLA, Mrs. MCCARTHY, Mr. MEEKS of New York, Mr. CROWLEY, Mr. SWEENEY, Mr. WEINER, Mr. ISRAEL, Mr. BISHOP of New York, Mr. HIGGINS, and Mr. KUHL of New York):

H.R. 6135. A bill to amend the Public Health Service Act and title XIX of the Social Security Act to provide for a screening and treatment program for prostate cancer in the same manner as is provided for breast and cervical cancer; to the Committee on Energy and Commerce.

By Mr. KIRK (for himself, Mr. MATHESON, Mr. THORNBERRY, Mr. CAMPBELL of California, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Ms. ROS-LEHTINEN, Mr. BROWN of South Carolina, Mr. BAKER, Mr. KLINE, Mr. MCGOVERN, Mr. WOLF, Mr. CRENSHAW, Mr. PICKERING, Mr. SHIMKUS, Mr. EHLERS, Mrs. MILLER of Michigan, Mrs. BLACKBURN, Mr. PETRI, Mr. ROHRABACHER, Mr. BARTLETT of Maryland, Mr. TIAHRT, Mr. HUNTER, Mrs. BONO, Mr. DREIER, Mr. MCKEON, Mr. ROGERS of Michigan, Mrs. JO ANN DAVIS of Virginia, Mr. GARY G. MILLER of California, Mr. GALLEGLY, Mr. KENNEDY of Minnesota, Mr. WELDON of Pennsylvania, Mr. MARIO DIAZ-BALART of Florida, Mrs. DRAKE, Mr. BONNER, Mr. HASTINGS of Washington, Mr. KUHL of New York, Mrs. EMERSON, Mr. MCCOTTER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BLUNT, Ms. HART, and Mr. CALVERT):

H.R. 6136. A bill to award a congressional gold medal to Margaret Thatcher, in recognition of her dedication to the values of free markets and free minds; to the Committee on Financial Services.

By Mr. REYNOLDS (for himself, Mr. RAMSTAD, Mr. WELLER, Mr. FOLEY, and Mr. CHOCOLA):

H.R. 6137. A bill to amend the Internal Revenue Code of 1986 to double the damages, fines, and penalties for the unauthorized inspection or disclosure of returns and return information, and for other purposes; to the Committee on Ways and Means.

By Mr. KELLER (for himself, Mr. MCKEON, and Mr. TIBERI):

H.R. 6138. A bill to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ANDREWS (for himself, Mr. WELDON of Pennsylvania, and Mr. PASCRELL):

H.R. 6139. A bill to direct the Secretary of Homeland Security to impose requirements for the improvement of security camera and video surveillance systems at certain airports, and for other purposes; to the Committee on Homeland Security.

By Ms. LEE (for herself, Ms. PELOSI, Mr. LANTOS, Mr. RANGEL, Mr. HONDA, Mr. OLVER, Mr. MCDERMOTT, Ms. NORTON, Ms. WATERS, Mrs. CHRISTENSEN, Mr. SERRANO, Mr. DAVIS of Illinois, Ms. KILPATRICK of Michigan, Mr. OWENS, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Mr. MEEKS of New York, Mr. WATT, Mr. CONYERS, Mr. FATTAH, Mr. PAYNE, Mr. MEEHAN, Mr. BLUMENAUER, Mr. AL GREEN of Texas, Mr. VAN HOLLEN, Ms. CARSON, Mr. STARK, Ms. JACKSON-LEE of Texas, Mr. ROTHMAN, Mr. BERMAN, Mr. WEINER, Mrs. DAVIS of California, Ms. LINDA T. SÁNCHEZ of California, Mr. MEEK of Florida, Mr. KENNEDY of Rhode Island, Ms. SCHAKOWSKY, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MORAN of Virginia, Mr. PRICE of North Carolina, Ms. DELAURO, Mr. LEWIS of Georgia, Mr. THOMPSON of Mississippi, Mr. CLYBURN, Ms. MOORE of Wisconsin, Mr. KUCINICH, Ms. SOLIS, Mr. HINCHEY, Mr. WEXLER, Mr. MCGOVERN, Mr. ENGEL, Mr. DELAHUNT, Mr. GRIJALVA, Mr. CAPUANO, and Ms. WATSON):

H.R. 6140. A bill to require the identification of companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY:

H.R. 6141. A bill to direct the Consumer Product Safety Commission to require certain manufacturers to provide consumer product registration forms to facilitate recalls of durable infant and toddler products; to the Committee on Energy and Commerce.

By Mr. THOMAS:

H.R. 6142. A bill to amend the African Growth and Opportunity Act relating to preferential treatment to apparel articles of lesser developed countries, and for other purposes; to the Committee on Ways and Means.

By Mrs. BONO (for herself, Mr. PITTS, Mr. BARTON of Texas, Mr. DEAL of Georgia, Mr. RADANOVICH, Mr. NORWOOD, Mr. UPTON, Mr. BUYER, Mrs. MYRICK, Mr. GILLMOR, and Mr. TERRY):

H.R. 6143. A bill to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS; to the Committee on Energy and Commerce.

By Mr. BLUMENAUER:

H.R. 6144. A bill to reduce vulnerability to natural disasters in foreign countries through the use of disaster mitigation techniques; to the Committee on International Relations.

By Mr. DAVIS of Tennessee (for himself, Mr. SMITH of New Jersey, Ms. KAPTUR, Mr. LIPINSKI, Mr. ORTIZ, Mr. MELANCON, Mr. FORD, Mr. COSTELLO, Mr. PETERSON of Minnesota, Mr.

Oberstar, Mr. McIntyre, Mr. Holden, Mr. Berry, Mr. Boyd, Mr. Marshall, Mr. Kildee, Mr. Kennedy of Minnesota, Mr. Fitzpatrick of Pennsylvania, Mr. Mollohan, Mr. Taylor of Mississippi, Mr. King of New York, Mr. Clyburn, Mr. Murtha, Mr. Ryan of Ohio, Mr. Langevin, Ms. Bordallo, and Mr. Barrow):

H.R. 6145. A bill to provide for programs that reduce the need for abortion, help women bear healthy children, and support new parents; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Ways and Means, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FEENEY:

H.R. 6146. A bill to revise the boundaries of John H. Chafee Coastal Barrier Resources System Ponce Inlet Unit P08; to the Committee on Resources.

By Mr. FOSSELLA (for himself and Mr. Engel):

H.R. 6147. A bill to establish an Advisory Committee on Gestational Diabetes, to provide grants to better understand and reduce gestational diabetes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GOODE:

H.R. 6148. A bill to designate Campbell County, Virginia, as a qualified nonmetropolitan county for purposes of the HUBZone programs of the Small Business Administration; to the Committee on Small Business.

By Mr. AL GREEN of Texas (for himself, Mr. Frank of Massachusetts, Ms. Corrine Brown of Florida, Ms. Wasserman Schultz, Mr. Conyers, Ms. Carson, Mr. Honda, Mr. Cleaver, Mr. Stark, and Mr. Grijalva):

H.R. 6149. A bill to enhance housing and emergency assistance to victims of Hurricanes Katrina, Rita, and Wilma of 2005, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYWORTH:

H.R. 6150. A bill to establish the National Minority Business Enterprise Incubator Program; to the Committee on Financial Services.

By Mr. KLINE (for himself, Mr. Gutknecht, Mr. Ramstad, Mr. Kennedy of Minnesota, Ms. McCollum of Minnesota, Mr. Sabo, Mr. Peterson of Minnesota, and Mr. Oberstar):

H.R. 6151. A bill to designate the facility of the United States Postal Service located at 216 Oak Street in Farmington, Minnesota, as the "Hamilton H. Judson Post Office"; to the Committee on Government Reform.

By Mrs. LOWEY (for herself, Mr. Pomeroy, Mr. Emanuel, and Ms. Watson):

H.R. 6152. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes; to the Committee on International Relations.

By Ms. MOORE of Wisconsin (for herself, Mr. Frank of Massachusetts, and Mr. Scott of Georgia):

H.R. 6153. A bill to improve the delivery of counterterrorism financing training and technical assistance by providing for greater interagency coordination and cooperation, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 6154. A bill to amend part A of title XVIII of the Social Security Act to clarify that facilities designated as critical access hospitals may use beds certified for such hospitals for assisted living; to the Committee on Ways and Means.

By Mr. PEARCE:

H.R. 6155. A bill to establish guidelines and incentives for States to establish criminal drug dealer registries and to require the Attorney General to establish a national criminal drug dealer registry and notification program, and for other purposes; to the Committee on the Judiciary.

By Mr. PEARCE:

H.R. 6156. A bill to provide for the exchange of certain land in the Lincoln National Forest, New Mexico, with the owners of Ranchman's Camp and the C Bar X Ranch, to adjust the proclamation boundary of that national forest, and for other purposes; to the Committee on Resources.

By Mr. TIAHRT (for himself, Mr. Ryun of Kansas, Mr. Moran of Kansas, Mr. Wilson of South Carolina, and Mr. Ryan of Wisconsin):

H.R. 6157. A bill to amend the Revised Statutes of the United States to provide for legal protection against frivolous lawsuits directed at statutes prohibiting picketing at military and other funerals, and for other purposes; to the Committee on the Judiciary.

By Mr. WHITFIELD (for himself and Mr. Stupak):

H.R. 6158. A bill to amend the Interstate Horseracing Act of 1978 to require, as a condition to the consent for off-track wagering, that horsemen's groups and host racing commissions offer insurance coverage for professional jockeys and other horseracing personnel, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BARTLETT of Maryland (for himself and Mr. Abercrombie):

H. Con. Res. 477. Concurrent resolution expressing the sense of the Congress that the States should enact joint custody laws for fit parents, so that more children are raised with the benefits of having a father and a mother in their lives; to the Committee on the Judiciary.

By Mrs. LOWEY (for herself, Ms. DeLauro, Ms. Jackson-Lee of Texas, Mr. Rush, Ms. Zoe Lofgren of California, Mr. Kildee, Mr. Holt, Ms. Bordallo, Mr. Etheridge, Mrs. Cubin, Mr. Filner, Mrs. McCarthy, Mr. Hinchey, Mrs. Christensen, Mr. Lynch, Mr. Gordon, Mr. Bradley of New Hampshire, Mr. Payne, Mr. Van Hollen, Mr. Brown of Ohio, Mr. Langevin, Mr. Pickering, Mr. McNulty, Mr. Watt, Mr. Simmons, Mr. Bishop of New York, and Mrs. Capito):

H. Con. Res. 478. Concurrent resolution supporting the goals and ideals of "Lights On Afterschool!", a national celebration of after-school programs; to the Committee on Education and the Workforce.

By Mr. HAYES:

H. Res. 1029. A resolution honoring the 125th anniversary of the founding of the town of Norwood, North Carolina; to the Committee on Government Reform.

By Mr. JONES of North Carolina:

H. Res. 1030. A resolution expressing the sense of the House of Representatives that the United States Border Patrol is performing an invaluable service to the United States, and that the House of Representatives fully supports the more than 12,000 Border Patrol agents; to the Committee on Homeland Security.

By Mr. Fossella (for himself, Mrs. Maloney, Mrs. McCarthy, Mr. Towns, Mrs. Kelly, Mr. Owens, Mr. Crowley, Mr. Engel, Mr. Serrano, Mr. McCotter, Mr. Bishop of New York, Mr. Grijalva, and Mr. King of New York):

H. Res. 1031. A resolution requesting the Department of Health and Human Services to develop a plan for a comprehensive and permanent program to medically monitor individuals who were exposed to the toxins of 9/11 Ground Zero in New York City and to provide medical treatment for all such individuals who are sick as a result of exposure to the toxins; to the Committee on Energy and Commerce.

By Mr. Fossella (for himself, Mr. Crowley, Mr. Engel, Mr. McHugh, Mr. Towns, Mr. Ackerman, Mr. Bass, Ms. Ginny Brown-Waite of Florida, Mr. Simpson, Mr. Kuhl of New York, Mr. Higgins, Mr. Boehlert, Mr. Sweeney, Mr. King of New York, Mrs. Maloney, Mr. Rogers of Michigan, Mr. LaHood, Mr. Mack, Mr. Shays, Mr. Walsh, Mr. Hinchey, Mr. Porter, Mr. Reynolds, Mr. Rush, Mr. Shuster, Mr. Castle, Mr. Weldon of Pennsylvania, Mr. Franks of Arizona, Mr. Hunter, Mr. Jenkins, Mr. Doolittle, Mr. Bonilla, Mr. English of Pennsylvania, Mr. Renzi, Mr. Terry, Mr. Issa, Mrs. Kelly, Mr. Wamp, Mr. Ryan of Ohio, Mr. Brady of Texas, Mr. McNulty, Mr. Schwarz of Michigan, Mrs. Blackburn, Ms. Bordallo, Mr. Deal of Georgia, Mr. Sullivan, Mr. Pickering, Mr. Barton of Texas, Mr. Kingston, Mr. Shimkus, and Mr. McHenry):

H. Res. 1032. A resolution honoring New York State Senator John Marchi; to the Committee on Government Reform.

By Mr. GRAVES:

H. Res. 1033. A resolution condemning Venezuelan President Hugo Chavez for his anti-American remarks at the September 20, 2006, United Nations General Assembly meeting; to the Committee on International Relations.

By Mr. JINDAL:

H. Res. 1034. A resolution honoring the life of Sister Leonella Sgorbati; to the Committee on International Relations.

By Mr. MEEKS of New York:

H. Res. 1035. A resolution congratulating Commissioner Paul Tagliabue on his retirement from the National Football League; to the Committee on Government Reform.

By Mr. SALAZAR:

H. Res. 1036. A resolution demanding the return of the U.S.S. Pueblo to the United States Navy from North Korea; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 147: Mr. Ferguson.

H.R. 517: Mr. STARK, Mr. McINTYRE and Mr. BACHUS.

H.R. 550: Mr. POMEROY.

H.R. 583: Mr. LARSON of Connecticut.

H.R. 602: Mr. McNULTY and Ms. ESHOO.

H.R. 668: Mr. HINCHEY and Mr. WEXLER.

H.R. 676: Ms. MOORE of Wisconsin.

H.R. 699: Mr. BOUCHER.

H.R. 791: Mr. MURTHA.

H.R. 817: Mr. BISHOP of Utah and Mr. RAHALL.

H.R. 864: Mr. CUMMINGS and Mr. ETHERIDGE.

H.R. 910: Mr. ALLEN, Mr. MATHESON, and Mr. MEEHAN.

H.R. 1000: Mr. RANGEL.

H.R. 1059: Mr. SIMMONS.

H.R. 1405: Mr. WEXLER.

H.R. 1443: Mr. MATHESON.

H.R. 1507: Ms. KAPTUR.

H.R. 1578: Mr. BILBRAY.

H.R. 1634: Mr. FEENEY, Mr. BOREN, and Mr. WEINER.

H.R. 1649: Mr. STARK.

H.R. 1902: Mr. PAYNE and Mr. KUCINICH.

H.R. 1951: Mr. SOUDER.

H.R. 1957: Mr. YOUNG of Alaska.

H.R. 2014: Ms. HOOLEY, Mr. FRANK of Massachusetts, and Mr. LARSON of Connecticut.

H.R. 2088: Mr. KLINE.

H.R. 2184: Ms. McCOLLUM of Minnesota and Mr. McDERMOTT.

H.R. 2421: Mr. TAYLOR of Mississippi, Ms. MATSUI, Mr. WAXMAN, Mr. SALAZAR, Ms. BALDWIN, Mr. GRAVES, Mr. MATHESON, Mrs. JO ANN DAVIS of Virginia, and Mr. JOHNSON of Illinois.

H.R. 2662: Mr. DAVIS of Illinois.

H.R. 2841: Mr. BECERRA and Mr. WELDON of Pennsylvania.

H.R. 2923: Mr. DOGGETT, Mr. EVANS, Mr. FILNER, and Mr. SOUDER.

H.R. 3006: Mr. EVANS.

H.R. 3019: Mr. FORD.

H.R. 3183: Mr. PASTOR and Mr. GRIJALVA.

H.R. 3307: Mr. SMITH of New Jersey.

H.R. 3326: Mr. DELAHUNT.

H.R. 3352: Mr. BACHUS.

H.R. 3509: Mr. LaHOOD.

H.R. 3559: Mr. GOODLATTE and Ms. GRANGER.

H.R. 3576: Mr. FILNER.

H.R. 3605: Ms. WATSON, Mr. HASTINGS of Florida, and Mr. FILNER.

H.R. 3628: Mr. RUSH.

H.R. 3795: Mr. BRADLEY of New Hampshire.

H.R. 3883: Mr. ISSA.

H.R. 3931: Ms. SCHWARTZ of Pennsylvania.

H.R. 3948: Ms. GINNY BROWN-WAITE of Florida.

H.R. 4033: Mr. BRADLEY of New Hampshire.

H.R. 4042: Mr. MARCHANT.

H.R. 4063: Mr. CAPUANO.

H.R. 4098: Mr. PASCRELL.

H.R. 4198: Mr. WEXLER.

H.R. 4277: Mr. McCOTTER.

H.R. 4452: Ms. SOLIS.

H.R. 4547: Mr. SHIMKUS.

H.R. 4560: Mr. FORTENBERRY and Mr. DELAHUNT.

H.R. 4720: Mr. THOMAS.

H.R. 4740: Mr. STRICKLAND and Mr. FITZPATRICK of Pennsylvania.

H.R. 4746: Mr. HAYES.

H.R. 4751: Mr. ROGERS of Kentucky and Mr. ABERCROMBIE.

H.R. 4771: Mr. STARK.

H.R. 4794: Mr. WEXLER.

H.R. 4824: Mr. WELDON of Pennsylvania.

H.R. 4830: Mrs. BIGGERT.

H.R. 4910: Mr. PICKERING.

H.R. 4924: Mr. FILNER.

H.R. 4927: Mr. McCRERY and Mr. LATHAM.

H.R. 5005: Mr. BOUSTANY and Mr. KENNEDY of Minnesota.

H.R. 5014: Mr. KIND, Mr. DOGGETT, and Mr. GENE GREEN of Texas.

H.R. 5022: Mr. PRICE of North Carolina.

H.R. 5088: Mr. CONYERS, Ms. LEE, and Mr. GEORGE MILLER of California.

H.R. 5131: Mr. HINOJOSA, Mr. GRIJALVA, Ms. LEE, Mr. RANGEL, Mr. PALLONE, Mr. REYES, Mr. ROTHMAN, Ms. ZOE LOFGREN of California, Mr. ANDREWS, Mr. FILNER, Mr. MORAN of Virginia, Mrs. DAVIS of California, Mr. AL GREEN of Texas, Mr. LANGEVIN, Ms. WOOLSEY, Mr. FARR, Mr. WAXMAN, Ms. SCHAKOWSKY, Ms. LINDA T. SÁNCHEZ of California, Mr. GONZALEZ, Mrs. CAPPS, Mr. WU, Mr. PRICE of North Carolina, Mr. McGOVERN, Mr. UDALL of Colorado, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. BERKLEY, Mr. MEEHAN, Mr. DAVIS of Florida, Mr. NADLER, Mr. WEINER, Ms. VELÁZQUEZ, Mr. ALLEN, and Mr. SCHIFF.

H.R. 5134: Mr. STARK.

H.R. 5139: Mr. DENT and Mr. OSBORNE.

H.R. 5147: Mr. WEXLER.

H.R. 5179: Mr. PORTER.

H.R. 5206: Mr. SHAYS and Ms. HARRIS.

H.R. 5348: Mr. OBERSTAR.

H.R. 5470: Mr. HEFLEY.

H.R. 5472: Mr. RAMSTAD, Mr. BOSWELL, Mrs. DAVIS of California, Mr. MEEHAN, Mrs. MALONEY, Mr. BOEHLERT, Mr. LATHAM, Mr. RYAN of Wisconsin, Mr. COSTELLO, Mr. FITZPATRICK of Pennsylvania, Ms. MOORE of Wisconsin, Ms. KAPTUR, Mrs. McCARTHY, Ms. VELÁZQUEZ, Ms. MILLENDER-McDONALD, Mr. SCHIFF, Mr. LoBIONDO, Ms. HERSETH, Mr. WELDON of Pennsylvania, Mr. ORTIZ, and Mr. MATHESON.

H.R. 5478: Mr. GOODLATTE.

H.R. 5496: Mr. PASCRELL.

H.R. 5558: Mr. UPTON and Mr. DOOLITTLE.

H.R. 5590: Mr. CULBERSON and Mr. GARY G. MILLER of California.

H.R. 5677: Mr. WOLF.

H.R. 5704: Mr. SHAW, Mr. NEUGEBAUER, Mr. McINTYRE, and Mr. HAYES.

H.R. 5738: Mrs. JO ANN DAVIS of Virginia.

H.R. 5740: Mr. MARIO DIAZ-BALART of Florida.

H.R. 5755: Mr. DeFAZIO and Mrs. JO ANN DAVIS of Virginia.

H.R. 5770: Mr. LEWIS of Georgia.

H.R. 5771: Mr. MATHESON, Mr. PALLONE, and Mr. NUSSLE.

H.R. 5784: Mr. WATT.

H.R. 5806: Mr. BUTTERFIELD, Mr. WYNN, Mr. DINGELL, and Mr. CONYERS.

H.R. 5834: Mr. CAPUANO.

H.R. 5862: Mr. PICKERING.

H.R. 5864: Mr. GUTKNECHT.

H.R. 5866: Mr. GOODE and Mr. McCOTTER.

H.R. 5888: Mrs. JO ANN DAVIS of Virginia.

H.R. 5900: Mrs. JOHNSON of Connecticut, Mr. EHLERS, and Mr. DOGGETT.

H.R. 5909: Mr. ROTHMAN, Mr. STARK, Mr. WELDON of Pennsylvania, Ms. BORDALLO, Mr. MORAN of Virginia, Mr. GEORGE MILLER of California, and Mr. PETERSON of Minnesota.

H.R. 5916: Mr. McINTYRE.

H.R. 5920: Mr. SOUDER and Mr. HEFLEY.

H.R. 5929: Mr. JOHNSON of Illinois and Mr. SHIMKUS.

H.R. 5945: Mr. CONYERS and Mr. McDERMOTT.

H.R. 5951: Mr. CONYERS.

H.R. 5954: Mr. BARTLETT of Maryland.

H.R. 5965: Mr. CROWLEY, Mr. BERRY, and Mr. PETERSON of Minnesota.

H.R. 5977: Mr. GOODE.

H.R. 5986: Mr. CULBERSON.

H.R. 6030: Mr. LaHOOD, Mr. MOLLOHAN, Mr. CONAWAY, Mr. KING of Iowa, Mrs. WILSON of New Mexico, Mr. DAVIS of Alabama, Mr. SPRATT, and Mr. BOSWELL.

H.R. 6036: Mr. McINTYRE.

H.R. 6038: Mr. PAYNE, Mr. DAVIS of Illinois, and Mr. RANGEL.

H.R. 6047: Mr. REYES.

H.R. 6053: Mr. NEUGEBAUER and Mr. KENNEDY of Minnesota.

H.R. 6064: Mr. PAYNE.

H.R. 6066: Ms. ROS-LEHTINEN.

H.R. 6079: Mr. GARRETT of New Jersey and Mr. FRANK of Massachusetts.

H.R. 6080: Mr. BISHOP of Utah.

H.R. 6082: Mr. PRICE of North Carolina.

H.R. 6083: Mr. SERRANO, Ms. WOOLSEY, and Mr. TOWNS.

H.R. 6092: Mr. GOHMERT.

H.R. 6093: Mr. ABERCROMBIE.

H.R. 6094: Mr. SOUDER, Mr. ROYCE, Mr. GARY G. MILLER of California, Ms. FOXX, Mr. ISSA, Mr. DAVIS of Kentucky, Mrs. MUSGRAVE, Mr. HOSTETTLER, Mr. SESSIONS, Mr. MARCHANT, Mrs. DRAKE, Mr. McCOTTER, Mr. SMITH of Texas, and Mr. KING of Iowa.

H.R. 6095: Mr. SOUDER, Mr. ROYCE, Mr. GARY G. MILLER of California, Ms. FOXX, Mr. ISSA, Mr. DAVIS of Kentucky, Mrs. MUSGRAVE, Mr. HOSTETTLER, Mr. SESSIONS, Mr. MARCHANT, Mrs. DRAKE, Mr. McCOTTER, Mr. SMITH of Texas, and Mr. KING of Iowa.

H.R. 6097: Mr. McINTYRE.

H.R. 6099: Mr. SESSIONS, Mr. FORBES, Mrs. McMORRIS RODGERS, Mr. PETERSON of Minnesota, Mr. BARRETT of South Carolina, Mr. BRADY of Texas, Mr. GINGREY, Mr. GUTKNECHT, Ms. HART, Mr. MARCHANT, Mr. PEARCE, Mr. ROHRABACHER, Mr. SODREL, Mr. WAMP, Mr. WELDON of Florida, Mr. SHIMKUS, Mr. ENGLISH of Pennsylvania, Mr. MOLLOHAN, and Mr. INGLIS of South Carolina.

H.R. 6109: Mr. YOUNG of Alaska, Mr. ENGLISH of Pennsylvania, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 6118: Mr. BARTLETT of Maryland.

H.R. 6124: Mr. ENGEL and Mrs. McCARTHY.

H. Con. Res. 197: Mr. SIMMONS.

H. Con. Res. 222: Mr. HERGER, Mr. PORTER, Mr. BONILLA, Mr. CHABOT, Mr. BILBRAY, Mr. SIMPSON, Mr. McCOTTER, Mr. PAUL, Mr. GRIJALVA, Mr. NUSSLE, and Mr. GINGREY.

H. Con. Res. 348: Mr. McGOVERN.

H. Con. Res. 404: Mrs. JONES of Ohio and Mrs. DAVIS of California.

H. Con. Res. 424: Mrs. SCHMIDT, Mr. NUSSLE, and Mr. NEUGEBAUER.

H. Con. Res. 425: Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 453: Mr. GRIJALVA, Mr. STARK, Mr. MEEHAN, and Mr. CONYERS.

H. Con. Res. 457: Mr. MURTHA.

H. Con. Res. 465: Ms. BALDWIN.

H. Con. Res. 470: Mr. OLVER, Ms. McCOLLUM of Minnesota, and Ms. WATSON.

H. Con. Res. 473: Ms. WOOLSEY, Mr. KING of Iowa, Mr. KNOLLENBERG, Mr. FITZPATRICK of Pennsylvania, Mr. WOLF, Mr. FRANK of Massachusetts, Ms. BALDWIN, and Mr. DENT.

H. Con. Res. 476: Mr. BROWN of Ohio, Ms. CARSON, Mr. CUELLAR, Mr. DAVIS of Florida, Mr. EMANUEL, Mr. FITZPATRICK of Pennsylvania, Mr. JEFFERSON, Mrs. JONES of Ohio, Ms. KAPTUR, Mrs. KELLY, Mr. MOORE of Kansas, Mr. REICHERT, and Mr. SCOTT of Georgia.

H. Res. 222: Ms. HERSETH.

H. Res. 496: Mr. McGOVERN, Mr. JEFFERSON, Mr. HOLT, and Mr. RUSH.

H. Res. 745: Mr. SANDERS and Ms. GRANGER.

H. Res. 863: Mr. PAYNE, Mr. RUPPERSBERGER, Mr. RUSH, Mr. MICHAUD, and Mr. DAVIS of Illinois.

H. Res. 888: Ms. CARSON and Mr. MEEHAN.

H. Res. 944: Mr. BERMAN, Mr. ENGLISH of Pennsylvania, and Mrs. JONES of Ohio.

H. Res. 962: Mr. ENGLISH of Pennsylvania and Mr. JOHNSON of Illinois.

H. Res. 969: Mr. SHAYS.

H. Res. 973: Mr. REICHERT.

H. Res. 989: Mr. PETRI.

H. Res. 990: Mr. KUCINICH, Ms. JACKSON-LEE of Texas, and Ms. MCKINNEY.

H. Res. 991: Ms. NORTON, Mr. CANNON, Mr. PLATTS, Mrs. SCHMIDT, Mr. CUMMINGS, Mr. MICA, Mr. MCHENRY, Ms. WATSON, Mr. HIGGINS, Mr. OWENS, Mr. MARCHANT, Mr. BOUSTANY, Mr. CASTLE, Mr. VAN HOLLEN, Ms. ROS-LEHTINEN, Mr. MCHUGH, Mr. DUNCAN, Mr. DENT, Mrs. JO ANN DAVIS of Virginia, Mr. PORTER, and Mr. HAYWORTH.

H. Res. 1009: Mrs. BIGGERT, Mr. OSBORNE, Mr. OWENS, and Mr. HINOJOSA.

H. Res. 1014: Mr. KINGSTON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 65: Mr. SIMMONS and Mr. FARR.
H.R. 2048: Mr. ROTHMAN.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 3 by Mr. EDWARDS on House Resolution 271: Marion Berry.

Petition 12 by Mr. MARKEY on H.R. 4263: Barbara Lee.

Petition 14 by Mr. FILNER on House Resolution 917: Eddie Bernice Johnson, Barney Frank, Anna G. Eshoo, Susan A. Davis, Michael F. Doyle, Lynn S. Woolsey, Julia Carson, Barbara Lee, Doris O. Matsui, Sheila Jackson-Lee, Bart Gordon, Stephen F. Lynch, Betty McCollum, Mark Udall, and John F. Tierney.

SENATE—*Thursday, September 21, 2006*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia.

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Eternal and Almighty God, we have lived long enough to know that we cannot escape Your presence or Your love. Teach us Your way of salvation and show us the path that leads to a meaningful life.

Today, use our lawmakers to accomplish Your will. Stretch their understanding so that they will have the right priorities. Give them a creativity to devise strategies which will make our Nation and world better. Enter their hearts and make them Your faithful servants. Equip them to relieve suffering and to serve sacrificially. Make their highest motivation be not to win over one another but to win with one another by doing Your will.

We pray in Your awesome Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHNNY ISAKSON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 21, 2006.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ISAKSON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today, we will begin a 30-minute period of morning business, which will be equally divided between the two sides. Following that morning business, we will return to the motion to proceed to the border fence act. Cloture on the motion to proceed was unanimously invoked yesterday. The postcloture time will expire at 5:45 this afternoon. We will be on the bill at that time, or if an agreement is reached with the Democratic leader, we hope to proceed to it at an earlier time. Senators will be alerted as to the prospects for rollcall votes as we determine what the rest of today's schedule is.

ACTIVITY IN THE SENATE

Mr. FRIST. Mr. President, we have a lot of activity going on, both on the floor and also off the floor. We have several conference reports, in terms of appropriations bills—Homeland Security and Department of Defense. We are making real progress. We will address those next week. An issue which I am constantly asked about by press and constituents is what progress is being made and how much progress is being made on the legislation surrounding terrorist camps and terrorist military tribunals and terrorist surveillance. There is a lot of activity at the committee level. Negotiations are underway and, hopefully, we will be able to report back more on that later this afternoon.

Today, I believe most of the debate postcloture time will be used on border security and on the issues surrounding immigration. We will have votes on Monday and, I would say, they are likely Friday. As I have said each day this week, we may have to be in next Saturday. I urge our colleagues to focus on accelerating their work at the committee level so we can finish at a reasonable time next week.

Mr. REID. Mr. President, has the majority leader made a decision as to when we are going to vote Monday?

Mr. FRIST. Monday afternoon around 5 o'clock to 6:30. There have been several questions about that.

Mr. REID. The other question is, I recognize that other than delaying things, if the majority wants to go home, that is what we do because we have fewer votes than they have. But my Senators are asking, and staff is asking, is this Friday and Saturday the date that the majority is going to go home?

Mr. FRIST. Next Friday or Saturday.

Mr. REID. The reason I say that, if there is some anticipation that if things don't work out, we are going to go beyond next week, our folks should know that.

Mr. FRIST. It is very important, Mr. President, that we keep everybody's schedules clear because there are campaigns going on. People need to get back to their States. It is our intent that we are going to stick with it. Unless there is an unforeseen emergency of some sort, we will finish next week. We will be out this month. My intention is to finish Friday, working with the Democratic leader in that regard. There is very important business for us to do, and that should send a signal that we have to keep our committees and conferences working for the rest of today, tomorrow, and over the course of the weekend and into next week.

Unless there is something very surprising, I expect we will be out this month. I would like for it to be Friday, but it may be Saturday.

Mr. REID. The majority leader and I have had private conversations. It is my further understanding that the majority leader is planning on coming back the following Monday after the elections?

Mr. FRIST. The following week.

Mr. REID. Monday or Tuesday?

Mr. FRIST. Right. It is clear that over the next 8 or 9 days, we have unfinished business we absolutely must do. Looking at the calendar, either that Monday or Tuesday of the week following the elections, we will be back in.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the Democratic leader or his designee, and the second half of the time under the control of the majority leader or his designee.

The Senator from Michigan is recognized.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

PHYSICIAN MEDICARE PAYMENTS

Ms. STABENOW. Mr. President, I rise today to urge my colleagues to come together to pass an update of the physician Medicare payments and to stop what will be over a 5-percent cut that will take place in January if we do nothing.

We need to have a sense of urgency about this issue. Eighty Senators on both sides of the aisle—80 out of 100—came together and signed a letter to our leader asking that a positive Medicare payment update for 2007 happen before the Senate adjourns. Senator REID spoke on the floor in support of that effort. I urge our Senate leader to come to the floor, and in the final days of the session before we break for the elections do what 80 people in this Senate—80 Senators out of 100—have come together and agreed physicians must be provided, which is a positive Medicare payment update for 2007.

I am deeply concerned that after the election we may or may not have the focus in order to be able to get that done before the end of the year. It is vital not just to physicians but to the people we represent—the seniors, people with disabilities—that we get this done. Eighty Senators out of 100 have sent a letter to our two Senate leaders and have urged that we act now. Senator REID has indicated his support for doing that. We need our Senate leader to bring this to the floor so we can get it done.

I joined these 80 Senators in sending that letter in July because we know that if we don't provide even a minimum update, we destabilize the Medicare system and put all patient access to health care at risk. That is not an understatement.

There needs to be a tremendous sense of urgency about this issue. What has happened since July 17 when we sent the letter? Nothing. There has been no committee hearings, no markups—despite 80 Senators agreeing that we have a need to provide a minimum update for physician services. There has been no effort by the majority leader to bring this issue to the floor. We have had no willingness to bring up an issue that has incredible significance to tens of millions of Americans all across our country.

I am here this morning because we have only 7 days or 8 days—whatever the number is—left before we adjourn for the elections. We don't know what will be happening after that. We certainly know there are many critical issues left and much to be done. The appropriations process isn't completed. There are many items on the agenda after the election. It is very uncertain what will be happening. We know that right now we can get it done. We do know with certainty that come January there is going to be a 5-percent cut for physicians and fewer physicians being able to care for our seniors and people with disabilities if we do not act.

With 80 people urging that we act, this should be a simple process. This should be, as they say, a no-brainer to bring this to the floor and simply get it done. We need to do something today. There is no reason not to do this today. We can get it done quickly. Eighty Senators wrote:

> The undersigned Members respectfully urge you to ensure that these impending cuts are addressed before Congress adjourns. At a minimum, we must provide physicians with a positive Medicare payment update for 2007.

So we have the critical mass necessary to get this approved. The change we are seeking in law directly tracks MedPAC's recommendation for what the physician payment update should be for 2007. So we have a solid policy. We have an overwhelming majority of Senators, based on solid policy, and we know if we don't make this change, our seniors and people with disabilities are going to lose access to their doctors.

We know from a recent survey conducted by the AMA that if the scheduled cuts go into effect, 45 percent of doctors will decrease the number of Medicare patients they accept. Fifty percent of doctors will defer the purchase of health information technology which, I might add, is an area where we, under our budget jurisdictions for Medicare and Medicaid and other health care programs, will reap huge savings, hundreds of billions of dollars with health information technology. But you cannot tell a physician who is trying to make ends meet to be able to continue to serve people that, by the way, we are going to cut your payments coming in, but we want you to buy new hardware and software and train people and do all of these other things so that the Federal Government can save dollars. It doesn't make any sense.

We also know that 37 percent of doctors practicing in rural communities—and in my great State of Michigan, we have a huge, beautiful rural part of our State. I grew up in one of those small towns, in Clare, in the northern low peninsula.

I understand about access to physicians and access to health care. We know that 37 percent of doctors practicing in rural communities will be forced to discontinue rural outreach, and 43 percent of physicians will decrease the number of new TRICARE patients they serve. So we clearly have a need.

Also, we know that when we cut payments, whether it is to physicians, hospitals, home health care agencies, or nursing homes, we do not really save any money. We just create more people who cannot get the care they need when they need it. And what happens? They walk into the emergency room sicker than they should be. They get the care they need. Our hospitals provide that care. But then they have to recoup those costs, so they roll those costs over to everybody with insurance. In a State with a huge manufacturing base, with employers that provide health care, this goes right on their backs. Businesses large or small end up seeing their health insurance rates go up. So the private sector ends up paying for all of these expenses, and it does not save money to cut physicians' payments or other Medicare or Medicaid payments, either one, because then the private sector has to look for ways to cut. They ask working people and their families to pay more for health care or they cut the kind of health insurance they have. What happens? More people walk into the emergency room. This happens every day.

What are we waiting for? We have 7, 8 days left. We have a clear problem and a clear solution and a clear majority of Senators who want to see this fix happen.

Over 20,000 M.D.s and D.O.s in Michigan provide more than 1.4 million seniors and people with disabilities in Michigan with high-quality medical services under the Medicare Program. Our Michigan families get wonderful care from wonderful doctors. Our American families receive wonderful care from wonderful doctors. But the question is, Will they be able to continue to receive those services? I would argue, not unless we do something now about the payment system used to reimburse physicians for Medicare services.

Beginning January 1, 2007, the Medicare sustainable growth rate formula will cut payments to physicians and health care professionals by 5.1 percent. What does that mean in real dollars? In Michigan alone, it is $137 million in cuts to Medicare. The average cut for a physician in Michigan will be $34,000. As medical costs go up—as we see the cost of sustaining an office and other costs and medicine going up, everything is going up—we are cutting back on the physicians' reimbursements. These cuts will be particularly devastating for primary care doctors, the very doctors, according to the Medicare Payment Advisory Commission, MedPAC, many Medicare beneficiaries rely on for important health care management.

Again, we are scheduled to adjourn in 7 days. It is time to resolve this issue so that our physicians know they are going to be able to continue to care for Medicare patients come January.

This is not a new issue. MedPAC considers the Medicare SGR formula a flawed, inequitable mechanism for controlling the volume of services and first recommended repeal of the Medicare SGR formula in 2001. Since then, they have consistently recommended repealing the formula. I have, in fact, put forward a bill that would do that and set up a physicians commission to recommend what should be done. We don't have time for that between now and the end of the year, but we do have time to do what needs to be done in the next 7 days, which is to stop the cut that is scheduled to take effect in January. We need to stop that, and instead of a freeze that was given last year, we need to give a modest update for our physicians so they will know that we understand how important their services are to seniors and people with disabilities.

In conclusion, I wish to share a couple of letters I have received. I have received so many letters from physicians around Michigan expressing grave concern. These are people who care very much about the people they serve. They are trying to keep it together so they can continue to serve people, whether it is in Detroit, Lancing, or Grand Rapids, up north, in the upper peninsula.

I received a letter from a physician in Cheboygan, MI, which is a small town on the lower tip of the northern peninsula. Timothy M. Burandt, D.O. in surgery, wrote me a letter that says:

> In 1982, I graduated from medical school and took an oath to care for all patients in need. As a general surgeon practicing in rural northern Michigan, I am committed to caring for all of my neighbors, not just those with insurance.
>
> My expenses keep going up as I also have a responsibility to my staff to support them with fair wages and benefits.
>
> Without adequate reimbursement, I cannot continue to offer my services to everyone who walks through my door. There simply aren't enough resources. Please don't force me to choose which patients I should care for. I would rather retire early and close the practice.

I don't want Dr. Burandt to have to close his practice in Cheboygan, MI. The families in Cheboygan, MI, cannot afford for him to close his practice, and there is no excuse for us not to act so he doesn't have to.

Also, Tara Eding, a doctor of internal medicine in Hamilton, MI, writes:

> It will be very difficult to remain in practice as internist. The majority of my practice (including 3 other partners) is made up of Medicare patients. It is already difficult to maintain a primary care practice in this field. We have recently had to "trim" overhead by cutting staff, restricting our services, etc. and I only see things getting worse. If these cuts are made it will drive us out of practice.
>
> I have already stopped accepting new Medicare patients and if these cuts go through I will not have a choice. I will be forced to stop participating in one way or another. We would not be able to keep our practice open as it exists today.

There is a sense of urgency in these letters. There is a sense of urgency that we need to feel on the floor of the Senate. We have 80 people in this body on both sides of the aisle who have called on our leaders to act. We have a sound policy, we have a sense of urgency, and we have time to get this done in the next few days.

UNANIMOUS CONSENT REQUEST—S. 1547

Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 1574, a bill to provide for a minimum update for physician services under Medicare, and that the Senate proceed to its immediate consideration; that the amendment at the desk to strike the language pertaining to an update for 2006 be considered and agreed to; that the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection? The Senator from Idaho.

Mr. CRAIG. It is necessary that we object. The Senator from Michigan makes a tremendously valuable point. I hope the Senate does the right thing after we come back from the recess for the elections in November to deal with this critical issue which deals with our doctors and Medicare, but at this moment in time, I have to object to proceeding.

The ACTING PRESIDENT pro tempore. Objection is heard.

The minority time for morning business has expired.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

HONORING THE GOLD STAR AND BLUE STAR MOTHERS

Mr. ALLARD. Mr. President, 70 years ago, Congress passed a resolution proclaiming that the last Sunday in September be designated as Gold Star Mother's Day. As we approach the last Sunday in September, I would like to take this opportunity to recognize the Gold Star mothers throughout the country and particularly those in the State of Colorado.

I hope we will all take time this Sunday, September 24, to honor these mothers and fathers who have so bravely endured the loss of a son or daughter killed while serving in the Armed Forces. Colorado has lost many young men and women to combat since the horrendous attacks of 9/11. One day is not long enough for us to ever fully honor these parents who have had to suffer the unmanageable pain of losing a child, but we will try.

Across the State of Colorado and across the Nation, many of these mothers have come together not only for support but also to volunteer their time, serving veterans and families of soldiers, encouraging patriotism and national pride, and honor their children through service and allegiance to the United States. Through their volunteer efforts, they keep alive the memory and spirit of those whose lives were lost in the war. They continue to inspire compassion, strength, and faithfulness for all Americans.

To mark this weekend, the Blue Star mothers of Colorado will be hosting Colorado's first annual Gold Star Mother's Day weekend. There will be several events throughout the weekend celebrating the lives of those soldiers who so courageously gave the ultimate sacrifice for their Nation. Unfortunately, I will not be able to attend the ceremony myself, but my wife Joan and I send our thoughts and prayers to those who will be attending the event.

Words truly cannot express America's gratitude for our Armed Forces and their service and sacrifice to this Nation. Those who have fallen serve a cause greater than themselves and deserve special honor. To their mothers and fathers: You, too, deserve special honor as you continue to carry on the patriotic duties and legacy your sons and daughters sadly could not. I thank you for your courage and for your service to the United States of America.

Over the last 3 years, our Nation has been locked in a terrible struggle against radical extremists across the Middle East. I readily admit this fight is one we did not anticipate. But I do know that every life given in the name of freedom has not been given in vain.

While they continually experience many dangerous challenges, our men and women of our Armed Forces continue making strides in Iraq and Afghanistan. We have fought a terrible enemy that has no regard for human life. Yet despite our challenges, we have seen tremendous progress, especially toward helping to create partners in our fight against terrorism worldwide. Indeed, much of our success depends on the men and women in the new democratic governments formed in Iraq and Afghanistan, and they are stepping up to the challenge. In Iraq, people from all walks of life—Sunnis, Shias, Kurds—have participated in multiple elections and referendums across the country for the first time in Iraq's history.

Remarkably, after democratic elections in Afghanistan, women are holding positions of power in local and national governments, something that was impossible under the Taliban's rule. The sovereign governments are working with regional and international partners in achieving united democracies—an achievement only allowed through our fighting men and women in combat.

Many remarkable achievements have been made through the sacrifices of the men and women in the military, but perhaps the most important of all is what has not occurred in our country: since we took military action against these Islamic extremists and brought the fight to them, we have not seen an attack on American soil. The sacrifices that the sons and daughters of our Gold Star mothers have made and continue to make are protecting us on our shores. Unfortunately, we have seen that even after the death of terrorist leaders, such as Abu Mus'ab al-Zarqawi, the forces of Islamic extremists vow that they will continue to wage war on American civilians. Our success against this type of enemy is only ensured by the brave men and women of our Armed Forces. They provide safety and security to our Nation, and we are truly grateful for what they have done.

While the cost has been high, the cost of doing nothing would be even greater. These words provide little comfort to the families who have lost loved ones, but we will always remember those who have lost their lives in support of our freedom and thank them for their sacrifice.

I ask unanimous consent that a list of fallen heroes from Colorado be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Pfc. Travis W. Anderson
Pfc. Shawn M. Atkins
Staff Sgt. Daniel A. Bader
Sgt. Douglas E. Bascom
Sgt. Thomas F. Broomhead
Petty Officer 2nd Class Danny P. Dietz
Lance Cpl. Mark E. Engel
Staff Sgt. Christopher M. Falkel
Pfc. George R. Geer
Lance Cpl. Evenor C. Herrera
Cpl. Benjamin D. Hoeffner
Staff Sgt. Theodore S. Holder II
Maj. Douglas A. La Bouff
Staff Sgt. Mark A. Lawton
Spec. Derrick J. Lutters
Pfc. Tyler R. MacKenzie
Lance Cpl. Chad B. Maynard
Sgt. Dimitri Muscat.
Sgt. Larry W. Pankey Jr.
Staff Sgt. Michael C. Parrott
Pfc. Chance R. Phelps
Pfc. Ryan E. Reed
Sgt. 1st Class Randall S. Rehn
Staff Sgt. Gavin B. Reinke
Sgt. Luis R. Reyes
Pfc. Andrew G. Riedel
Capt. Russell B. Rippetoe
Pfc. Henry C. Risner
Sgt. 1st Class Daniel A. Romero
Lance Cpl. Gregory P. Rund
Staff Sgt. Barry Sanford
Staff Sgt. Michael B. Shackelford
Cpl. Christopher F. Sitton
Lance Cpl. Thomas J. Slocum
Lance Cpl. Jeremy P. Tamburello
Staff Sgt. Justin L. Vasquez
2nd Lt. John S. Vaughan
Capt. Ian P . Weikel
Spec. Dana N. Wilson
Sgt. Michael E. Yashinski

Mr. ALLARD. Mr. President, in remembering their lives, we also honor and celebrate the joy they brought to their families. To the Gold Star and Blue Star mothers and fathers: I salute you and thank you for your service to this Nation.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Mr. President, how much time remains in morning business for our side?

The ACTING PRESIDENT pro tempore. There is 9 minutes 20 seconds remaining.

Mr. CRAIG. Mr. President, first, I wish to recognize the Senator from Colorado for the speech he has just delivered. As chairman of the Veterans' Affairs Committee, Gold Star mothers are always at our committee working with us to ensure that those who survived and are America's veterans are treated fairly and justly and the benefits they have been provided by law are delivered to them.

I thank the Senator from Colorado for his recognition of these phenomenal mothers and fathers who have borne the ultimate sacrifice of losing one of their loved ones, one of their children in pursuit of our freedom and justice around the world.

Mr. ALLARD. Mr. President, I thank the Senator from Idaho. We truly appreciate his leadership on the Veterans' Affairs Committee. He is doing a great job.

Mr. CRAIG. I thank the Senator.

DRILLING FOR AMERICA'S OIL

Mr. CRAIG. Mr. President, I come to the floor today to talk to our colleagues about something going on in America at this very moment that probably is very pleasing to the average consumer. I came to the floor of the Senate over a month ago to deliver a speech using this map. I called it the "No-Zone Speech." I called it the "No-Zone Speech" because all of these red areas around our Nation, off our shores, in the Outer Continental Shelf, are no-zones to oil exploration and development. Why? Because we have said politically we don't want to go there. Yet it is believed by the U.S. Geological Survey that in the no-zone rests maybe 80 billion or 90 billion barrels of oil.

I gave that speech in late July of this year at a time when we were debating a very small area down here that could supply upwards of 3 billion or 4 billion barrels of oil, known as lease sale 181. The Senate finally got it, worked out their differences, and passed that legislation. They are now working with the House to try to resolve those differences.

But something phenomenal has happened at the gas pump. During the time I delivered that speech, the Senate was working on lease sale 181, and American consumers were paying over $3 a gallon for their gas. What happened? If you went to the pump yesterday in certain parts of our country, you paid less than $2 a gallon, and in my State of Idaho you are paying 30 cents or 40 cents less a gallon than you did in late July or early August. What happened?

Let me tell my colleagues what we think happened. It is about the very reality of America developing its oil reserves and becoming less dependent upon foreign, unstable sources.

About a month ago, Chevron announced they had discovered in the gulf in what is known as deepwater areas 20,000 feet below the ocean's surface, and 8,000 feet below the ocean's floor, possibly one of the largest oil find discoveries in the history of the United States. That announcement, coupled with the fact that there had been no hurricanes in this area, coupled with the fact that all of the oil development and refinement that was taken off line by Katrina is now back on line and operating, and the reality that there was a new reserve of oil that was secure to our Nation and not dependent upon a foreign unstable political power, changed the dynamics of the oil market.

The $70-plus a barrel for crude that refiners were paying in late July was always believed by many of us who study the market to have $20 of the $70 as purely risk money and speculative price. That is gone. That is gone because of this very large discovery down in the gulf and the reality that the Congress is going to act responsibly for the first time and allow some development, some exploration in the no-zone.

To think we could become increasingly independent of unstable foreign sources of oil would be phenomenally important for this country and our economy and, most importantly, for the consumer. I am quite sure that the person who pulls up to the gas pump in Mid City USA today and is paying 20, 30, 40, 50, 60, 80 cents to a dollar less than they paid a month ago is a pretty happy person, and they ought to be. But, more importantly, they ought to be recognizing what they should be asking the Congress of the United States to do, and that is to advance the development of drilling in the no-zone.

The Presiding Officer is a Senator from Alaska. She and I and others have worked for years to develop the rest of the oil reserves in Alaska in the ANWR area, where there could be 30 billion or 40 billion barrels of oil, but America's politics has said no, and America's consumers have suffered. Then we work our way down the coast, down through California and all the other areas where the politics of those areas say, no, you can't drill here, and yet we believe there are trillions of cubic feet of gas and potentially billions of barrels of oil.

I have worked on the Energy Committee of the Senate since 1990. I have watched as others have worked with me and watched American consumers and the oil industry of our country becoming increasingly dependent on foreign sources. In 1990, it was about 40 percent dependency, and then 42 and then 45 and then 50 and then 55 and then 60. At the peak of this summer's consumption, upwards of maybe 65 percent of our oil was coming from those unstable political regions of the world where, at any moment, a terrorist attack or the bombing of a ship could spike the oil market because the supply would diminish, and that is why we saw $70 a barrel for oil in speculative prices.

At just the moment when we are doing lease sale 181, the new discovery happens in the gulf, and the market recognizes that $20 worth of speculation on risk goes away, and American consumers are beginning to recognize the value of being less dependent on foreign oil.

A very wise admiral a long time ago fought a very important battle with the politics of America and the politics of an old-style Navy, and his name was Rickover. He said: As long as our surface and subsurface Navy is dependent upon refueling with diesel fuel all over the world, we will not be free and independent. The politics of that was very rigorous. In 1982, Admiral Rickover delivered a speech before Columbia University where he talked about the battles he fought to develop the first Nautilus nuclear-powered submarine. He said that the political battle to get the submarine was more difficult than the design of the submarine itself.

Well, that was then, and that was many years ago, and most of us have forgotten that political battle because what we now know is that most of our Navy, both subsurface and surface, is nuclear powered. From the time the new nuclear Navy vessel is built, slides from the drydock into the water, and begins its mission around the world, it is never refueled.

The PRESIDING OFFICER (Ms. MURKOWSKI). The majority's time has expired.

Mr. CRAIG. Madam President, I ask unanimous consent to continue for 5 additional minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. So that Navy vessel never has to pull into a port anywhere in the world to refuel itself. It is totally independent. It can travel the world. It can go into the Indian Ocean where it would be very difficult to refuel a diesel-powered vessel, and it sails on. That is why we are the dominant naval power of the world today, because of the vision of a man years ago who said: We must be independent—independent of energy sources for our Navy.

Why can't America demand energy independence for all of us? Can you imagine what would happen in our economy today if the hundreds of billions of dollars that are paid for oil from Iraq, from Kuwait, from Venezuela, and other unstable political areas of the world simply didn't have to be paid? Instead we would pay producers in our country for developing the resources that our country still has in the no-zone. Can you imagine our strength as a country? Can you imagine our foreign policy if we didn't have to recognize that we had to work to keep certain areas of the world stable because they are a source of our energy, they are a source of our very heartbeat as a country? They are the very source of the heartbeat of the economy of our country.

The recent discovery in the deep waters of the gulf proved the point and proved it loudly, and the markets reacted, and the consumers are benefiting today.

This President gets it. He understands it. It is why his first task as a President when he came to power was to develop an energy task force and to lay out for the Nation a national energy strategy that would move us toward energy independence. Oh, the gnashing of teeth, the ringing of hands that occurred on the floor of the Senate: We dare not drill in ANWR. We dare not go here. We must not do this.

During the course of all that rhetoric we became increasingly dependent upon unstable political areas of the world for our oil. And the American consumers began to pay the price a couple of years ago when gas went above $2 and then $2.10 and then 50 cents more and then $2.80 and, of course, this summer over $3 a gallon.

America's farmers today are now paying $3.20 to $3.50 a gallon for diesel, and they can't control their input costs. Many of them are finding themselves in financial difficulty because of the cost of diesel or the cost of fertilizer because, of course, it takes natural gas to produce fertilizer and nitrogen and phosphates.

America, wake up. America, get on your phone and call your Congressman and call your Senator and say: No more no-zone. Allow us to develop our resources and to do so in an environmentally sound way because we now have the technology. We proved it in the shallow waters of the gulf a decade ago. We are now proving it in the deep waters of the gulf as we speak.

Clearly, America could be energy independent. There is no question about it. The ability of the farmer to produce corn that is developed into ethanol, the ability of our country to drill in the no-zone says that America could once again stand unafraid around the world as it relates to the political stability of the oil development and the oil-producing regions of a very unstable world.

The reason we are dependent today is politics, plain and simple. The reason the Senator from Alaska continually argues for the responsible and environmentally sound development up here in the northern reaches of Alaska is because we can do it and do it right, and there are billions of barrels of oil up there and trillions of cubic feet of gas. And America, once again, as Admiral Rickover understood decades ago, can be independent as she stands for other causes around the world.

What a difference a day makes. What a difference one oil find makes because that new Chevron oil find and that new trend in deep water may well increase our oil reserves by 25, 30, 40, 50 percent. What would happen if we were doing the rest of the development in this area, if we were doing the gas development up through Virginia and along the east coast, if we were developing offshore in California, if we were developing in the ANWR in Alaska?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CRAIG. Madam President, the reality is very simple and very obvious. It is all at the pump, and the American consumer, I hope, has awakened to the reality of what a difference a day makes in the price of gas and the impact on their family budget and their pocketbooks. Let's drill and develop the no-zones.

Madam President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SECURE FENCE ACT OF 2006—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 6061, which the clerk will report.

The assistant legislative clerk read as follows:

> Motion to proceed to H.R. 6061, an act to establish operational control over the international land and maritime borders of the United States.

Mr. CRAIG. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY FARM RELIEF ACT OF 2006

Mr. CONRAD. Madam President, I rise today to speak briefly about the legislation I introduced earlier this month, the Emergency Farm Relief Act of 2006. This bipartisan legislation now has 22 cosponsors in the Senate. As I have indicated, it is fully bipartisan. We have a strong representation from both parties in the cosponsorship of the legislation. It is designed to provide much needed relief to producers who have suffered from natural disasters in 2005 and 2006.

Let me direct the attention of my colleagues to the headlines from across my State last year. These headlines talk of massive flooding. In fact, last year in North Dakota, over 1 million acres could not be planted at all. Hundreds of thousands of additional acres were planted and then drowned out.

"Heavy Rain Leads to Crop Diseases."

"Crops, Hay, Lost to Flooding."

"Area Farmers Battle Flooding, Disease."

"Rain Halts Harvest."

"ND Anthrax Outbreak Grows."

These were the headlines all across my State.

"ND Receives Major Disaster Declaration."

While we recognize that in 2005 the worst disasters were in the gulf—Hurricane Rita and Hurricane Katrina—there was another part of the country hit by disaster, little noticed, and that is my part of the country.

Last year, every county was declared a disaster by the Secretary of Agriculture. This is what we saw last year: massive flooding all across North Dakota, especially eastern North Dakota. In fact, at one point I went up in a plane and flew over southeastern North Dakota, and from horizon to horizon, all I saw was water. It was extraordinary, the worst cross-land flooding we have suffered perhaps in our history. It got virtually no attention except by those who experienced it. As I indicated, there were a million acres that were prevented from even being planted. They couldn't plant. They couldn't get in the field even to plant. We suffered an extraordinarily serious disaster last year.

Now, irony of ironies, this year we are suffering from drought. The scientists tell us this is the third worst drought in our Nation's history. This drought extends right now through the center of the country.

This is from what is called the U.S. Drought Monitor. It is a scientific evaluation of drought conditions in the country. It goes from abnormally dry to exceptional drought. The dark brown is exceptional drought. That is the most severe category. You can see the epicenter of this drought is right in North Dakota and South Dakota. Now the entire State of North Dakota is considered in drought condition. In our State, it goes from severe to exceptional drought. We don't have just abnormally dry or moderate; we are severe to exceptional drought in every part of our State.

This is the headline from the Grand Forks Herald in July of this year:

"Dakotas Epicenter of Drought-Stricken Nation."

Experts say the dry spell is the third worst on record. In our entire history, this is the third worst drought, only eclipsed by the 1930s and an earlier period.

In July, Senator DORGAN, Congressman POMEROY and I, our Governor, and the agriculture commissioner of North Dakota went on a drought tour. This is what we found. This is a pasture in Grant County. It is virtually worthless for grazing. I could show picture after picture of what we saw.

One of the most amazing things we found was a corn crop that was irrigated—irrigated corn, and the kernels had not formed. Why? Because not only have we had drought but we have had extreme heat. These are the temperatures for the month of July in North Dakota. All of those in orange are over 90 degrees, many of them over 100 degrees. You can see in the second week of July: 96, 101, 105, 94, 101, 105. But the real tale is told on July 30, when in my hometown it reached 112 degrees. That is why even irrigated corn did not produce.

Here is a picture from a Burleigh County cornfield. This is corn in the southern part of Burleigh County, which is my home county. You can see there is virtually nothing growing. It is like a moonscape. These are the conditions we faced all across North Dakota.

It is true that there are some places that had good crops, if you just had the right mix of weather conditions, even though there was drought. Perhaps they had irrigation or for some other reason they had a good crop, but much of North Dakota has been devastated. I am told by the bankers of our State that if we do not get help, 5 percent to 10 percent of the producers in North Dakota will be forced off the land. That is how severe this crisis has become.

During the August recess, I organized a drought rally in Bismarck, ND. Hundreds of farmers and ranchers came from all across the State. Our Governor attended, as did Senator DORGAN and Congressman POMEROY and our agricultural commissioner. The message was loud and clear: If there is not assistance that is meaningful, if it does not come soon, thousands of farm families are going to lose their livelihood. That is the reality of what we confront.

In late August, the Secretary of Agriculture traveled to South Dakota. He proposed there a program that is totally and completely inadequate. The program he proposed is mostly money that is already in the budget. It is not new money, just a shuffling of the deck.

On September 12, the Secretary notified me that all North Dakota counties had been designated as primary disaster counties for the 2006 crop year. Why aren't we satisfied? Because all that makes available are low-interest loans. This crisis is so severe that more loans are just going to drive people deeper into debt and are going to further pressure them off the land.

On September 12, when the Secretary notified me that all North Dakota counties had been designated as disaster counties, it was also the day I was joined by hundreds of farmers from across the country, dozens of Senators—colleagues from the House and Senate—at a press conference only a few yards from here. Thirty-four national farm organizations have announced that they are asking Congress to provide this disaster relief which is contained in my legislation; 34 national organizations have united behind my legislation.

So the question before the Congress of the United States is, Will we act and will we act in time? I pray that this Congress will act, and I pray we will act in time. If we fail, thousands of farm families will be forced off the land and will lose their livelihoods. That is the reality we confront. That is why Senator NELSON and I have come to the floor today. All I can do is ask colleagues to remember that when the Gulf States suffered horrendous disasters in Hurricane Karina and Hurricane Rita, all of us came to help. We are asking for that same consideration now, as the center of the country suffers from truly a devastating drought.

I will yield the floor, but before I do so, if I could just say to my colleague, Senator NELSON, I thank him for his leadership, as he has repeatedly pressed for this assistance to pass. I think we should say for the record that this assistance has passed in the Senate twice already, by overwhelming margins. In fact, there was an attempt to take it out of one of the supplemental appropriations bills and 72 Senators voted for it. Seventy-two Senators voted to keep it in. So there is strong bipartisan support in the Senate.

Our problem has been that the President has issued a veto threat, and the House of Representatives so far has upheld that veto threat by refusing to consider the Senate legislation. We believe we should give them one more chance because now this drought disaster has deepened and been joined by, of course, the effects of Hurricane Ernesto, which did enormous damage in North Carolina and Virginia, right up to Maryland.

Now is the time. People need help. They deserve it. This disaster assistance will only give help if people have suffered a loss of at least 35 percent. This doesn't make them whole. They would still suffer enormous losses. But at least it would give them a fair, fighting chance.

I want to repeat, you only get help under this legislation if you have suffered a loss of at least 35 percent. It is not too much to ask that we provide this kind of assistance to those who have suffered natural disaster. This is not regional legislation, it is national legislation. Anyone, anywhere, who has suffered a loss of at least 35 percent would be eligible for some assistance.

Again I acknowledge the leadership of my colleague from Nebraska who has been so persistent and so determined to get help to our producers.

I yield the floor.

Mr. NELSON of Nebraska. Madam President, I ask unanimous consent to speak as if in morning business about S. 385, the Emergency Farm Relief Act of 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Nebraska. Madam President, I thank my colleague from North Dakota for his support and for his continuing interest and efforts to bring this to a conclusion.

I came to the floor last week as well in an attempt to provide much needed emergency relief to our Nation's farmers, ranchers, and rural small businesses that have been devastated by the long running drought that I have nicknamed Drought David. Some have asked why did I give it a name. A drought, unlike a hurricane or a flood, is a slow-moving disaster that can linger over the course of years. In some places, Drought David is celebrating its fifth birthday, and in other places it is celebrating its seventh birthday. But by giving it some identity, we hope we can give it the same kind of identity that is very often given to a hurricane which is named. It is not just a storm—it is Hurricane Ernesto or Katrina. I felt that giving this continuing drought a name would help give an identity so people could focus on this being a natural disaster, a devastation of major economic proportions to large areas within our country that can have the same impact in terms of economic loss which very often a hurricane will cause in its wake.

At this time, I ask a simple question of the Senate: If not now, when? When will this Senate provide the relief needed by our Nation's farmers and ranchers? Unfortunately, my question was answered last week by the procedural tactics to block an up-or-down vote.

So, today, I have two questions to ask my colleagues: If not now, when? And, most importantly, if not now, why? Why do we refuse to provide relief to farmers and ranchers suffering from this particular natural disaster when we provide relief, as we should, to others for natural disasters like hurricanes? Is relief from the Senate seriously based solely upon the sensational nature of the disaster and the news reports of the disaster? If a Drought David were able to grab the headlines like a hurricane, would relief be constantly and consistently blocked?

That is not acceptable to the farmers and ranchers I know, and it is not acceptable to me—and I am sure it is not acceptable to a majority of my colleagues in the Senate.

As Senator CONRAD has pointed out, at least on two occasions, we have already voted to provide this kind of relief, and now procedurally it is being blocked.

Last week, I told the Senate about the damage this drought has caused to farmers and ranchers in Nebraska. As my colleague has indicated, in the State of North Dakota, the damage is considerable.

I told the Senate last week about how the drought has caused $342 million in damage so far this year for Nebraska alone.

Keep in mind this is in many cases 5 or 7 years old. The multiples are pretty clearly tremendously important to the State of Nebraska. Still the Senate has refused to act.

Last week, I talked about how the drought forced farmers in Nebraska to spend an extra $51 million just for irrigation costs during this summer. Still, the Senate refused to act.

Last week, I talked about how just this year the drought has cost Nebraska farmers $98 million in crop losses and $193 million in livestock production losses. And still, the Senate refused to act.

Senator CONRAD and I and many of our colleagues have put together a comprehensive package to provide emergency funding to farmers and ranchers who suffered weather-related production shortfalls, quality losses, and damage to livestock and feed supplies. Our bill also helps farmers overcome the losses they suffered because of energy price spikes after the hurricane last year.

I warn my colleagues again that the devastating impacts of the drought threaten to drive many of our farmers and ranchers out of business. We no longer can expect family farmers to make a go of it day in and day out with these ongoing losses. People have said that maybe the Crop Insurance Program would be able to provide the kind of assistance that is required. No crop insurance program can ever provide year in and year out for a 5-year or a 7-year period of losses. It is not designed to do that, and it is not priced to do that. It is not equipped to do that, and actuarially it simply won't work. It would be the equivalent of insuring your house, and every year for 5 years the house burned. You rebuild it, it burns; you rebuild it, it burns. No insurance program is designed nor will it function to take care of that kind of loss.

Without our farmers and ranchers, we cannot expect to continue to secure our national food supply. And without our farmers and ranchers, we cannot hope to grow our domestic production of alternative renewable fuels.

Again I ask, if not now, when? If we fail to act and by our inaction we allow farmers and ranchers and rural businesses to dry up under the devastating impact of the drought, then we have failed not only those farmers and ranchers and small businesses, but we have also failed our Nation because we will have failed to ensure our food and fuel security.

This is why I ask my second question: If not now, why? I think our farmers and ranchers deserve more than procedural gimmicks. They at least deserve answers from this body about why they will not get the relief they so desperately need.

I have spoken to my friend and colleague, Senator HARRY REID, and he has informed me that no one on the Democratic side of the Senate is going to block or will block an up-or-down vote on this relief.

I hope today as we ask this question for the consideration of this body we will make a bipartisan effort to bring about relief to these parts of the country that are undergoing such devastating losses.

I ask again, if not now, why? Surely the Senate can spare an hour of its day to consider this issue and certainly to vote for farmers and ranchers and rural businesses that help this Nation and the world and of whom we are asking to provide more and more of our Nation's fuel supply as well. Surely, we can find some time to vote for providing them the relief they need. I think they deserve at least that much.

That is why I am prepared to continue to fight for this relief and continue to work to get relief out to our farmers.

I know my colleague and others are also joining in that. One way or the other, I will work to get this done. If nothing else, I am going to continue to fight to get this emergency relief included in any continuing resolution that Congress will have to pass before it leaves in a week.

I ask my colleague from North Dakota if he needs to have any more time yielded to him.

UNANIMOUS-CONSENT REQUEST—S. 3855

If not, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 3855, the emergency drought assistance bill, and that the Senate then proceed to its immediate consideration, the bill be read a third time, and without further intervening action or debate the Senate proceed to vote on passage of this bill.

The PRESIDING OFFICER. On behalf of the Senator from Alaska, I will object. Objection is heard.

Mr. CONRAD. Madam President, I know that the occupant of the Chair is acting as a representative of her party, whatever her particular position might be. I want to lay it out on the record because I know the Chair can't explain her own position. She is precluded by the rules from doing that. We don't hold the Chair personally responsible in any way for this objection. We understand that she is required to do so. Any occupant of the chair would be so required. It is probably important to put that on the record.

Madam President, we deeply regret that there has been objection raised. We deeply regret that we are not given the chance to pass legislation which has already passed this body twice before but that has been blocked because the President has threatened a veto and the House has so far gone along with his threat.

Again, the Senate has acted twice in overwhelming numbers to pass drought relief. Goodness knows it is needed.

I was home just this last weekend. I was all across the northern tier of North Dakota. In every location, farmers came to me, ranchers came to me, and said: KENT, is there not an understanding in Washington what is happening here? Does no one care? If there is no response and if it does not come soon, thousands of us are going to be gone.

One of the most prominent bankers in my State, I say to my colleague from Nebraska, came to me this weekend and said: KENT, if there is not disaster relief, 10 percent of the farmers in my portfolio are going to be out of business. They will not get financing. They will not even get financing to go into the fields next year.

One of the farmers said to me: It has been 5 years since I had a normal crop.

Between this extraordinary flooding, these extraordinary droughts—and I don't pretend to know whether global warming or global climate change is part of this. What I do know is something is happening that is absolutely extraordinary in our part of the country. We have gone from massive flooding to massive drought this year. Flooding and drought of that proportion has never been seen before in my State—or at least rarely seen. On the drought monitor, they say this is the third worst drought in our Nation's history.

We need to act. We are not asking to make people whole. They will not be made whole by our disaster relief bill. They only get help if they have at least a 35-percent loss. Then the help only comes to the losses over that amount.

We are not asking to make people whole. We are not asking that people have some big windfall. We are asking that people be given a fair fighting chance.

That has been denied today. But today is not the end of the story. We are going to come back. Again, we want to acknowledge this body has twice overwhelmingly passed disaster assistance. We appreciate that. Our problem is not in this body. Very frankly, our problem is in the other body and at the White House. That is where our problem lies.

I again want to thank very much my colleague from Nebraska for his steadfast leadership on this issue. That is so important to the people we represent.

Mr. NELSON of Nebraska. Madam President, let me also acknowledge that the objection entered was not a personal objection by the Senator from Alaska but one procedurally required of her in her capacity.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Madam President, I ask unanimous consent to speak for up to 20 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Thank you, Madam President.

ENERGY INDEPENDENCE

Ms. LANDRIEU. Madam President, I come to the floor to speak about an equally important issue to many of our States and follow up on the earlier comment by my colleague from Idaho on energy independence for the Nation, and the importance of that at this particular time to the Gulf of Mexico, America's only energy coast and an area that I need not have to explain again is in one of the most challenging situations of its entire history.

I want to associate myself with the remarks of the Senators from Nebraska and North Dakota regarding the drought.

We have had similar droughts, amazingly, in our State, even with the hurricanes. But as Senators who represent farm State communities, agriculture is very important to the State of Louisiana. We have been in a situation that they have been in. I know people think of us as a State with a lot of rain, and obviously a target for hurricanes, but we have also been stricken by serious drought.

The point of my comment about what was said is this: Sometimes things happen out of the ordinary, extraordinary situations, as they have just described, which deserve an unprecedented and extraordinary response.

I know we in Washington deal with that very well because we like everything that is sort of in the box, but we also don't like everything to kind of be one way. The fact is, when serious, extraordinary circumstances happen, we need to make a quick and appropriate response. It is most certainly appropriate for these Senators to come to the Senate and ask for a quick and immediate response to part of our Nation. This drought is not just, of course, in Nebraska and North Dakota. The pictures have shown pockets of severe and unprecedented drought, and whether it is because of global warming or whether it is just because of the severe weather patterns caused by something else, we can debate that until the cows come home. The fact is we have farming communities, rural communities, suffering right now. They need our best effort. I support seeing what we can do to help.

NATURAL GAS IN THE GULF OF MEXICO

I will speak this morning for a few moments about an issue which is almost equal to the concern of farmers in America; that is, the price of natural gas. Farmers, like many industry groups, use natural gas. In their case, fertilizers are produced using a lot of natural gas, and fertilizers go into the farmers' fields.

Natural gas is also used as a raw material to create virtually 50 percent of the products created in American gas. And we have a great shortage. It is driving the price high, historically high—not the highest it has ever been but historically high prices.

The only way we can get the price of gas down—and we need to; that is what the Senator from Idaho spoke about, energy independence and stabilizing prices—is to increase the supply and to make the supply sources more diverse so industries, if the price of gas is high, can use coal, or if the price of coal is high, they can use oil, or if the price of oil is high, they can use alternative fuels or ethanol.

We have been in a mad dash against time to expand our source of fuels and to increase the supply, where we can, in the most environmentally sensitive way possible. It has been a debate which has gone on for decades. It will continue to go on for decades because some States produce gas, some produce oil, some produce coal, and some do not produce any of that and have nuclear powerplants and think that is the way to go. Some of us have more wind than others, some of us have more sun than others.

This is a debate which is natural in a democracy. Just because it is difficult does not mean we have to stop trying. We have to press forward on the issue of a greater supply and greater independence for America. We are dangerously dependent on foreign sources of oil and gas.

Madam President, 72 Senators—unprecedented in this day of partisanship, in this day of not even being able to agree on the time of day or the weather conditions outside—72 Senators came together under the leadership of Senator DOMENICI, the chairman of our Energy and Natural Resources Committee. The Presiding Officer serves on that committee and has been a wonderful voice of reason for the Senate. We passed a bill to open more supplies of gas in the Gulf of Mexico.

The Senator from Idaho showed a much larger and more colorful chart. I thought his looked terrific, and I will ask to borrow it one day, but I do not have it at this moment and this chart will suffice. It shows areas that are basically off of production. The white areas off the Atlantic coast, the coast of California, and around Florida have not been open to production for the last 35 years. There are many reasons—some of them good and some of them not good—we can't drill in these areas.

We will continue to debate for decades to come what to do off the shores of Washington, Oregon, California, Florida, Georgia, South Carolina, North Carolina, Virginia, New Jersey, Connecticut, Massachusetts, New Hampshire, Vermont, and Maine. That debate will go on for the next many years. I will be on one side of that debate, and my colleagues will be on the other. I believe you can access resources appropriately. However, we are not going to resolve that issue in the next week. We are not going to resolve that issue in the next month. I predict we will not resolve that issue for the next year. However, we have farmers in the Dakotas, Nebraska, Louisiana, Texas, Mississippi, Alabama, and Kansas who are desperate for gas now. They cannot wait 10 years or three decades until we figure out the politics of drilling on the Atlantic and Pacific coast. They need help now.

For Congress to be able to help them and not help them is a crime. For Congress to be able to help them and not help them is a crime, it is a shame. It should not stand.

We have the political support and the votes now—among Democrats and Republicans in the House and the Senate, today—to open more drilling in the Gulf of Mexico. We have not been able to open sections in the gulf because of disagreements between Florida and Alabama for decades. Because of the good work of the Senators from Alabama, Mr. SHELBY and Mr. SESSIONS, and the good Senators from Florida, Mr. MARTINEZ and Mr. NELSON—they worked for months in the most difficult of political situations to come up with a way to open more oil and gas drilling in the Gulf of Mexico, a place that everyone agrees has tremendous reserves, that everyone agrees is where we should drill. There are no fights among Texas, Louisiana, Mississippi, and Alabama. Now Alabama and Florida have come to agreements. Their Governors have agreed. Their general political establishments have agreed—not unanimously but the vast majority.

We are here, a week until we leave, and we are going to do nothing—that is what some people say—because it is not good enough. I don't know what school of politics or leadership they came from. All I know, as a leader, you take things a step at a time. You cannot change the world in 1 day. You have to change it a little bit at a time. It takes time to educate people and to talk to them about the benefits. I have taken as many Senators as will go with me out on the rigs. I took the Secretary of the Interior out there to show him. It takes a while to take a lot of people out there. They are busy. They have other things on their minds. We are doing the best we can to try to educate people all over the country about the benefits.

We started drilling offshore in the 1940s. The first well was a little town in southwest Louisiana called Creole. It was just basically washed away in the hurricane. The brave little town, Creole, LA, put the first well offshore about four decades ago. The industry has blossomed since then.

The purple spots on this chart represent pipelines of natural gas. But the purple spots represent more than pipelines; they represent jobs, economic hope, and economic strength of the greatest Nation on Earth. Without these pipelines, without this gas, we cannot produce hardly anything in the United States of America—from plastics, to manufacturing, to steel, to electricity. We keep the lights on in North America. We are proud of it. We want to do more of it. We can do more of it.

We have a bill and the political leadership to open the gulf, but some people around the Capitol do not want to do that until we figure out the politics of drilling off the coast of California—I suggest that is going to take a little more than a few weeks—or until we figure out the politics of drilling off the Atlantic coast. I suggest that is going to take a little bit more work. I am willing to do the work. I have done a lot of the work for the last 10 years. I am continuing to do the work. It is not going to happen in the next month.

Meanwhile, our manufacturing cannot stay competitive with China. With cheap oil and cheap gas coming in from other parts of the world, they are laying off workers, unable to make long-term capital decisions because this Congress can't figure out, this leadership can't figure out how to get a bill passed that opens gas and oil in the Gulf of Mexico. It would not be opened without a bill. It can't open without a bill.

Maybe in the "plan"—lots of things are in a plan. I have plans for my house, to decorate. That is not to say it is going to get done because there is someone else in my house—my husband—who has ideas of his own about how this works. Just because you have something in a "plan" doesn't mean it is going to happen. Just because MMS has these things in their plan does not mean it will happen, but it could happen with a bill that we could pass. If our bill is law, obviously it will make it happen.

I will show the picture of the gulf here. This is what the Gulf of Mexico looks like. These are active wells. The bigger picture was white spaces with no one else drilling. These are all the drills, the yellow are the leases, and these are the active wells. We are producing 30 percent of the Nation's needs from here. We are proud to do it. We will keep doing it.

There is still a lot of white space we could open. That is what we are trying to do—open a little off the Alabama shore, give Florida the buffer they have asked for. Some people do not agree with that, but we had to come to terms with the situation in Florida. Their State is divided on this issue. Some people in Florida want to drill, some people don't want to drill. This was a compromise, as is everything here, and we figured out a way to give Florida a buffer, open up some more oil and gas drilling.

The next chart shows the area we came up with after a lot of work. This lease sale that we could open opens up 9 million new acres of oil and gas. This will not solve my colleagues' problem. Senators KENT CONRAD and BEN NELSON, it will not solve their drought problem, but it will give relief to farmers everywhere when the gas prices come down and the oil and gas starts coming on line.

To put the 9 million acres in perspective—and the Presiding Officer will know this better than anyone—we have fought for 40 years over whether to open ANWR, and ANWR is 6,000 acres. And our debate for 40 years has been about whether to open 2,000 acres.

Our bill—and we have 72 Senators, Democrats and Republicans, led by Senator DOMENICI—will open 9 million acres. But some people around the Capitol don't think that is a significant step. They do not think that 9 million acres makes a difference. They just think this is nothing and we should keep working until we can get everything opened, and they are sure that will happen next year.

I will share the national membership list of the Consumer Alliance for Energy Security. There are probably 100 or more organizations, led by corporations, nonprofit organizations, agriculture, chemical, consumers, manufacturers—the list goes on. It is a very broad-based list. It is not just an industry list; it is retailers, et cetera—the national Chambers of Commerce, the Forestry Association, environmental organizations that understand this country is at great risk unless we open access, that understand we need to do it a step at a time. We are making progress, but we have to take this a step at a time. We want to take this step now.

I ask unanimous consent to have this list printed in the RECORD to indicate that this group is on the record wanting greater access on the issues I am speaking about.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSUMER ALLIANCE FOR ENERGY SECURITY

NATIONAL MEMBERSHIP LIST

Albemarle Corporation; Adhesive and Sealant Council, Inc.; Advanced Service Corporation; Agriculture Energy Alliance; Agriculture Retailers Association; Air Liquide; Air Products; Aluminum Association; American Forest & Paper Association; American Gas Association; American Fiber Manufacturers Association; American Iron and Steel Institute; American Public Gas Association; Arizona Chamber of Commerce; Arkema Inc.;

Ashland Inc.; Associated Oregon Industries; Associated Oregon Loggers; Bayer Corporation; Bowater.

Carousal Promotional; CF Industries; Chemtura Corporation; China Mist Tea; Ciba Specialty Chemicals; Citation Homes; Colorado Agri-Business Association; Colorado Association of Wheat Growers; Colorado Farm Bureau; Concerned Pastors, Church of God in Christ; CoTransCo; David J. Cole & Associates; DeGreen Wealth Management Corporation; Dow Corning Corporation; DTE Energy; Duane Ankeny, Mining Co.; DuPont; Eastman Chemical; East-Lind Heat Treat, Inc.; Energy Links Incorporated.

ESAB Welding & Cutting; Executive Energy Services, LLC; Financial Energy Management, Inc.; General Equipment & Supply; Glassman & Associates; Greater Metro Denver Ministerial Alliance; Greenville Free Medical Clinic; Guardian Industries; Harnes Homes; Hawkeye Renewable Corp.; Holmes Murphy Insurance; Industrial Energy Consumers of America; International Paper; International Sleep Products Association; Iowa Farm Bureau; Iowa Health Systems; Iowa Manufactured Housing Association; ITWC, Inc.; J & K Realty; James Insurance Solutions.

Kirk Engineering and Natural Resources, Inc; Lansing Regional Chamber of Commerce; Latco Development; Latham Hi-Tech Hybrids; Living Waters Christian Center; McAninch Corporation; MeadWestvaco Corp; Michigan Agribusiness Association; Michigan Chemistry Council; Michigan Farm Bureau; Michigan Floriculture Growers Council; Michigan Forest Products Council; Michigan Manufacturers Association; Milliken; Montana Chamber of Commerce; National Paint and Coatings Association; Nestlé Prepared Foods Company; Northwest Food Processors Association; Northwest Gas Association; Northwest Industrial Gas Users.

Oregon Association of Nurseries; Oregon Cattlemen's Association; Oregon Dairy Farmers Association; Oregon Farm Bureau; Oregon Forest Industries Council; Oregon Seed Council; Oregon Small Business Coalition; Oregon Wheat Growers League; Oregonians for Food and Shelter; PPG Industries, Inc.; Panel Components Corp.; Pellett Petroleum Co.; Piedmont Natural Gas; Pipkin Mortuary; Praxair, Inc.; Promotional Authority; Printing-Industries of America; Quad County Ethanol; Resource Supply Management; Rhodia.

Rhom and Haas Company; Rubber Manufacturers Association; SC Chamber of Commerce; SC Forestry Association; Simkins Company; Skogman Realty; South Carolina Farm Bureau Federation; South Carolina Manufacturers Alliance; Southwest Gas Corporation; Springs Global; Steele Financial Services; Sully Cooperative Exchange; Terra Industries; The Carpet and Rug Institute; The Dow Chemical Company; The ESCO Group; The Soap and Detergent Association; The Society of the Plastics Industry, Inc.; The Timken Company; Thombert, Inc; U.S. Steel; Van Diest Supply Company; West Central Cooperative.

Ms. LANDRIEU. But I want to go back to this 9 million acres. This will not open without our bill. It may be in the plan, but it is under moratoria. This section is under moratoria. It cannot be lifted with a magic wand. The only way it can be lifted is if we pass a bill to lift it. If we do not pass a bill, it will stay closed, and the oil and gas companies that have pipelines in the gulf, that have the infrastructure in the gulf, that have the expertise in the gulf will not be allowed to drill there. Meanwhile, prices go high, we lose manufacturing, everybody loses jobs in their States, and we wring our hands here saying we cannot do anything.

Well, we can do something. Chevron did something pretty big last week or 2 weeks ago. Chevron and some of its partners discovered a major oil and gas find, as shown here on the map. Look how small this is. It is just one of these little dots, just one of them. It is so tiny on the map, but it is so huge. This one discovery of Chevron called the Jack Rig—the Jack find—and several right here in the deep water of the Gulf of Mexico will double the reserves of the country's oil.

It is a significant find. It is as significant as finds in Saudi Arabia. It is surprising, in some sense, to some people who thought we drilled everything we could in America. But the fact is, Americans are a pretty smart group of people. And our partners around the world, with whom we make partnerships, can usually figure things out pretty well. With the right incentives and the right ingenuity and with necessity, we can find oil and gas in places we never thought we could.

This well is 28,000 feet deep. They found oil and gas here that is going to be a great help in the event we continue to have problems in the Mideast, if we continue to have problems in Venezuela. It does not look very promising there to me right now.

This is one small, little dot. It is probably not more than—I am not sure—maybe a couple hundred acres. So when people say to me: Senator, your bill or Senator DOMENICI's bill that opens 9 million acres does not do anything—and I look at what the Jack Rig did, which is right here—I have to tell them I don't buy their argument, and I don't think the American people do.

Opening more area in the Gulf of Mexico where the infrastructure is, where we have proven reserves—and because the information is proprietary—and you can understand why it is proprietary because this is a competitive business. All we can find out, according to the geologists who made this discovery, is that they think they have tapped into a "fairway"—which is the way it was quoted in the newspaper—a "fairway" of oil and gas, ready reserves within our grasp in the area that is used for drilling, with people who know how to work on the rigs, in a political environment that is safe.

And we cannot, and will not, before we leave next week, take this step because we have to wait to open drilling all over America off the coast? I do not think that is a wise decision. I think we should take the steps now that we can take, establish revenue sharing, which is part of the bill for Texas, Louisiana, Mississippi, and Alabama and allow these States to be full and equal partners in sharing the benefits of these resources because we most certainly share the burdens of pipelines, that while we are proud of them, they most certainly have an erosion factor.

Our wetlands are being lost at an alarming rate—I have spoken about that many times—not just because of the impacts of oil and gas, which are somewhat contributory to this situation, but mostly because this mighty Mississippi River, which also serves the Nation's economy in a very significant way, has been leveed over the centuries, and it cannot overflow like it used to. So the land cannot replenish itself. And so it continues to subside. And with global warming, it is now exacerbated. But that is not the subject of this talk.

We will put our money to great use in Louisiana. Every environmentalist should be very happy to know that our money is going to be used to protect and preserve this great wetlands, which is an enormous treasure for the Nation, and one that gives so many benefits, and, most importantly, with the recent hurricane, it helps protect great cities, and not just Louisiana communities, but it also protects Mississippi. We are happy to protect our neighbors when we can.

This wetlands protects the gulf coast, and we need to get it restored for the benefit of both the States of Mississippi and Louisiana. And it creates some buffers, obviously, to Alabama, should the storm come this way. It will hit us first before hitting Mississippi or Alabama, and our wetlands reduce that surge. Having said that, we need to press on with a pro-production bill in the Gulf of Mexico, laying the foundation, as Senator DOMENICI has suggested, for revenue sharing.

Now, I would like to read into the RECORD statements that have been made by Republican Senators, not Democratic Senators, although I do have some of those I could read into the RECORD. But for the purposes of this debate, they are statements by Republican Senators who strongly support the Senate version, and why they support the Senate version, because I want to communicate that some people on the other side or some people in the Capitol and other people are saying it is just the Democrats who are stopping this broader drilling bill, and if Democrats would just get their act together, we could get it done.

Nothing could be further from the truth. There are some Democrats opposed to the broad drilling bill, but there are many Republicans here opposed to the broad drilling bill.

Let me read one of the statements. And I am sure Senator GRAHAM from South Carolina would not mind me restating his own speech on the floor of the Senate. He said, on August, 2—this is Senator LINDSEY GRAHAM, Republican from South Carolina:

> I do support passage of S. 3711, but I do not support the bill passed by the House of Representatives earlier this year. The careful compromise that is the Senate bill cannot be found in the version passed by the House. I will not support any legislation that opens South Carolina's coast to drilling for oil. . . . I . . . encourage my colleagues in the House that if they are truly serious [they will live to the framework of the Senate bill].

Now, he said "for oil." He may be willing to open it for gas. I will grant you that. And the House bill allows a choice between oil and gas. But, like I said, that debate is complicated. It is multistate. It will take much longer than the week we have, much longer probably than even next year. And the need is immediate and the need is great.

I know my colleagues have come to the floor, and I asked for 20 minutes, so I am going to wrap up my remarks in about 1 minute to give others an opportunity to speak.

Let me quote from Senator MARTINEZ, a Republican Senator from Florida:

> I will take a moment to thank [the House] for their diligence and vigilance. [I will thank the House Members for their good work. But at this time] I cannot support the House version. I have had clear assurances from our leaders [here in the Senate] that we are committed to working from the framework of the Senate bill. That has been important to me, and while I respect the hard work of our House colleagues [on this subject]—

And we have some great leaders in the House, both Republicans and Democrats—those are my words. He goes on to say:

> and their autonomy as a body of Congress—

He says he respects that, but we must prevail in the Senate version.

Senator WARNER said:

> Many of my colleagues have expressed concerns about the Gulf of Mexico bill, and they stem from what is in the House bill. They said they do not want to lift the moratorium as the House bill would do.

So even Senator WARNER, who supports drilling off the coast of Virginia and has made his position clear, understands there is still work to be done in order for that to happen.

Mr. President, in conclusion, let's not make the perfect the enemy of the good. Let's not tell our agricultural community, our manufacturing community, our utilities, our petrochemical industry to wait when we have a bill that will open 9 million acres of gas and oil, provide great companies such as Chevron and others the opportunity—both big oil and independents that create a lot of jobs—to explore more here safely off our coast.

It increases our economic strength. It produces jobs immediately. It lowers energy prices for all consumers. And it does make our Nation more secure.

I am going to close with this: I do not know how my colleagues feel about being beholden to the politics of the Mideast right now. I do not know how my colleagues feel about being beholden to the politics going on in Venezuela. I do not feel comfortable with it. I do feel comfortable about the politics of Louisiana, Mississippi, Alabama, and Texas. They are Americans. And we have our deal together. We want to drill for all Americans, for the security of our Nation.

Please, allow us to give this country more oil and gas. Please allow us to lower prices. And let's take it a step at a time. I promise my colleagues—the Senator from Pennsylvania knows very well the people in Pennsylvania need relief. I say to the Senator, they cannot wait another year or two. They need it now. He knows that well. He has been a strong advocate for his people in Pennsylvania. But we have to open this up now. And we will come back and work offshore Alaska, offshore maybe some of these other States, when their Governors and when their legislators and when their political leadership can get their neighborhoods together.

But the neighborhood of the gulf is together. Our Governors are together. Our Senators are together. And our people are together. We want to do this for America. Please let's do it.

I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Pennsylvania.

ENERGY SECURITY

Mr. SANTORUM. Thank you, Mr. President. I will pick up where the Senator from Louisiana just left off, and congratulate her for her energetic support for energy security in this country. This is a huge issue. It is actually the reason I came to the floor to talk today, to talk about energy security. I am going to talk about a comprehensive approach I am introducing today, and a big part of that comprehensive approach is the passage of the legislation the Senator from Louisiana has talked about in addition to additional things she has talked about that we would like to do. If we could do them this year, great, let's try to do them this year.

Let's try to do more OCS this year. But let's get done as much as we can this year. Let's, if we can, pass the Senate bill. If there are additional provisions we can accomplish this year to—the Senator from Alaska is here behind me. The Senator from Louisiana mentioned the Commonwealth of Virginia. Let's try to get those done. Maybe there are some other things we can add, maybe in different pieces of legislation, to move this ball forward. There are conference reports that are going to be coming out, and it is not unheard of to place a little tidbit or two in a conference report. Let's sit down and have serious negotiations and discussions with the House to try to get as much as we possibly can without walking out of here empty handed.

So I would very much like to see that done. I congratulate the Senator from Louisiana, as well as all of those who have stepped forward—the chairman of the Energy Committee, obviously, Senator DOMENICI, and Senator STEVENS, who is here on the Senate floor—for all of their efforts to try to do something that I think is vitally important.

I think the Senator from Louisiana put it in the right context. The context is that we are at war with a group of people we are funding because of the high cost of energy. Let's just be very honest about it. This is a very serious war we are involved in, and we are directly contributing huge amounts of American resources to the people who would like to destroy everything we believe. That is a country that is on a mission of suicide. We need to have more energy security because that leads to better national security.

(The remarks of Mr. SANTORUM pertaining to the introduction of S. 3926 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SANTORUM. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I commend the Senator from Pennsylvania for his comments and hope more people will listen to him. He is certainly on the right track as far as this Senator is concerned.

ADVANCED TELECOMMUNICATIONS AND OPPORTUNITIES REFORM ACT

Mr. STEVENS. Mr. President, I come to the floor today to remind the Senate that the Senate Commerce Committee reported to the Senate a bipartisan bill, the Senate communications bill, and it is critical that the Senate consider this bill on the floor.

It is a bill that is good for the consumer. This bill seeks to reduce phone rates for our troops overseas. This bill makes available immediately $1 billion for our first responders. That is money that has been held in the Treasury since last December awaiting authorization for this money to be released.

This money will be used to train, coordinate, and provide interoperable equipment to those first responders. This is money they absolutely must have.

This bill creates caches of emergency communications equipment which will be located throughout our Nation, equipment that is absolutely necessary in the event of an emergency, particularly emergencies caused by terrorist activity in the future.

This bill encourages broadband deployment for consumers. We are behind the world in deployment of broadband. This bill reduces consumer cable rates, a step that is vital to assure that our people can continue to expand the use of cable in terms of communication.

This bill creates choices for consumers for both video and phone service. It is a bill to level the playing field between the various providers of communications capability for all Americans.

This bill will broaden the base for universal service. This is a concept that makes communications available to rural America which is critical, and it is critical to consider a way to make it more affordable and to make sure that the contribution required from users of our communications system is as small as possible, but at the same time meets the needs so that every American can have available communications.

I believe availability of communications is a new right for American citizens. Everyone must have the ability to learn of emergencies and have the ability to communicate.

This bill exempts the Universal Service Fund from the Antideficiency Act. That will be good for our Nation's schools and libraries that rely on universal service funding. It is necessary because of the fluctuations in the use of this fund, and it should not be considered under the Antideficiency Act.

This bill permits municipalities to provide broadband service throughout America in both urban and rural communities. The so-called Wi-Fi concept will be expanded.

The bill expands access for the blind and hearing impaired to the voice over the Internet. VOIP is a brandnew system. It must be available to those with disabilities, as well as all other Americans.

There is wide support for the Senate communications bill. Several days ago, a letter that was signed by over 100 companies sent to our leaders was made available. These are companies involved in the manufacture, design, and construction of telecommunications networks. These 100 companies express support for our bill because it encourages broadband deployment. They support the bill's lighter regulatory approach to the concepts of net neutrality.

I ask unanimous consent that the letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. Mr. President, I want to read this. The letter is addressed to Senator BILL FRIST and Senator HARRY REID, the two leaders of our parties in the Senate. It says:

> Dear Senators Frist and Reid:
>
> As leaders in the networking and communications industries striving to produce new technologies for our nation and the world, we are pleased to support the Advanced Telecommunications and Opportunities Reform Act (H.R. 5252) as approved by the Senate Commerce Committee. It is our hope that the full Senate will approve this legislation in the very near future.
>
> We are particularly pleased that an Internet Consumers Bill of Rights has been incorporated into this bill to address the so-called "network neutrality" issue. We believe this approach to net neutrality will ensure that consumers have access to the content of their choice.
>
> We are strongly opposed to the adoption of mandated net neutrality regulation sought by large Internet content businesses for a number of reasons. First, the Internet has benefited greatly from the relative absence of regulatory restrictions, which has allowed content businesses to grow and prosper. Congress has wisely refrained from burdening this still-evolving medium with regulations, except in those cases where the need for policy action has been clear, and it can be narrowly tailored. This is not the time to deviate from this posture.
>
> Second, it is too soon to enact network neutrality legislation. The problem that the proponents of net neutrality seek to address has not manifested itself in a way that enables us to understand it clearly. Legislation aimed at correcting a nebulous concern may have severe unintended consequences and hobble the rapidly developing new technologies and business models of the Internet. Third, enacting network neutrality "placeholder laws" could have the unintended effect of dissuading companies from investing in broadband networks.
>
> We believe Congress would benefit from objective and unbiased analysis of the claims made on both sides of this debate, and that protecting consumer access while requiring the FCC to study the issue is a reasonable way to proceed.
>
> Thank you for your leadership on this legislation. We stand ready to build the world-class products that will be available to consumers as a result of the increased investment this bill will promote.

It is signed, as I said, by 100 companies.

By supporting this bill, because it encourages broadband deployment, they support the lighter regulatory approach to net neutrality, as I said. There has been much debate on this issue in the Senate Commerce Committee, in the House committees, on the House floor, in newspapers, and in the "blogosphere," as it is called now. But some Senators still prevent full debate on this issue on the Senate floor. It is time now for the Senate to allow debate on this bill to start. America needs this bill.

EXHIBIT 1

SEPTEMBER 19, 2006.

Hon. BILL FRIST,
Republican Leader, U.S. Senate,
Washington, DC.
Hon. HARRY REID,
Democratic Leader, U.S. Senate,
Washington, DC.

DEAR SENATORS FRIST AND REID: As leaders in the networking and communications industries striving to produce new technologies for our nation and the world, we are pleased to support the Advanced Telecommunications and Opportunities Reform Act (H.R. 5252) as approved by the Senate Commerce Committee. It is our hope that the full Senate will approve this legislation in the very near future.

We are particularly pleased that an Internet Consumers Bill of Rights has been incorporated into the bill to address the so-called "network neutrality" issue. We believe this approach to net neutrality will ensure that consumers have access to the content of their choice.

We are strongly opposed to the adoption of mandated net neutrality regulation sought by large Internet content businesses for a number of reasons. First, the Internet has benefited greatly from the relative absence of regulatory restrictions, which has allowed content businesses to grow and prosper. Congress has wisely refrained from burdening this still-evolving medium with regulations, except in those cases where the need for policy action has been clear, and it can be narrowly tailored. This is not the time to deviate from this posture.

Second, it is too soon to enact network neutrality legislation. The problem that the proponents of network neutrality seek to address has not manifested itself in a way that enables us to understand it clearly. Legislation aimed at correcting a nebulous concern may have severe unintended consequences and hobble the rapidly developing new technologies and business models of the Internet. Third, enacting network neutrality "placeholder laws" could have the unintended effect of dissuading companies from investing in broadband networks.

We believe Congress would benefit from objective and unbiased analysis of the claims made on both sides of this debate, and that protecting consumer access while requiring the FCC to study the issue is a reasonable way to proceed.

Thank you for your leadership on this legislation. We stand ready to build the world-class products that will be available to consumers as a result of the increased investment this bill will promote.

Sincerely,

2 Wire, Inc., 3M Company; AC Data Systems, Inc.; AC Photonics, Inc.; Actiontec Electronics, Inc.; Active Optical Mems, Inc.; ADC Telecommunications, Inc.; Adtran, Inc.; AFL Telecommunications LLC; Agilent Technologies, Inc.; Aktino, Inc.; Alcatel North America; Allot Communications; Amedia Networks, Inc.; Anda Networks; Anue Systems, Inc.; Applied Optoelectronics, Inc.; Argent Associates, Inc.; Arnco Corp.; Atlantic Engineering Group; Axerra Network.

BaySpec, Inc.; Berry Test Sets, Inc.; BTECH Inc.; Carlon, Lamson & Sessions; CBM of America, Inc.; Charles Industries, Ltd.; Ciena Corporation; Cisco Systems, Inc.; CoAdna Photonics, Inc.; Condux International, Inc.; Conklin-Intracom; Corning Incorporated; Communication Technology Services; Dantel, Inc.; Ditch Witch (The Charles Machine Works, Inc.); DSM Desotech Inc.; Dura-Line Corp.; Electrodata, Inc.; Ellacoya Networks, Inc.; Enhanced Telecommunications, Inc.

Entrisphere, Inc.; FiberControl; FiberSource, Inc.; Finisar Corp.; Hammerhead Systems Inc.; Hatteras Networks, Inc.; Hitachi Telecom (USA) Inc.; Howell Communications; Independent Technologies Inc.; Katolight Corp.; KMM Telecommunications, Inc.; Leapstone Systems, Inc.; Lightel Technologies, Inc.; Lucent Technologies Inc.; MasTec Inc.; MBE Telecom, Inc.; Metrotel Corp.; Microwave Networks Inc.; Motorola, Inc.; MRV Communications, Inc.

NeoPhotonics Corp.; Neptco, Inc.; Norland Products Inc.; Nortel Networks Corporation; NorthStar Communications Group, Inc.; NSG America, Inc.; Nufern; OFS; Omnitron Systems Technology, Inc.; OnTrac, Inc.; Optical

Zonu, Inc.; PECO II, Inc.; Preformed Line Products, Inc.; Prysmian Communications Cables and Systems USA, LLC; Qualcomm Inc.; Quanta Services, Inc.; Redback Networks Inc.; Roebbelen; Sheyenne Dakota, Inc.; Sigma Designs Inc.

SNC Manufacturing Company, Inc.; Sumitomo Electric Lightwave Corp.; Sunrise Telecom, Inc.; Suttle Apparatus Corp.; Symmetricom, Inc.; Team Alliance; Team Fishel; Telamon Corp.; Telcobuy.com, LLC; Telesync, Inc.; Tellabs, Inc.; Tyco Electronics Corp.; US Conec Ltd.; Valere Power, Inc.; Vermeer Manufacturing Company; Wave7 Optics, Inc.; White Rock Networks, Inc.; Xecom, Inc.; Xponent Potonics Inc.; Zoomy Communications, Inc.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I would like to make some comments regarding the pending business, H.R. 6061, the act that came to us from the House of Representatives which is titled the Secure Fence Act of 2006, the essence of which would provide the authority for the United States to construct a variety of features across large portions of our border with Mexico to prevent illegal immigration.

The point of this legislation is, of course, to follow through with a series of appropriations that we have now provided for to enhance our ability to put National Guard troops at the border, construct more fencing, construct more roads, more vehicle barriers, more sensors, more lights, more cameras, and provide more Border Patrol to patrol this large area of our border.

The combination of all of these, personnel and infrastructure and technology enhancements, will enable us to gain effective control of our border. I am pleased that as a result of the appropriations we have passed over the last couple of years, we are now beginning to see our efforts pay off. In many areas of the border, the enhanced security is paying off. It is noticeable. I will cite some of the statistics to point that out.

I express support for this legislation because it provides a roadmap. It makes it very clear where we are going. It establishes principles by which the Department of Homeland Security can operate with the funding we have been providing and will provide in the future.

The essence of the legislation, as I said, is to provide more reinforced fencing, more physical barriers, roads, lighting, cameras, and sensors. The Secretary of Homeland Security obviously will determine the appropriate sequencing of when these things are constructed and the appropriate mix as to where you put the fencing, where you put the vehicle barriers, the sensors, and so forth. The bill itself, for example, recognizes that in mountainous areas, you would be exempt from providing some of the fencing. But the bottom line is to provide a combination of things which, in concert with personnel, will make it much more difficult for illegal entry into the United States. The net result will be that it will be much more difficult for smugglers and illegal aliens to gain entry into the country, it will significantly reduce crime rates in border towns, it will clearly improve the quality of life for Arizona and for the constituents I represent, and it will preserve the fragile desert lands and archeological resources which are being destroyed by the illegal pedestrian and vehicular traffic, again particularly along the area of the border between the State of Arizona and the area of Senora in northern Mexico.

Let me talk for just a moment about the environmental impact because that has been a matter of some concern to those who view this legislation as simply involving the creation of some kind of a wall. Now, let me make it clear. This is not a wall. Fencing, per se, is not a wall. In fact, part of what we would be doing here is replacing the so-called landing mat fencing, which does look like a wall, with chain link-type fencing that you can see through. There are two reasons for this. The landing mat fencing is the steel landing mats that are left over from primarily World War II that can be stood on end and welded together, embedded in concrete pilings, and represent a barrier to entry into the country. They are high and it is hard to get over them but not at all impossible. All you need is a ladder on the other side of the fence and a willingness to fall down and maybe break an arm on this side, and a lot of people do that.

The fencing is deteriorating. It is very difficult to repair because of its age. And for the Border Patrol, they can't see through it, so it represents a disadvantage to them because they can't see who is amassing on the other side of the border. They can't see where rocks are being thrown from, and now rock-throwing has been a highly dangerous problem for members of the Border Patrol. So they would prefer to have either single or, even better, double fencing which they could see through and which is a more modern design than this landing mat fencing. So far from being a wall, what is contemplated in this legislation is exactly the opposite. It involves a fence which you can see through combined with other kinds of technology such as vehicle barriers, cameras with which we can see illegal entry, sensors with which we can detect it, and lights which help us to see.

Now, we are not going to put the fencing along the entire border, obviously. In some parts of the border, particularly near urban communities, we will extend the fencing. In other areas, the legislation contemplates vehicle barriers. This is important because in certain flat areas of the desert, a lot of vehicles are being brought across now. Ordinarily they are stolen in the United States, taken across the border, filled with some kind of contraband, be it illegal drugs or the human cargo the Coyotes pick up, and then they bring that across the border. Frequently, those vehicles are abandoned on our side of the border, representing an environmental hazard.

But what the Border Patrol has discovered is that as they have begun to get more operational control or jurisdiction over the border area because of the increased number of Border Patrol agents and vehicles and fencing and so on that we have already provided, the Coyotes and the cartels—the drug smugglers, the gangs—are fighting for this operational control of territory, and they are using weapons. What the Border Patrol tells me is that whenever they see a vehicle, they know it is a problem because it has a more valuable cargo and is likely to be defended with weapons. That is one reason they are so insistent on putting vehicle barriers in some areas of the border.

In some areas, fencing will not be appropriate, and cameras will do the job. I have been in the control rooms where we have one person able to monitor many different TV screens that represent the views of many different cameras, some of which are infrared, so you can see at night. This way, you don't have to have fencing all along the border; you have cameras which can show you what is happening. When you see groups of illegal immigrants massing on the other side of the border, preparing to cross, the person in the control area calls the Border Patrol, and they are able to get to the location in time to stop the entry or to pick up the people and return them if they have already entered.

Again, you don't need fencing across the entire border. It is not a wall. It is not solid fencing. It is a combination of things which, working together, will enable us to secure the border.

I mentioned the environment because I think it is important for us to recognize that more fencing and these other techniques can actually help improve our environment. It does not degrade the environment. The illegal border crossing traffic has created thousands of new trails and roads on Federal lands in Arizona. I am going to submit for the RECORD the documentation of each of the things I am saying here rather than provide them orally, but for each of these comments I am making, there is documentation through hearings that have been held, through reports that have been issued, through stories that have appeared in newspapers and so on.

For example, the Defenders of Wildlife notes that since 2002, 180 miles of illegal roads have been created in the Cabeza Prieta National Wildlife Refuge alone. This is a wildlife refuge we have set aside for the pronghorn antelope and bighorn sheep and other species we want to protect, and the entry of all of these vehicles, illegally creating these new roads, is substantially disrupting the habitat, for example, for the bighorn sheep. The illegal roads divert the normal flow of water, and they rob native plant cover of the moisture it needs to survive. The proliferation of trails and roads damages the flora and fauna—the cactus, for example, and other sensitive vegetation—and disrupts and even prevents the revegetation of the area. You can see tracks in the desert that were created over 50 or 60 years ago, and it takes that long for the fragile desert to recover. That is one of the unfortunate results of all of this illegal immigration, which could be prevented with more vehicle barriers and fencing along the border.

The trails obviously create soil compacts and then erosion which, in other areas, results in damage. I have seen with my own eyes the tons of trash that is left behind. If you can imagine millions of people over the course of time trying to cross the border and leaving behind hundreds of thousands of plastic water jugs and items of clothing and elements in backpacks and the like, it is just incredible, what you see, and it creates all kinds of problems. This proliferation of trash and, by the way, concentrations of human waste, I would also note, impacts wildlife and vegetation and water quality. It detracts from the scenic qualities, obviously, and can affect human and animal health from the spread of bacteria and disease. Trash is also ingested by wildlife and livestock, which sometimes results in illness or even death of the livestock and wildlife.

In the early 1990s, over 300 wildfires were caused by campfires of illegal immigrants, which additionally poses a threat both to the environment and to human safety in these areas.

The damage is not limited to the compaction, and so on, by human traffic. As I noted, vehicles coming across create their own special set of problems. Abandoned vehicles are often left in place, and the burden of removing them falls to the Government, which has to very carefully try to get to the vehicles without creating new roads and trails and get them removed without causing even more environmental damage. If they are not removed quickly, they are often set on fire by vandals. They have fluids that leak into the watershed and into water courses. As I said, further removal causes additional damage as the tow trucks are forced to navigate previously unspoiled areas of the desert.

Interestingly, the illegal immigrants frequently take vegetation from the environment to build shelters, and by taking a lot of the ocotillo cactus, for example, they are removing a very important species from the desert to build these camouflages, drug stashes, and temporary shelters.

Also, interestingly, when illegal aliens fill water bottles in the wetland locations, it has been determined that they have actually infected these protected Federal wetlands with invasive parasites and diseases which have been carried with them in the water levels which have harmed native fish and wildlife. In fact, in a report to the House of Representatives committee, according to this report, new tapeworms and fungi have already impacted populations of endangered fish and frogs.

So when we talk about the potential damage to the environment from the fences, it is easy to see that there is far more of a benefit than a cost to creating impediments to illegal entry which is creating the kind of environmental impacts I am talking about.

Just to give one summary impact, Coronado National Forest, which is on the border in the area of Tucson, experienced the following environmental degradation from the period 1996 to 2006: 298 abandoned motor vehicles, 300 miles of significant damage to environmental resources caused by off-road vehicle use, 120 human-caused wildfires.

There is an interesting parallel with the fence which was built in the San Diego area. There was concern about the environment there as well. But not only has the construction of that triple fence in the area of San Diego virtually stopped illegal immigration in that area, it has significantly reduced crime on both sides of the border because the criminals who used to congregate in the area are no longer congregating in the area because they can't get across. The result is the San Diego fence has significantly improved the environment in the area, with grasslands coming back and the return of protected species that hadn't been reported in the area for years. I believe all of this is an important element in that debate, demonstrating that the additional fencing and other border technology can help to prevent environmental damage.

But what of the primary purpose of the fencing to prevent illegal entry? This is important for a variety of reasons. Due to the close proximity of the border to a number of major highways in the State of Arizona, illegal immigrant and drug trafficking is often intense. When smugglers can manage to reach the roads, they often resort to excessive speed, driving without lights, and driving down the wrong side of the road to escape law enforcement. There have been a lot of injuries and deaths and attacks on Border Patrol that have resulted. We had an actual shoot-out on the freeway between Tucson and Phoenix between two rival gangs who were contesting to see who could own the illegal immigrants in the van at issue. Frequently, these vans are wrecked, overturned, and a lot of illegal immigrants are killed or injured.

In the one unfortunate case, in the town of Sierra Vista near the border, an elderly couple in the community had just gotten married—I believe it was the week before—and they were simply driving through an intersection, minding their own business, when, with excessive speed in order to avoid apprehension, a load of illegal immigrants came crashing through, hit their vehicle, and killed them both. You can imagine the sorrow as well as the anger in this small community when these wonderful people, who were known to many of the residents of the community, when their lives were extinguished right after they were married and looking forward to some very happy years because of this illegal activity. This has real impacts on people's lives in the United States, and that is another reason to end it.

We had testimony in the subcommittee which I chair—of the Judiciary Committee—Terrorism, Technology and Homeland Security, about the number of illegal immigrants who cross who are criminals or who are wanted for crimes. It isn't just a matter of keeping people from entering the United States to work. The testimony was, by the head of the Border Patrol, that now over 10 percent of the illegal immigrants apprehended coming into this country are criminals. I am not talking about immigration violations; I am talking about serious crimes such as homicide, rape, assault, kidnapping, serious drug crimes. It is not only overloading our law enforcement and court systems, but it is also creating a huge problem at the border.

The U.S. attorney for Arizona, Paul Charlton, testified that last year assaults at the border were up 108 percent. Why? Because, as I said before, the Border Patrol and law enforcement is now contesting the territory that before the cartels and the coyotes had some degree of control over, and they are fighting back. They are fighting back with weapons, and they are also fighting back with things like rocks, which you may not think is a threat until you get hit in the head with one and are severely injured and maimed, really, for the rest of your life.

There is a lot to protect with more fencing, more vehicle barriers, more cameras, more sensors, and the like at our border. It is interesting that vehicle barriers, which are important because, as I said, whenever the Border Patrol sees a vehicle, they know they have a problem because of an important value in the load. Vehicle barriers have worked in the Buenos Aires National Wildlife area, for example, where there has been a 90-percent reduction. In the Organ Pipe Cactus National Monument there has been a 95 percent reduction in vehicle traffic. It can work. But we have to do it.

People say we have tried it and it doesn't work. We have barely started. In fact, there are almost four times as many New York City police officers as there are members of the Border Patrol. So our effort now to build up the Border Patrol, add this fencing, add the vehicle barriers, add the cameras, and all these things to the border is beginning to have an impact. It can work. We simply have to do more. That is what this legislation would provide.

I will not cite the statistics, but there is great evidence that the fencing in the San Diego area has substantially reduced the amount of illegal traffic across the border. It used to represent about half of the border crossings. It is now down to 10 percent. In the area of the triple fence, it is practically zero, I am told.

The bottom line is that we can make a substantial difference by not only appropriating the money—I saw, just a moment ago, the chairman of the Budget Committee here, and the subcommittee in charge of appropriations for this effort. The Senator from New Hampshire was on the Senate floor a moment ago. I commend him again for his efforts, primarily in the last couple of years, to make funds available to do all these things.

As I said, we are moving forward with this at the border, and it is beginning to make a difference. What the legislation passed in the House of Representatives will enable us to do is to have a clear path, a clear guideline of exactly what we are going to do. It provides discretion to the Department of Homeland Security about what exactly to do in what areas. It is not a fence along the entire border, it is a combination of these different things as the Department of Homeland Security deems appropriate. But we believe, in consultation with the Border Patrol, with local officials, that they can determine where best to put each of these assets and how to sequence their construction in such a way as to eventually gain control of the border, and that should be our first goal here: to establish control of the border, to secure the border so we can move on with the other elements of comprehensive immigration reform which, incidentally, I support very strongly. But I think most of us agree a first step must be to secure the border.

I commend this bill to my colleagues. I hope we will be able to get cloture on Monday and we can proceed to its adoption. For those constituents in my home State of Arizona, this would be a very big benefit since over half of the illegal immigrants now entering the United States come through my State of Arizona. This is critically important for my State, but it is also important for the United States, and I hope my colleagues will join together to support this important legislation.

Mr. President, I ask unanimous consent to have printed in the RECORD some background materials on this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Nearly 50 percent of the illegal aliens crossing the southern border of the United States enter through Arizona in the Tucson and Yuma Sectors. In fiscal year 2006, more than 161,253 illegal aliens have been apprehended in Tucson Sector, and 61,974 illegal aliens in Yuma Sector. [Source: CBP].

Illegal cross border traffic has created thousands of new trails and roads on Federal lands in southern Arizona. Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, 107th Cong., 2d Sess. at 3 (2002).

Since 2002, 180 miles of illegal roads have been created in the Cabeza Prieta National Wildlife Refuge alone. Brian P. Segee, On the Line: The Impacts of Immigration Policy of Wildlife and Habitat in the Arizona Borderlands, Defenders of Wildlife Report 20 (2006).

Illegal roads divert the normal flow of water and rob the native plant cover of the moisture it depends on to survive. Kathleen Ingley, Ghost Highways, Arizona Republic, May 15, 2005.

The proliferation of trails and roads damages and destroys cactus and other sensitive vegetation, disrupts or prohibits re-vegetation, disturbs wildlife and their cover and travel routes, causes soil compaction and erosion [and] impacts stream bank stability. Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, 107th Cong., 2d Sess. at 3 (2002).

Tons of trash and high concentrations of human waste are left behind by undocumented aliens. This impacts wildlife, vegetation and water quality in the uplands, in washes and along rivers and streams. This also detracts from scenic qualities and can affect human and animal health from spread of bacteria and disease. Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, 107th Cong., 2d Sess. at 3 (2002). Trash is also ingested by wildlife and livestock, sometimes resulting in illness and death. Id. at 20.

In the early 1990s, over 300 wildfires caused by campfires of illegal immigrants posed a significant threat to human safety and wild lands along the border, as well as increased impacts to soils, vegetation, cultural sites, and other sensitive resources. Border Security on Federal Lands: What Can be Done to Mitigate Impacts Along the Southwestern Border: Hearing Before the H. Comm. on Resources, 109th Cong., 2d Sess. at 2 (2006) (statement of Steve Borchard, Dept. of the Interior).

Vehicles used by drug and human traffickers are often damaged, resulting in fluid spills (gasoline, motor oil, radiator fluid, etc.) and spreading hazardous debris (glass, torn sheet metal, etc.) that harm the environment. Abandoned vehicles are often left in place and the burden of removing them falls on Federal law enforcement officials. If the vehicles are not removed quickly, they are often set afire by vandals, creating an even larger safety and environmental concern. Border Security on Federal Lands: What Can be Done to Mitigate Impacts Along the Southwestern Border: Hearing Before the H. Comm. on Resources, 109th Cong., 2d Sess. at 4 (2006) (statement of Steve Borchard, Dept. of the Interior).

After blazing destructive paths through the desert, large numbers of vehicles are abandoned by smugglers and illegal aliens. These vehicles emit pollutants, like gasoline, oils, antifreeze, and lead, which often soak into the ground and can reach water sources. Further, removal often causes additional damage as tow trucks are forced to navigate previously unspoiled terrain to access the abandoned vehicles. Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, 107th Cong., 2d Sess. at 17–18 (2002).

Illegal aliens trample the native vegetation in riparian areas in an effort to get water and uproot native plants like ocotillo cactus to build temporary shelters or to camouflage drug stashes. Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, 107th Cong., 2d Sess. at 15 (2002).

When illegal aliens fill water bottles in wetland locations they can infect these protected Federal wetlands with invasive parasites and diseases which can doom native fish and wildlife. New tapeworms and funguses have already impacted populations of endangered fish and frogs. Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, 107th Cong., 2d Sess. at 23 (2002).

Illegal aliens transport in seeds from invasive plant species. Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, 107th Cong., 2d Sess. at 23 (2002). And since the vehicles on the road have churned up the soil and diverted the water flow, these new plants can take root. Kathleen Ingley, Ghost Highways, Arizona Republic, May 15, 2005.

The Coronado National Forest experienced the following environmental degradation 1996–2001: 298 abandoned motor vehicles; 300 miles of significant damage to natural resources caused by off-road vehicle use; and 112 human-caused wildfires. Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, 107th Cong., 2d Sess. at F-5 (2002).

The construction of the San Diego fence has resulted in the return of protected species that have not been reported in the area for many years. Border Security on Federal Lands: What Can be Done to Mitigate Impacts Along the Southwestern Border: Hearing Before the H. Comm. on Resources, 109th Cong., 2d Sess. at 1 (2006) (statement of Chris Ingram, Gulf South Research Corporation).

Due to the close proximity of the border to a number of major highways, illegal immigrant and drug trafficking is often intense. If smugglers manage to reach the road, they often resort to excessive speed, driving without lights, or driving down the wrong side of the road to escape law enforcement officers, resulting in accidents, injuries, and death. Border Security on Federal Lands: What Can be Done to Mitigate Impacts Along the Southwestern Border: Hearing Before the H.

Comm. on Resources, 109th Cong., 2d Sess. at 4 (2006) (statement of Steve Borchard, Dept. of the Interior).

Much of the existing pedestrian barriers consist of unsightly "landing mat" wall structures that are operationally unsound, as Border Patrol Agents cannot see through them to monitor developing events on the Mexican side, and are more vulnerable to being struck with rocks that they cannot see coming. The landing mat fences are so aged and damaged that they cannot easily be repaired, and when corrugated, can have doors cut into them that are difficult to detect. Vehicle barriers will help stop ingress of armed human and drug traffickers, and end mistaken incursions by Mexican military units into U.S. territory. [Source: CBP].

Vehicle barriers significantly reduce illegal vehicle traffic. Since installation, the Buenos Aires National Wildlife Refuge has seen a 90 percent reduction in vehicle traffic in some areas, and the Organ Pipe Cactus National Monument has seen an estimated 95 percent reduction in vehicle traffic. Corinne Purtill, New Fences Protecting Fragile Areas on Border, The Arizona Republic, August 26, 2006 (verified by Customs and Border Protection Sept. 19, 2006).

In 1992, the Border Patrol apprehended 565,581 illegal immigrants in the San Diego Sector, which constituted 47 percent of illegal immigrants apprehended by the Border Patrol that year. After construction of fencing was accelerated as part of Operation Gatekeeper in 1993, the annual numbers began a steady decline. In 2005, 126,913 aliens were apprehended in the San Diego Sector, which was just 10 percent of the total number interdicted by the Border Patrol. (Source: Office of Legislative Affairs, U.S. Customs and Border Protection).

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I would just like to add to what my colleague from Arizona has said about the importance of border security. One of the clear priorities in the debate about immigration is what are we going to do to take steps to ensure that we stem the flow of illegal immigration in this country. The Senator from Arizona has been a great leader on this issue. I commend him for that. Of course his State is right down there on the border. But, ironically, even in my State, the State of South Dakota, which is somewhat removed from the border, we are experiencing the effects, some of the negative effects of immigration.

In fact, I had a meeting not long ago with law enforcement personnel in my State—State, Federal, local law enforcement—to talk about the methamphetamine issue which has become a real epidemic in my State like it has in many other places. In fact, methamphetamine arrests were up 45 percent last year in Sioux Falls, which is our biggest city. There is what is known as the I–29 corridor, from Sioux City to Sioux Falls, beyond to South Dakota, and up into North Dakota. It has become afflicted with the methamphetamine crisis.

As I met with them, one of the things that became very clear is that much of what is driving the methamphetamine scourge in our area of the country is people who have come here illegally. It is illegal immigrants who come in and set up these distribution systems in this country, and they are targeting the Indian reservations. There have been a number of stories about how the methamphetamine—if you want to call them cartels or whatever—have looked for places in the United States where they have wide open space, which we have on our reservations in South Dakota and we do not have sufficient law enforcement to necessarily keep up with some of those problems. They are targeting Indian reservations.

I talked to one law enforcement individual from one of the reservations who said they had just sent back somebody who had come into this country, broken the law on the reservation, for the ninth time. That is how easy it has become to get in and out of this country illegally. That is why it is important this issue be addressed.

I understand there are differences of opinion in the Senate about how to address this; whether or not we ought to have a comprehensive approach or how we deal with those who are already here illegally. I think those are all points of debate and issues we need to continue to discuss and resolve. But we have to start fundamentally with stopping the problem now. The people of this country expect us to act. It is a matter of national security.

We have the possibility of terrorist organizations using our open, porous border as an opportunity to get a foothold in this country. As I have said, we have a lot of law enforcement issues related to people who come here illegally and then commit illegal acts—the methamphetamine incidents I talked about in South Dakota being one example. But, clearly, we need to start sealing, securing this southern border to make sure the people of this country have confidence that we are taking the steps necessary to stem the flow of illegal immigration and to get this issue under control.

I appreciate the work the chairman of the Budget Committee and others have done to put more resources and funds toward that because I think it has made a profound difference already. But, frankly, this legislation we are considering today is important because it will send a loud, clear message to the people in this country that we are serious about this issue of illegal immigration, starting with securing the border.

The other issues that follow from that we can debate. There is an agreement on that. I think the one thing there is agreement on, the one thing people in this country want to see action on now is let's get this border secure. So this border security bill that has come over from the House and is being debated in the Senate, I hope we will get a vote on it and be able to pass it through the Senate and put something on the President's desk that will move us in the right direction, a direction that will discourage people from coming here illegally. The thing we want to do is discourage people from coming here illegally.

I say that as a person one generation removed from immigrant status. My grandfather and great-uncle came here from Norway in 1906. We are a nation of immigrants. People come for the same reason they did: they want to experience the American dream.

We are a welcoming nation, and we are also a nation of laws. We need to enforce those laws, and this legislation moves us in that direction. It deals with what is the first priority in this debate, and that is securing the American border so that not only from a national security standpoint, a law enforcement standpoint but, frankly, just so people in this country know and people in other countries in the world who want to come here illegally know that we are a nation of laws, and we are going to enforce those laws.

That is where this debate should start. This will give us an opportunity to do something about which I think there is broad agreement. We can address the other issues in due time, but right now, in the time we have left in the Senate before we adjourn, it is important we address this issue.

I want to speak to one other matter. I came to the floor yesterday, and I want to follow up on something I said.

For anybody who watched the comments at the United Nations made by Hugo Chavez of Venezuela, it should have removed any doubt about the importance of American energy independence. We need to become energy independent. We get a million barrels of oil a day from Venezuela. This is a country whose leader was spewing hatred at the United States; someone who, in the past, has said that the President and his administration were responsible and behind the 9/11 attacks.

This is a country, and many of the other countries like that one, where we get the majority of our energy. They are countries that are hostile to the United States. They want to use the leverage they have as a political weapon against the United States.

The way we avoid that from happening is America becomes energy independent. We need more sources of American energy. We need to take steps so that we have the supply in this country that will enable us to meet the needs that we have in our economy, without having to get energy from the Middle East or from Venezuela, OPEC, other countries that have very hostile intentions toward the United States.

Yesterday, I came down here to talk about a bill that will move us in that direction. I have legislation that is pending in the Senate. It has passed the House. As a matter of fact, it passed the House by a huge margin, 355 to 9. broad bipartisan support coming from the House. It comes here from the Senate. Senator SALAZAR and I have a substitute amendment to that which has been cleared by the Republicans in the Senate. The House has said as soon as we send it back to them they will pass it and it will be put on the President's desk. But we have a series of secret holds on the Democratic side in the Senate.

I know that is part of the tradition of the Senate. I don't happen to think it is a good part of the tradition of the Senate, that people can put a secret hold on a bill and you don't have any idea who has a hold on it, what their issues are. I have my suspicions, since this is an even-numbered year, about why some of these holds are being placed on this bill. Nevertheless, it has the relevant committee's blessing. It has been approved by the committees here.

As I said, we have cleared all the traps on the Republican side of the aisle in the Senate. So the legislation is ready to be passed, sent back to the House, sent to the President, and signed into law. But we have a series of secret holds on the Democratic side in the Senate. That is wrong. Whatever the motivations are, this is policy that is important to the country.

I just mentioned the issue of energy security, of energy independence. This is an issue that strikes at the very heart and core of almost every issue we are debating in the country today, whether it is the economy and the cost of energy, whether it is national security, foreign policy—energy, the fact that we depend upon foreign sources for our energy supply in this country, is a very serious and vexing problem. We have to address it. We need to put policies in place that will create more supply here in America.

This legislation, again, very briefly—to explain it because I explained a little bit yesterday—fills the distribution gap that we have in the area of renewable energy. We passed an energy policy last summer. Part of our policy is a renewable fuels standard which guarantees a market for ethanol and other types of bioenergy. We now have a lot of plants around the country that are operating at full capacity, producing ethanol. We have plants under construction. My State of South Dakota has been at the forefront of that movement, but we will very shortly be at a billion gallons a year production of ethanol.

The problem we have is we do not have a way of getting it to the consumer in this country because we don't have enough refueling stations, gas stations, and convenience stores that have installed the pumps that are necessary to deliver E85 to consumers in this country.

This was an ad that was run in one of the local publications here, Congress Daily. I saw it a few days ago. I saw it again today in that same publication. It is put out by the Auto Alliance. The Auto Alliance in this country, which represents the major car manufacturers, is very much supporting this legislation. What this ad says is that there are 9 million alternative fuel autos in this country today—and counting: 9 million cars in America today that are what we call flex-fuel vehicles; that is, they are capable of running either on traditional gasoline or E85 ethanol. Nine million vehicles—they are ramping up, building, and manufacturing more flex-fuel vehicles. If you watch the television advertisements today and you see the auto manufacturers run their advertising, they are talking more and more about flex-fuel vehicles. This is an important priority for the auto industry. They have the cars that are out there that are capable of using E85. The problem is, there are not enough filling stations that have it available.

In their letter that they sent in support of this bill, the Alliance of Auto Manufacturers says—and I used the number yesterday. This is a slightly different number, but it is in the ballpark. I said there were 600 gas stations in this country that offer E85 out of a total of 18,000. In their letter they say 830 gas stations, so maybe it has gone up a little bit, out of the total number of gas stations in the country that have E85 ability.

There are 9 million vehicles and counting that can run on flex fuel using E85 or other bioenergy—only using the high number of 830 refueling stations where they can get that.

In the Midwest where I am from, in South Dakota, we have a number of filling stations that make E85 available. But that is the exception and not the rule.

Our bill provides an incentive for these refuelers to install E85 pumps, not just E85. This isn't just an ethanol issue; other alternative energy types of fuels can be used. But it provides an incentive for them to install pumps to make renewable energy and alternative sources of energy more readily available to consumers in this country. It does it very simply by providing grants up to $30,000 per pump at the gas station. Because they can install more than one, they can take advantage of the incentive more than once. If they install an E85 pump, they can get up to $30,000 to do that. The cost of installing one of those pumps, depending on where you are in the country, is between $40,000 and $200,000.

The simple fact is, this incentive will go a long way. As has been noted, and as I said, the auto manufacturers sent a letter supporting the bill, as has the National Association of Convenience Stores which represents all of the gas stations around the country. They are supporting this; the auto manufacturers are supporting this.

It does not affect the budget because we paid for it. The way we paid for it is by using the fines that are paid by foreign auto manufacturers for violations of fuel efficiency standards. Take a fine which has been paid and apply those dollars toward a program that provides incentives for fuel retailers to install five pumps and other pumps that offer other forms of alternative energy.

But, frankly, as I said before, it is an important priority. We have auto manufacturers making the cars, ethanol producers that are producing the ethanol, you have consumers in this country who want this product, and you have a requirement now, because of the renewable fuels standard that we passed last year and put into law in the Energy bill, that States meet those standards. You have all of these things clicking. And Hugo Chavez comes to the United States and at the U.N. in a vitriolic way attacks our country and our leaders. Here we are getting a million barrels of oil a day from that country.

We need American energy. We need to be energy independent. We need to move America in a direction toward the future and take us away from relying on the traditional sources of energy.

We get almost 55 percent of our energy from outside the United States—and that has to change.

This legislation is broadly supported. It came out of the House by a vote of 355 to 9. It is broadly supported.

I have had Senators from both sides of the aisle come up to me—and, of course, I said it is cleared on the Republican side. I have had Democratic Senators say they really support the legislation. This is a good thing.

Again, I am at a loss—it is a mystery to me—to try to explain why anyone would be opposed to this. The only thing I can suggest is there are perhaps some election year motivations. I don't know the answer to that. I hope that is not the case.

This is the right thing to do for the country. It is the right policy to put in place for America's future. I call on my colleagues on the Democratic side who have these anonymous, secret holds—we don't know who is holding it up. I wish I knew the answer to that. I would love to have them come down here and defend their position because there is absolutely no logical reason anybody would object to this piece of legislation which implements policy, consistent with the energy policy that we adopted last summer, the renewable fuels standard, and make available for people in this country E85 ethanol.

There are 9 million automobiles in this country and counting that can run on E85. If you use the generous estimate, there are 850 refueling stations. That is a terrible gap. We need to fill that gap in the distribution system in this country. This legislation would do that.

It is ready for action in the House, and it is ready to go to the President for his signature.

But we have, as I said, some anonymous and secret holds on the Democrat side preventing this legislation from moving forward.

I ask my colleagues—I urge my colleagues—on the other side of the aisle to release those holds and allow this bipartisan legislation, this important legislation, to get to the President's desk so we can begin to lessen our dependence on foreign sources of energy, on dictators, and countries like Venezuela and Iran, and have American-grown energy that will make America independent as we head into the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I thank you. I ask unanimous consent to speak for 5 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL OPPORTUNITY FOR ASIAN AMERICANS

Mr. CARPER. Mr. President, I want to take a moment to bring to the attention of our colleagues a full-page article which ran in the business section of the Washington Post recently headlined "American Core Values, Equal Opportunity." I had some discussion in my caucus this week focusing on diversity and focusing on diversity of our own staff here on Capitol Hill and how well we are doing. This is an issue that is on my mind.

Some of my colleagues may be familiar with something called the 80-20 Educational Foundation which seeks to promote equal opportunity for Asian Americans. The president of the foundation, as it turns out, is a colleague and friend of mine, a constituent. He is former Lieutenant Governor, recently retired physics professor at the University of Delaware, Dr. S.B. Woo.

Here are some of the findings of 88–20's research as spelled out in the article in the paper.

No. 1. When compared to Whites, African-Americans, Hispanics, and women, Asian-Americans have the lowest odds of rising to management level positions in private industry, universities, and even in the Federal Government.

No. 2. This is interesting because 80–20's research also indicates that Asian-Americans are much more likely to obtain a college degree or higher than Whites, African-Americans, Hispanics, or women.

The data indicates that Asian-Americans have half the chance of Whites of rising to management-level positions.

If this is right, then this is wrong.

From the charts, we can also see that African-Americans, Hispanics, and women are still lagging behind as well. They are also less likely to rise to management level positions. And, perhaps more troubling for the future, they are also much less likely to obtain advanced degrees.

This country was founded on the premise that all men and all women are created equal and that we must always strive for equality and justice for all of us.

We have made great strides over the years. We have taken steps to get closer to that goal of equality and justice for all. As I have often said, we can obviously make it better.

But an important part of that fight—which I think is illustrated in the Washington Post—is keeping vigilant. We must continue to stay vigilant to promote equal opportunity for all Americans, not just Asian-Americans. Each of the groups in these charts faces different barriers, different challenges. And although we have made great progress in the opportunities for all Americans, we cannot become complacent and assume that there is no work left to be done.

The fight for equal opportunity is a fight we must not allow to lag.

I hope my colleagues will consider the important information that is presented here today and maybe take the opportunity to look at it.

I ask unanimous consent to have the Washington Post item printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICA'S CORE VALUE: EQUAL OPPORTUNITY

What makes America great also enhances competitiveness.

Asian Americans yearn to make greater contributions to our country.

However, today, Asian Americans have the least opportunity to enter management and the slowest rate of progress towards equal employment opportunity, despite having the highest educational attainment.

As the world's economic and geopolitical centers shift, can our nation afford to waste some of her best human resources?

[Chart 1]

[Chart 2]

Research Shows

A. Asian Americans have the lowest odds of getting into management in private industries, universities and the Federal government. 2.1 million Asian Americans work in the three sectors (see Chart 1). Data come from government sources and the methodology from the Equal Employment Opportunity Commission.

B. Should Asian Americans be more patient? The rate of progress from 1996 to 2001 for all workers in Chart 1 was studied. Although Asian Americans are twice the distance from equal opportunity (the blue dashed line) compared with Hispanics and women, Asian Americans' rate of progress is only half that of the latter groups. At the current rate, equal opportunity will not be reached by Asian Americans in another 75 years or three more generations.

C. Asian Americans face these realities of low odds and a three-generation waiting period despite having the highest educational attainment, according to data from US Census 2000 (see Chart 2). Educational attainments have come to all from deep sacrifices of parents and sheer diligence by their children.

Mr. CARPER. I thank the Chair.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

Mr. REED. Mr. President, I understand I have 14 minutes with respect to postcloture debate. I ask unanimous consent to speak beyond those 14 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE PART D

Mr. REED. Mr. President, I rise today to discuss my deep concerns about the Medicare Part D Program. The "D" was supposed to stand for a new prescription drug benefit, but now seniors are finding that "D" really stands for doughnut hole. Unlike most other types of health insurance, the Medicare drug benefit was intentionally designed with a coverage gap or doughnut hole that requires beneficiaries to pay for all yearly prescription drug spending between $2,250 and $5,100.

Let me explain. It is baffling to most people that the Part D Program was designed so that beneficiaries paying premiums each month receive support for their drug costs until they have spent $2,250, and suddenly the insurance goes away. The premium stays, but the insurance goes away until you reach $5,100. That is an unusual insurance program, to say the least. Seniors will experience this lapse in coverage once their drug costs have exceeded $2,250. When they are in the doughnut hole, they have to pay for all the drugs out of pocket, as well as paying the monthly premium. That does not sound like a sensible insurance program. That is, in effect, what this Part D Program involves.

According to one estimate published in the journal Health Affairs, the average Part D beneficiary will spend almost $3,100 this year on prescription drugs. So the President's idea of cost containment is not to drive pharmaceutical manufacturers to rein in prices but to just cut off seniors' benefits when they most need the coverage.

Many Medicare beneficiaries with high drug expenses already have begun to fall into the doughnut hole and are struggling to pay for their medications or are unable to fill their prescriptions at all. It has been reported that average Medicare Part D beneficiaries will also begin falling into the doughnut hole this week. It almost sounds like "Alice in Wonderland," where suddenly you are swept into a new world as you go through the hole. A world that requires seniors to come up with their the resources to pay for these premiums as well as their prescription drugs.

I am hearing from many seniors in my State facing problems with Medicare Part D. I know I am not alone. I think every Member of this Senate, when they go home and talk to seniors, is hearing it. We will hear it with more frequency as their expenses increase and their experience with the doughnut hole increases.

In one case, an individual sent a letter to the Rhode Island attorney general and copied me on it because they thought a crime was being committed. They literally thought they were being robbed because one day they got help with the prescriptions, and the next day there is no help at all.

Now "D," besides standing for doughnut hole, stands for dire circumstances. These are the circumstances in which seniors will find themselves unless we do something to fix this problem because the doughnut hole will only get bigger and bigger year after year.

Today, over 38 million Americans on Medicare have some form of prescription drug coverage. Of these beneficiaries, 10 million have coverage through a standard Part D prescription drug plan, and up to 7 million could be subject to the doughnut hole between now and the end of the year. The numbers will only grow in the coming years if the administration allows drug prices to continue to escalate. What trips seniors into the doughnut hole is the cumulative spending on drugs. If drug prices go up, seniors very quickly reach that threshold where the doughnut hole kicks in. Tragically, many beneficiaries are unaware that this coverage gap exists and only learn about this lapse after they have fallen into the hole. To add insult to injury, these beneficiaries are expected to continue paying monthly premiums through their drug plans even though they receive absolutely no coverage in return. This is a very unusual health care plan, to be paying a monthly premium but not be eligible for coverage.

When we pay health care premiums, we hope we don't have to use any of the coverage, that we are healthy and well, but we all have in the back of our minds the knowledge: If something happens that month, I am eligible, I can get the help. Not so in the doughnut hole. Seniors keep paying the monthly premium, and then they pay, out of pocket, the full cost of the prescription.

I didn't support the Medicare Modernization Act which created Part D because I believed the benefit was insufficient and the emphasis on a privately administered program made it excessively complex. By relying on over 40 private plans in each region, each with a different benefit structure, many beneficiaries are confused about the plan offerings and which plan may suit them best. Moreover, a recent General Accounting Office report finds an alarming number of private Part D plans are providing inaccurate or incomplete information to Medicare beneficiaries about the coverage and benefits provided under the various plans.

No doubt, there are some people who have benefited from this new program, but for too many Part D enrollees with complex medical conditions, the benefit has largely been a source of great confusion and concern. We could have done it differently. We could have done it more simply. We could have done it more efficiently.

Many of the problems we are seeing today could have been averted if the Administration had not made the program needlessly complicated and if they had done a better job of preparing the public. Despite all of the serious shortcomings of Medicare Part D, the program has taken effect. It is now incumbent upon us to work together to turn things around and improve the situation.

In an effort to provide some modest short-term relief to seniors, I am working with Senators DORGAN and BINGAMAN on the Prescription Fairness Act. This bill has a simple premise: beneficiaries should not have to continue paying monthly premiums when they have no drug coverage. The bill waives the Medicare Part D premium for any month that a senior falls into the doughnut hole. During this time, the Secretary of Health and Human Services would be responsible for offsetting these monthly premium costs. It seems only fair to me. We are making seniors pay premiums, yet they do not qualify for the benefit. If they don't qualify for the benefit, let's absolve them of the premiums until they do, once again, qualify for the coverage.

There is another aspect of the doughnut hole that needs to be addressed. That is the fact that expenditures by other drug subsidiary programs do not count against beneficiaries' true out-of-pocket costs—this is an acronym, TrOOP: true out-of-pocket costs—during this lapse in Part D coverage.

Medicare beneficiaries on fixed incomes should not be penalized for seeking assistance from other programs that provide prescription drugs or drug assistance.

Here is the problem: You go into the doughnut hole. You are desperate for your prescriptions. The expenditures have to come out of your pocket to qualify again. You cannot go to a State agency, perhaps, that has a program because that spending will not be counted. I think that is another problem we have to address.

The Helping Fill the Prescription Gap Act—another proposal which I have cosponsored—would allow costs incurred by federally qualified health centers and patient assistance programs to count toward a beneficiary's annual out-of-pocket threshold. If they can get the help, qualify for the help, it should be counted, as they try to extricate themselves from the doughnut hole.

While these two bills are designed to help ease the burden of Medicare beneficiaries in the doughnut hole, serious structural problems of the program must also be addressed.

"D" also stands for—besides "doughnut hole," "dire circumstances"—for the dubious claims the Administration has made about the plan's costs and the savings they would deliver for consumers.

The Administration's original cost estimates for the program were woefully inaccurate, and the benefit is now expected to top $700 billion in the first decade—$300 billion more than was originally advertised.

The fundamental premise behind the Medicare Part D benefit—that vigorous competition among private insurers would lead to lower drug prices—simply has not proven to be true.

"D" also stands for the do-nothing Republican Congress that during this year's budget debate failed to pass a Democratic amendment that would give the Secretary of Health and Human Services the authority to negotiate the best deal for Medicare prescription drugs.

Instead of harnessing the purchasing power of over 40 million Medicare beneficiaries, the Administration plan called on private insurance plans to administer the program and to negotiate directly with the pharmaceutical companies on drug prices.

Here I think is the structural flaw in this overall program. In order to pull together the bargaining power of the largest number of seniors, the Government should be able to negotiate prices with pharmaceutical companies. The pharmaceutical companies have market power. Many of their drugs are patented and cannot be produced by anyone else. They can drive the price up.

The only way in a market you counter that type of monopolistic pricing power is by banding together as consumers so you have one entity negotiating for the consumers against one entity who controls the product. You will get a better price.

That is what we do in the VA system. The VA system has the legal authority to negotiate prices with drug companies. They have thousands and thousands of clients in their hospitals and in their outpatient settings, and they simply go and say: If you would like to sell us this significant volume of drugs, give us your best price. That is the way I believe we can get drug prices if not down, at least lower the escalation in costs. If we do not rein in price growth, the estimate of $700 billion over 10 years, I believe in a year or two, could be even higher.

Families USA conducted a survey that compared the lowest Part D prices with those the Veterans' Administration negotiated for the five most commonly prescribed drugs to seniors, and the variation in price is staggering. The VA can negotiate on behalf of our Nation's veterans while Medicare is barred from doing so—legally barred. It is part of this legislation: a rather large benefit to the pharmaceutical industry, to the detriment of taxpayers and seniors.

We can save money, and we can pass these savings on to seniors, we hope, but we cannot tie our hands. We have to be able to, as a large entity, as Medicare, negotiate these prices.

I want to work with the President and my colleagues in the Congress to strengthen Medicare for the long term. But the Administration has failed so far in their approach to Medicare reform.

Under the current Part D Program, drug companies hold all the cards. A recent New York Times article revealed that the shift of dual-eligible beneficiaries from Medicaid drug coverage over to the Part D Program has been a financial boon to drug manufacturers.

Previously, under Medicaid—a separate program which is a joint State-Federal program—seniors could qualify in certain cases for drug assistance. In the States, the Medicaid programs were negotiating with the pharmaceutical companies for prices. But with the passage of Part D, these dual-eligibles were automatically enrolled into the Medicare Part D Program. And what happened to drug prices? They zoomed out of sight. That, to me, is evidence that we can do much better, not only to protect seniors but to protect taxpayers.

Now, I believe the pharmaceutical companies deserve a fair return on their investment. They have invested in drug research and development. But allowing them to dictate prices for millions of elderly and disabled Medicare beneficiaries is a bad deal for the Federal Government and a bad deal for the American public.

These are just some of problems with Medicare Part D that must be addressed.

And while Part D is receiving most of the attention lately, seniors also face a 5.6-percent increase in Part B premiums for doctor visits and outpatient services in 2007, which will absorb a disproportionate amount of their Social Security cost-of-living adjustments—their COLAs. In fact, Part B premiums have almost doubled since President Bush took office, so seniors living on fixed incomes will now pay almost $1,200 just for these premiums alone.

This is another example of the growing squeeze, economically, on middle-income Americans. When you look at working Americans, young Americans with families, you have seen tuition costs go up extraordinarily so. You have seen health care costs go up, and many of these families do not have the benefits of the Medicare Program at all. Their costs are going up significantly. And gasoline prices are high. But incomes are not keeping up.

In fact, in real terms, inflation-adjusted terms, from 2000 to 2005, the median income of American families has fallen by $1,300. So you have falling income and increasing prices. It is this vice that is squeezing middle-income Americans.

And then, when you go to seniors, they are looking at some relief in Medicare Part D, but they are falling in the doughnut hole and finding that relief is elusive. They are also finding their Part B premiums going up. They are being squeezed hard also.

Now, through all of this, the Administration has proposed no substantive changes to the Medicare Program to help these beneficiaries. We have to take action. I hope in this Congress—although the days are dwindling down to a precious few—but certainly in the next Congress we have to start looking seriously at reforming Medicare Part D, at making it more affordable for seniors and more affordable for taxpayers.

Let's make the "D" stand for what it should stand for: doing right by our seniors.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VITTER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OIL COMPANY ROYALTY PAYMENTS

Mr. WYDEN. Mr. President, all of us in the Senate know that each of the executive branch agencies have an inspector general. Last week, the inspector general at the Department of Interior made an extraordinary statement about the lack of ethics, in his view, at the Department of Interior. I have come to the Chamber this afternoon to discuss that and to bring to the Senate's attention some new developments on this issue.

What the Interior Department's inspector general, Mr. Earl Devaney, said last week is essentially that the Department has lost its ethical compass, and specifically the inspector general stated:

> Simply stated, short of a crime, anything goes at the highest levels of the Department of Interior.

Mr. Devaney pointed to a number of instances where he thought the Department was essentially defending the indefensible and was particularly troubled by the way the Department's royalty efforts—the efforts to collect money owed to the Federal Government—were going forward.

This morning, there are new developments on this issue which are particularly relevant to the Senate's work for the rest of the session. This morning, there was a news account documenting how for some time the nonpolitical auditors in the Interior Department have been raising concerns about underpayment of millions of dollars of royalties for oil and gas leases. What the article says is these auditors, who are nonpolitical, professional people, were overruled by their superiors when they wanted to go out and aggressively protect the taxpayers of this country. Some of these auditors, according to these news reports this morning, were so outraged by the Interior Department's failure to collect the full amount of royalties that were owed the people that they have filed False Claims Act lawsuits against the oil companies for defrauding the Government.

For example, one senior auditor identified an oil company scheme to reduce its royalty payments by apparently selling oil it extracted from Federal lands at a discount, thereby reducing the amount of royalty it paid to the U.S. Treasury. According to the news accounts, the superiors in that instance told the auditor not to pursue a collection of the oil company's underpayments. So the auditor felt that, to get any justice for the taxpayers, he had to go out and file a false claims lawsuit against the company responsible. Apparently, after he did that, he was subjected to retaliation by Interior Department officials, and then he was eventually terminated.

Several additional false claims lawsuits have recently been unsealed as well where, here again, auditors apparently uncovered underpayments but were not allowed to pursue collection of the full amounts owed to the Government. In each of these cases, the Federal Government declined to join the suit to recover on behalf of the taxpayers the money that oil companies allegedly were underpaying for their oil and gas leases.

If this were just one isolated case, you could say that maybe this was a person who just had a bad experience and they are angry at this point. But when you have a number of cases—a number of cases brought by nonpolitical professional people, people who are putting themselves at risk by bringing this out—that issue becomes too important for the Government to ignore.

I am bringing it to the attention of the Senate this afternoon because it goes to the heart of something I have been talking about for many months. In fact, months ago, I spent over 4 hours right in this spot trying to blow the whistle on the fact that it was time to stop stonewalling on this issue of collecting billions and billions of dollars in royalty payments that are owed by oil companies that are extracting that oil from land owned by the people of this country.

In this case, the Interior Department's inspector general has identified underpayments of just a tiny fraction of what is owed, but it seems to me this highlights how serious a problem this is. It also undermines the argument of the administration and some supporters of the oil industry that this money is going to be collected if the Congress just stays out of it and the executive branch goes after it on its own. That is one of the reasons that apparently we can't get a vote on an effort to collect these royalties here in the Senate, because some have said the executive branch is on this case, they are going to go after it, and they are going to bring in these dollars. Well, today, on the front page of one of the country's newspapers, we are seeing that not only is the administration not going after these royalty payments, but when independent, professional auditors go out and try to collect the money, not only is there no effort to support them, but they end up getting rolled when they try to bring these cases and collect money that is owed to the taxpayers of this country.

Under Federal law, oil companies are supposed to pay the Federal Government royalties when they extract oil or gas from Federal lands or offshore drilling. During the 1990s, to encourage drilling when oil prices were low, Congress provided relief to suspend royalty payments when prices were below certain threshold levels. It was, however, the intent of Congress that royalties would resume when the prices got back above those thresholds. But the leases that were signed during 1998 and 1999 failed to include the price threshold. As a result, a number of oil companies have been allowed to extract oil without paying the royalties that are owed under these leases, even when the oil prices went to record levels, as we saw this past summer.

The Government Accountability Office has estimated that the failure to include price thresholds in just those leases—just the ones I mentioned—could cost the Federal Treasury and the taxpayers $10 billion. What is more—and I think this will be truly eye-opening for the Senate and for the country—is that given the fact there is litigation pending surrounding this program, the loss to the taxpayers could perhaps soar to as much as $80 billion, according to an estimate by an industry source.

That is why I took the time a few months ago to stand on the floor of the Senate for well over 4 hours to make the case of reforming the oil royalty program, and that is why I have come to the Chamber today to bring to the attention of the Senate the concerns that are coming from the professional auditors.

When we debated it, or when I had a chance to raise the concern before the Senate on that occasion and others, I heard some saying that the Interior Department is going to go out and get these funds, they are going to make sure the taxpayers don't get ripped off. We have heard that argument advanced time and time again. It essentially has been stated that the Interior Department has begun the efforts to renegotiate those leases that are costing the $10 billion I mentioned and that Congress can only get in the way by trying to take legislative action.

Well, these news reports that have come out this morning make it very clear that Interior officials are not willing to address the problems with the royalty program on their own. When given the chance to pursue the issues raised by nonpolitical auditors working for the Department, according to this morning's report and these lawsuits, those high up in the Department blocked the auditors' efforts to collect the full amount owed to the U.S. Treasury and to taxpayers.

The Interior Department's negotiations with the oil companies on the 1998 and 1999 leases didn't even start until after Congress included language in the Interior appropriations bills to prevent companies from getting new leases unless they renegotiated their old leases to include price thresholds. And the mediation process that is now underway between the companies and the Interior Department is nonbinding, so the companies can walk away at any point. In my view, that is why Congress ought to step in now and require the Interior Department to fix the royalty program through legislation.

The companies are doing everything they can to keep this issue from coming to a vote on the floor. That is what happened when I stood in this spot for more than 4 hours a few months ago. The oil companies knew on that occasion that if there was a vote here in the Senate to reform this program which is so out of hand—because even our esteemed former colleague who is from the State of Louisiana, former Senator Bennett Johnston, said the program is out of hand. If we had a vote that day, the vote would have been overwhelming to fix the royalty program. But we could not get that vote because there were some in the Senate who knew that the taxpayers would win, and they didn't want to have the vote. Now the session is about to end. The subsidies are going to continue. Based on this morning's report, auditors who are professional are being overruled by their superiors when they want to get those dollars owed to the taxpayers.

In my view, time is not on the side of those of us who want to put a stop to these senseless subsidies. The oil companies and their supporters know that the time left in this session is limited, so if they can keep the Senate from voting on these royalties, the legislation that the House adopted after my discussion in the Senate will almost certainly disappear when the Interior bill gets rolled into some kind of an end-of-the-session comprehensive bill called, around here, omnibus legislation.

The negotiations now underway with oil companies, that have the most generous deals of all, in my view, are going to get dragged out and delayed and postponed until the last legislative vehicle leaves town. Then the oil companies can walk away from the table, return to claiming those needless subsidies, and I assume fewer auditors will step forward in the future because they will see that there has not been a Congress backing them up.

We have seen the "run out the clock scenario" play out before. It happened, for example, on the issue of needless tax breaks to the oil companies. I was able to get legislation through the Senate Finance Committee to begin the effort to roll back some of the tax breaks that the oil companies were getting. These were oil companies getting breaks that even they said they didn't need when I asked them questions when they came before the Senate Finance Committee. But by the time we were done on the tax side, the oil companies had been able to water down much of what I had originally gotten out of committee, and they are still getting billions and billions of dollars in tax breaks that they themselves have testified before the Senate they do not need.

I believe, on the basis of the news reports that we saw this morning and the fact that the inspector general of the Department of Interior has said that anything goes with respect to ethics at the Interior Department, that this Senate ought to step in and protect the taxpayers of this country. This Senate ought to address this problem, which the inspector general has called "indefensible" and has, in effect, said the Department is still trying to defend it. My view is that if the Senate ducks this issue, it will be very difficult to explain to the American people how Congress can propose to allow additional billions of dollars of royalty money to be given away before it puts a stop to what already has gone out the door.

The distinguished Senator from Louisiana and my colleague who is my seatmate, the distinguished Senator from Louisiana, Ms. LANDRIEU, has sure made a good case to me about the suffering that folks in New Orleans and in her State have endured. But what has been troubling to me is how do you make a case for starting a new royalty program, a new offshore oil royalty program, when you are wasting money on the last one that got out the door? So I will continue to try to make the case, force the Senate to reform this oil royalty program, and I am going to continue to press this every time I think there is a new development in this case.

I urge my colleagues to read the important article by Mr. ANDREWS in the paper today describing the efforts of these auditors to try to make sure taxpayers do not get stiffed.

It is one thing if one person comes forward. It is another when you have a whole pattern of these cases, by people who are nonpolitical, who are professional people. We have had a bipartisan effort in the Senate to change this. I have been particularly appreciative that Senator KYL, Senator DEWINE, and Senator FEINSTEIN have joined me in past efforts. But we have not been able to offer that amendment and actually get a vote on a bipartisan proposal that would finally clean up this program and protect the taxpayers of this country.

As a result, some of the most profitable companies in the country are continuing to get billions and billions of dollars of royalty relief and giveaways that are paid for by the taxpayers of this country.

It was one thing to start that program back in the days when oil was $19. It is quite different when you have royalty relief, taking hard-earned dollars out of the pockets of our citizens when that relief clearly is not necessary. I urge colleagues in the Senate, on both sides of the aisle, to join me in these efforts to clean up this program, stop the outrageous giveaway of taxpayer money, and take a good look at this morning's report. The combination of what the inspector general has said and what these independent auditors have said this morning, in my view, is too important to ignore. The Senate ought to step in and make sure the taxpayers' interests in this country are protected.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. OBAMA. Mr. President, I rise to speak about the Secure Fence Act. The bill before us will certainly do some good. It will authorize some badly needed funding for better fences and better security along our borders, and that should help stem some of the tide of illegal immigration in this country. But if we think that putting up a few more miles of fence is by any means the whole answer to our immigration problems, then I believe we are seriously kidding ourselves.

This bill, from my perspective, is an election-year, political solution to a real policy challenge that goes far beyond November. It is great for sound bites and ad campaigns, but as an answer to the problem of illegal immigration, it is unfinished at best.

Yes, we need tougher border security and stronger enforcement measures. Yes, we need more resources for Customs and Border agents and more detention beds. Democrats and Republicans in both the House and the Senate agree on these points. But immigrants sneaking in through unguarded holes in our border are only part of the problem.

As a host of former Bush immigration officials and Members of Congress said in today's Washington Post, we must "acknowledge that as much as half of the illegal-immigration problem is driven by the hiring of people who enter the United States through official border points but use fraudulent documents or overstay visas."

This serves as a reminder that for the last 15 years, our immigration strategy has consisted of throwing more money at the border. We have tripled the size of the Border Patrol and we strengthened fences. But even as investments in border security grew, the size of the undocumented population grew as well. So we need to approach the immigration challenge from a different perspective.

This is why for months Democrats and Republicans have been working together to pass a comprehensive immigration bill out of this Congress because we know that in addition to greater border security, we also need greater sanctions on employers who illegally hire people in this country. We need to make it easier for those employers to identify who is legally eligible to work and who is not. And we need to figure out how we plan to deal with the 12 million undocumented immigrants who are already here, many of whom have woven themselves into the fabric of our communities, many of whom have children who are U.S. citizens, many of whom employers depend on. Until we do, no one should be able to look a voter in the face and honestly tell them that we have solved our immigration problem.

A model for compromise on this issue is in the Senate bill that was passed out of this Chamber. In the new electronic employment verification system section of that bill that I helped write with Senator GRASSLEY and Senator KENNEDY, we agreed to postpone the new guest worker program until 2 years of funding is made available for improved workplace enforcement. We could extend that framework and work together to first ensure the money is in place to strengthen enforcement at the border and then allow the new guest worker program to kick in. We can do all of that in one bill, but we are not.

So while this bill will probably pass, it should be seen only as one step in the much greater challenge of reforming our immigration system. Meeting that challenge will require passing measures to discourage people from overstaying their visas in the country and to help employers check the legal status of the workers applying for jobs.

It seems it was just yesterday that we were having celebratory press conferences and the President and the Senate leadership were promising to pass a bill that would secure our borders and take a tough but realistic approach to the undocumented immigrants who are already here.

Today that promise looks empty and that cooperation seems like a thing of the past. But we owe it to the American people to finish the job we are starting today. And we owe it to all those immigrants who have come to this country with nothing more than a willingness to work and a hope for a better life. Like so many of our own parents and grandparents, they have shown the courage to leave their homes and seek out a new destiny of their own making. The least we can do is show the courage to help them make that destiny a reality in a way that is safe, legal, and achievable. So when we actually start debating this bill, I hope the majority leader will permit consideration of a wide range of amendments.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I rise to speak on the pending legislation, the Secure Fence Act of 2006. I want to address this issue. I have worked on the immigration issue all this year. It has been a very difficult issue. It has been a very difficult discussion. It has been one that has involved a great deal of the time of this body.

I serve on the Senate Judiciary Committee. We worked a long time to try to come up with some form of comprehensive legislation that we put forward. It was far from perfect, even as it was passed. Before it passed, people were questioning this provision and that provision. You look back on it and say: Well, I think that is a good question, and I think that is a good point, and it is something we need to deal with in conference to be able to address those concerns and topics.

I think we could have come out with a good conference bill, but the volatility of the subject, the lateness in the session, the closeness to the elections really has just not made it possible for us to move forward on comprehensive immigration reform, as the President has requested, as most people in the country look at it and believe in some form we need to deal with immigration in a broad fashion.

Yet almost everybody I have talked with on the immigration issue—a number of whom are passionately involved in the topic—virtually everybody who looks at it will say: OK, let's first get the border secure. First, let's stop the flow of illegal immigration into the United States, and then let's talk about comprehensive reform or you get a number of people saying: I don't think you are serious at the Government level of dealing with securing the border. When you show me that, then let's move forward with comprehensive reform because I do recognize we have 11 to 12 million people here in an undocumented status. We do have a need for workers in a number of places across the United States, that there are legitimate concerns, and the best way for us to move forward is in some fashion dealing with all the problems that are associated with this issue.

We have a history in the United States, in the last 20 years, of dealing with this problem on a piecemeal basis. In 1986, there was an amnesty bill, but it did not deal with border enforcement at that point in time. That did not work. In 1996, we had an enforcement-only bill, but it did not deal with the future flow or did not deal with the people who were here in an undocumented status at that point in time. We come, then, to 2006.

It is an interesting progression in the numbers as well. In 1986, we had roughly 3 million here in an undocumented, illegal status. In 1996, 10 years later, we had 7 million here in an illegal, undocumented status. We tried amnesty. We tried enforcement in 1996, and we had 7 million who were in an undocumented, illegal status in the United States.

In 2006, we are at 11 million to 12 million. So we have tried this on a piecemeal basis before, and it just has not worked. Whether you come from either side of the argument, it has not worked on a piecemeal basis. What I am hopeful we can do in passing this legislation—in the secure fence area; and I do support this legislation—is that we can deal with the precursors that a number of people have identified, saying, first, we really need to secure the border and show the country we are serious about securing the border. Then let's move forward with the comprehensive legislation.

What this, I hope, will be is the first step in dealing, in a comprehensive, long-term fashion, with our failed immigration system and huge immigration problem. We need to do this, and we need to do this first.

I was hopeful we could do this in one whole package and move it on forward and see the practicality of that whole package, that the first thing you would do is to secure the border—and the President has already dispatched National Guard troops to the border. The border enforcement efforts have already stepped up and they are showing fruit from their efforts. We are stepping up and doing this now.

I was hopeful we could do this as a comprehensive piece of legislation, recognizing the practicality that, first, the border would be secure because that is the thing you could do first, and then you could deal with a future flow guest worker program that would take you several years to implement. And you could deal with those who are here and in an undocumented status? That would take some period of time to deal with as well.

We are not going to be able to, this legislative session, get that broad piece of legislation through. Yet I think this shows to people in the country deeply concerned about our border—as I am, as we all are in the Congress and in this country—is that we are serious about dealing with this issue. And I think there will still remain the political impetus to deal with this on a broad-scale basis, but first we step up and do first things first and we secure the border and we show to the country we are, indeed, serious about securing the border, and we are doing everything we can to secure the border.

It will not permanently seal the border. This effort, the Secure Fence Act of 2006, will not achieve that. It is going to be very difficult to completely secure the border, but this bill will take a strong step forward for us.

I also say to my colleagues who believe we should just do enforcement or we should do enforcement first, that we then, in the future, need to take the next steps necessary to deal with this in a comprehensive fashion.

I think it is going to be very important that, OK, yes, we do this, and we move this forward, but then we need to move forward with the rest of it. What do we do with those who are here in an undocumented status? How do we do more on interior enforcement at work sites? What do we do on a guest worker future flow program? So that we will deal with this in a totality, so that as to those who are concerned we are just going to do this and not deal with the rest of the system, we can say: No, part of what we are talking about and doing is securing the border first. We do that we are going to hold true to what we said. Yes, we do that. And, then, let's talk about how we can move forward in the comprehensive fashion because that is the way—and the only way—I think you actually deal in some sort of long-term fashion with the very real problems we are facing and that really a number of countries around the world are facing—certainly the Europeans are facing—in a major fashion.

It seems to me that one of the things that happened after the fall of the Berlin Wall, in particular—some time before but certainly after—was people started moving to opportunity. They started moving to where they felt they could have a better life for themselves and their families. It is certainly an impetus I recognize, and it is hard to fault people for that. You want it to be conducted in a legal fashion and to see that national sovereignty rules are obeyed.

People in this country who talk about security first, when they talk with me about that, they are not against immigration. They want it to be legal. They want the system to be a legal system, and then we can work with it. But they don't want an illegal system that has devolved or, as we have seen, broken down in this country.

I think this is an important first step forward for us in dealing with this problem in a comprehensive fashion. It is not what a number of us had worked for in getting a comprehensive bill. I think it is the first step in us getting comprehensive legislation moving forward and convincing the country that we are serious about securing the borders so that we can do comprehensive reform of an immigration system that is so desperately needed.

Mr. President, I have worked a long time and for a number of years on human rights issues and dignity of the individual, and I believe fundamentally in my bones about this. I believe it is important and it is a big statement, what a country does in taking care of the least of us, including the widows and orphans. In those statements, it also says that the foreign are amongst you, citing those who are in a difficult situation. They are in a hard situation. We need to help them and work with them in any way we can. We need to be able to craft a legal solution to do that. I think it is important. It is also a statement of the nature of our society and our Nation that we do that. We need to reach out to those in the most difficult circumstances in this country. This is a step forward, but it is not and cannot be the final step.

I remind the individuals who have pushed this route forward that we are taking you at your word as well, saying first secure the border and then we go to comprehensive reform. We are going your path. This would be the path that you said is the way to go. We cannot just stop here and say: OK, we have done that, and now we are not going to talk about the rest of the issues. We need to see this on through to what people had said was the right route to go—first securing the border and then dealing with the rest of it. We are going that path, your path, forward.

I hope we can move this through and then continue the discussion on how we move forward with comprehensive immigration reform. I believe it is critical for us to do that for the future of the Republic.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

ARMY STAFF SERGEANT SEAN LANDRUS

Mr. DEWINE. Mr. President, I rise today to remember a fellow Ohioan, a young man who lost his life in Operation Iraqi Freedom. Army SSG Sean Landrus died on January 29, 2004, of wounds he suffered when a roadside bomb exploded next to his convoy in Iraq. He was 31 years old.

Sean Landrus will be remembered for many things and in many ways. He was an exceptional soldier who enjoyed and took pride in military life. More than that, he was a loving son, brother, husband, and father, a man who was completely dedicated to his family.

Sean was born in January of 1973 in Painesville, OH, to loving parents Ken and Betty Landrus. The youngest of six children, Sean was very close to his entire family and remained so throughout his life. Sean attended Ledgemont High School where he excelled in football, basketball, and track. A highly competitive athlete, Sean hated to be taken out of any game, even if he was injured. According to his mother Betty:

> One of the managers said that he just didn't play the same without Sean because he was the spark plug.

Sean carried that dedication and competitive spirit with him throughout all that he did. After graduating in 1991, Sean attended Kent State University while working for C&K Industrial Service, an industrial cleaning company in Cleveland. Although she didn't enjoy it at the time, Betty now fondly recalls how grubby her son would be when he got home from work. Despite the dirt, she loved her "iron teddy bear."

On December 2, 1995, Sean married his high school sweetheart Chris, and they made their home in Thompson Township. Sean reported for boot camp just 1 month later. He was assigned to Company B, First Engineer Battalion, First Brigade Combat Team, First Infantry Division. Sean spent 8 years in the Army, including deployments to Bosnia and Kuwait.

Sean was a devoted family man who found it difficult to leave his wife Chris, his son Kenneth, and daughters Khrista and Kennedy for his overseas tours. He was very sorry to be away from them for that period of time. His deployment to Iraq was particularly emotional. Kennedy was then just a few weeks old. At the time, Sean and his family were living in Fort Riley in Kansas. Sean was offered a desk job at the base, but he declined it in favor of going to a combat zone.

In the words of his mother Betty, "Sean just hated being behind a desk."

In September 2003, Ken and Betty drove to Fort Riley both to meet their new granddaughter and to say good-bye to their son before he left for Iraq. Because Sean was busy making preparations for deployment, they weren't able to see him very often. But for Sean, it was important that he made sure everything for which he was responsible was in the right order. That is simply the kind of man he was. Betty and Ken woke up very early and stayed up very late to spend as much time with him as possible. Sean found it difficult to leave his family again, and as he said in his own words, "It is my job."

Sean's deployment to Iraq would have been his last. Before going overseas, he told his family that it would be the final time he went away. He just didn't want to leave them anymore. Unfortunately, Sean's convoy was ambushed after a roadside bomb exploded next to the truck he was in. Two days later, he passed away from his injuries.

Mr. President and Members of the Senate, that day our Nation lost a great soldier. The Landrus family lost a loving brother, son, husband, and father. Perhaps most heartbreaking, Sean was never able to hear his youngest daughter's first words: "Da Da."

As Ohioans have done so often in the past, the members of Sean's community rallied around the Landrus family to offer their support. During Sean's final trip home to the Cleveland area, color guards from the area's veterans posts lined the processional route. Others wishing to pay their respects gathered in freezing temperatures to wave American flags, and nearly 400 people crowded into St. Patrick Catholic Church to celebrate Sean's life. County flags were flown at half-staff and a resolution honoring Sean was passed at the Thompson Township trustee meeting. His death was a loss felt by the entire community.

SSG Sean Landrus was a great man. I know he will live on in the hearts and minds of all those who were privileged to have known him. My wife Fran and I continue to keep the Landrus family in our thoughts and prayers.

MARINE CORPORAL BRAD SQUIRES

Mr. President, I rise today to pay tribute to Marine Cpl Brad Squires, a fellow Ohioan from Middleburg Heights, who lost his life on June 9, 2005, as a result of an explosion that occurred during combat operations. He was assigned to Marine Forces Reserve's 3rd Battalion, 25th Marine Regiment, 4th Marine Division, from Akron, OH. Brad was the son of Donna and Bruce Squires, husband of Julie, brother of Chad and Jodie, and uncle of Chad, Cassidy, and Alexis. He was only 26 years old at the time of his death.

Brad graduated from Berea High School in 1997, where he played on the football team. He was studying to be a firefighter and was taking classes at Lorain Community College. He was also an aspiring supermodified driver who entered his first race in 2004 with the Midwest Supermodified Association. Brad joined the Marines in 1999, and in February 2005 he was sent to the Al Anbar province in Iraq, where he served 4 months with his battalion before his death.

Brad Squires was loved by everyone who knew him. Again and again, I have read about what a good friend he was. He was always looking for ways to make his friends and family smile, and was constantly seeking new adventures. Brad's aunt, Donna Dirk, described him as "fun-loving, very family-oriented, and really a nice kid."

Katie Gorton remembers Brad's wonderful personality. She made the following comments after attending his wake:

> Brad certainly is a "hometown hero," but more importantly, an American Hero . . . all of us there that night looked at pictures and remembered his mischievous grin, his contagious laugh, and his charismatic personality. We were able to remember Brad the friend, Brad the cousin, Brad the funny guy from math class, Brad the guy the underclass girls had a crush on, Brad the son, etc. . . . and for some of us, it was the first chance we had to meet and remember another side of him . . . Brad the Marine. I'd like to think that he knows how many lives he's touched now, and is able to be with us all now through miracles.

Brad had a strong sense of duty to family and friends from childhood, always wanting to help protect others from harm. As a young boy, he knew the difference between right and wrong. Middleburg Heights' mayor recalls what must have been a very special day for the young Brad. "I probably handed Brad Squires his safety town certificate when he was five," he said. And Jessica Sutherland of Lakewood remembered a time when Brad rescued her from the bullying of a bigger boy. According to Jessica, for years afterwards Brad would blush when she thanked him for the day. She writes:

> For that small good deed, he's always been a hero to me, so I'm not surprised he died a hero . . . God bless Brad Squires.

Kelli Kusky echoed these remarks about Brad's selfless nature. She said:

> . . . He was always helping people; I remember the time that his neighbor had a heart attack and Brad kicked in his air conditioner and saved the man's life. He made no big deal out of it, just said that he knew what he had to do. And I know that Brad did what he knew he had to do in Iraq. I don't think he would of had it any other way . . . He meant A LOT to a lot of people and left long lasting impressions on everyone that he met!

Clearly Brad was a hero to many throughout his life. And he did indeed love his Marine Corps. According to his wife, Julie, "Brad loved his Marine Corps and would jump at a chance to tell everyone about it." Nate Ickes of Akron also commented on Brad's military service. He said:

> My thoughts and prayers go out to everyone that knew and loved Corporal Brad Squires. I am so proud to have served with him and he will be missed very much. Brad had a way to make everyone laugh, even if there was nothing to laugh about. He was a fine Marine that any one of us from Weapons Company would have been honored to work with. Brad was a man who would never let you down, nor would he stop until the job was done! Corporal Brad Squires will be forever missed but never forgotten. Brad will always be a brother, friend and Marine of Weapons Company 3/25. . . .

Brad deeply loved his family, and was deeply loved by them. He married his wife Julie in November 2004. They had to move up the wedding date when Brad learned that he would be deployed in January. Sadly, their family and friends would return to the same church 7 months later for Brad's funeral. Brad was looking forward to starting a life with his new bride and spending time with the rest of his family.

Brad's sister Jodie wrote these words to Brad:

> My brother, my friend, my hero that will never be forgotten. I love and miss you so much, Brad—26 years of great memories is what I hold close to my heart. On behalf of the family, I would like to thank everyone for their support.

Brad's brother Chad echoed these sentiments, saying:

> My brother Brad is a hero, he died for what every American enjoys in life—their freedom.

Brad will also be deeply missed by the numerous community members who knew and loved him. Numerous mourners attended his memorial service at St. Mary's Catholic Church, where he and Julie had been married 7 months earlier. More than 120 motorcycles and 200 cars participated in the procession to the cemetery, while hundreds of people with flags watched them pass. Tim Ali, a family friend, aptly expressed a fitting sentiment: "We have him home."

In honor of their brother, Brad's siblings Chad and Jodie have started a memorial fund to carry on his legacy. Donations to the Corporal Brad Squires Memorial Fund will help build and preserve a memorial on Old Oak Boulevard in Middleburg Heights, dedicated to all the men and women in Ohio who have given their lives to protecting our freedom. You can learn more about this memorial by accessing the Web site at www.bradsquires.net.

I would like to end by including a message that Donna left for her son one year after his death:

> Brad, not a day goes by that you're not in our thoughts and prayers and how we wish you could be here and how we wish we could see you again. When I think of you I think of your love for life and your beautiful smile. You always had a mystical way of brightening up someone's darkest day. We experienced life together, through good and bad times. I know we will be together in eternity and you are in a better place but we all miss you deeply. I pray to God that He will comfort us and give us all strength. Until we're together again, have a great time in heaven. . . .

The overriding theme of Brad Squires' legacy is the number of lives he touched while he was on this earth. So many people have remarked how Brad had positively impacted them. With his death, we have lost a great man. Brad loved his family, loved his country, and loved his commitment to the Marine Corps. He will never be forgotten. My wife Fran and I continue to keep the family and friends of Cpl Brad Squires in our thoughts and prayers.

Mrs. CLINTON. Mr. President, as I have often reminded my colleagues, New York State is an agricultural State. We are home to 36,000 farms, and our farmers are world-class producers of dairy products, apples, grapes, honey, maple syrup, great wines, and other fruits and vegetables. New York is truly a land of milk and honey—and so much more. Agriculture contributes almost $4 billion to New York's economy. More than 1.2 million people work on farms or in farm-related jobs.

But farmers in New York who are contributing so much to our economy and way of life—in a plight shared by the agricultural industry across the country—face an incredible challenge to maintain a workforce that does the difficult job of harvesting crops and bringing our State's bounty to the marketplace.

That is why I continue to fight for a solution. And as we consider the Craig and Feinstein amendments, I hope we can keep these farmers—many of whom I have met and worked closely with these past 6 years—in our focus and put the politics and partisanship aside. There are those in this Chamber who have strong disagreements over how to pursue comprehensive immigration reform. But I hope that these proposals to stand by our family farmers and agricultural industry, both struggling to find labor, are not held hostage to the larger debate.

Our farmers have long desired a legal, stable workforce and have been calling for reform. But now they face the prospect of crops dying in the field or on the vine—or worse, their farms going out of business because of a shortage of workers. We have had the best apple crop in years in New York, but the lack of labor has left apples unpicked on the trees. We are in the midst of the harvest season in New York State, and the 36,000 farm families face the real risk—this year—of losing their livelihoods if we cannot ensure a legal, stable workforce for them. In fact, according to the Farm Bureau, New York's agricultural industry stands to lose $289 million with fruit and vegetable growers estimated to lose more than $100 million without solving this problem.

Farmers have shared with me their stories. Many feel abandoned to election-year politics, partisan wrangling, and a Government that does not recognize their hardship. Our farmers' crops are dying in the fields. We cannot allow a real solution to die on the vine.

In recent meetings with scores of New York farmers from across the State, it was stressed to me that the current worker program in place—the H–2A legal guest worker program is antiquated, unworkable, and woefully inadequate. Couple this with the recent increases in enforcement by the Social Security Administration and the Bureau of Immigration and Customs Enforcement, and the result has been major disruptions to our farms.

I join with many of my colleagues in this Chamber who believe that workplace enforcement is imperative. But as we all know, our current laws are broken, and enforcement has been inadequate and haphazard at best. We know this because we have been debating reforms for months, some of us for years. These increases in enforcement have left our farmers reeling. Day to day, they do not know whether their labor force will show up for work, whether their workers have been apprehended by Immigration and Custom Enforcement or whether they have simply fled the area out of fear of apprehension. Whatever the cause, the result is our farms are being paralyzed.

It is worth noting that the farmers I have spoken with are trying in good faith to obey the law. They get labor referrals from the New York State Department of Labor. They inspect work documents to ensure that they have a legal workforce. Our farmers are on the losing end of a broken system, and it is up to us to fix it.

For several years, a broad, bipartisan coalition of Senators has advocated for passage of the Agricultural Job Opportunities, Benefits, and Security Act, AgJOBS, and other legislative reforms that would provide our farmers with the long overdue relief they need to maintain a workforce.

The AgJOBS bill would not only expand the current H–2A program, it would also modernize and streamline its procedures, making it easier for our farmers to use. AgJOBS would also provide agricultural employers with a stable labor supply by giving many undocumented agricultural workers the chance to earn the right to become legal immigrants.

The AgJOBS compromise was reached after years of negotiations, and it represents a unique agreement between farmworker labor unions and agricultural employers. It has the support of a broad coalition of organizations, including major business trade associations, Latino community leaders, civil rights organizations, and religious groups.

Moreover, AgJOBS will promote our security by helping our Government identify persons inside the United States who are here without authorization. By encouraging farm workers to come out of the shadows, we can stand by family farms while refocusing our limited resources on real threats to our security.

I applaud the leadership of Senators CRAIG, KENNEDY, FEINSTEIN, and BOXER on this issue. I support the Craig and Feinstein amendments to this bill because we share a belief that we can tackle this crisis.

We are in this Chamber debating amendments that will serve our farm economy and serve to make our immigration system fairer and more workable. What I hope is that we can put politics aside and have a vote, up or down, yes or no. We owe it to our farmers, workers, and consumers to pass a bill that will help save our farms and agricultural industry.

Mr. LIEBERMAN. Mr. President, with so many important questions facing this Senate, and so little time left before we adjourn before the fall elections, I am dismayed that we are considering this so-called Secure Fence Act.

I say this as a supporter of the bipartisan comprehensive immigration reform we passed in May.

I say this as one of many who followed the leadership of Senators FRIST and REID, SPECTER and LEAHY, MCCAIN and KENNEDY, when 62 Senators voted for true reform legislation.

And now look where we are. After a great success, the Senate is now considering abandoning that truly comprehensive and bipartisan solution to a festering national problem and replacing it with an incomplete, ineffective response to our broken immigration system.

How did we come to such a low point this fall, after such promise this spring? I will tell you how. The opponents of reform obstructed and delayed. They refused to enter into a conference—even to discuss the possibility of reconciling House and Senate legislation.

Instead we watched the opponents of reform roll out a farcical road show of hearings designed to distort the facts, confuse the issues and roil the waters to create a national anxiety that need not exist.

With that out of the way, these same obstructionists have now reintroduced large portions of the punitive and ineffective House legislation the Senate already rejected earlier this year. Without deliberation or debate they are attempting to add their measures onto appropriations legislation already in conference—contradicting the views of a majority of Senators.

One of those measures sent from the House is this legislation to build fences across specific sections of our southern border. The cost of these fences is conservatively estimated at $2.2 billion but could easily double. And for this price America will be no more secure, its borders no more protected, and illegal immigration still out of control.

As the ranking Democrat on the Homeland Security and Governmental Affairs Committee, I am more focused on protecting Americans from harm than I am on any other issue. Effective border security is a vital national priority—not just to stop the flow of illegal immigration into this country, but also to keep terrorists and criminals from entering the U.S. through our airports and seaports, and across our land borders. We will continue to push for better border security, but this is not the way to do it.

The money spent on this bill could be used in much more effective ways to bolster our borders and strengthen our security. In fact, Congress has already significantly expanded funding for border security—for Border Patrol officers, detention beds, and new equipment and technology.

This year the Senate already provided the Department with funds to build sections of fence where it makes a difference—in heavily populated areas. But an additional few hundred miles of fence along small portions of our vast desert border will do virtually nothing to stop illegal immigration.

Building a few more sections of fence and saying we have solved the problem of illegal immigration doesn't make sense.

The President said it himself in a speech days before the Senate passed its immigration bill in May.

He said:

> An immigration reform bill needs to be comprehensive, because all elements ofthis problem must be addressed together, or none of them will be solved at all.

That is what the Senate did. And we are on the verge of losing this historic opportunity to address this border challenge the American people expect us to fix.

Let's remind ourselves of what is contained in the Senate's immigration bill—and let's be proud of our work.

The Senate legislation authorized extensive enhancements of border security and immigration enforcement—many more Border Patrol officers, immigration agents, detention beds, new technologies, and new legal authorities.

The Senate bill cracks down on unscrupulous employers who would hire and exploit undocumented workers, by creating verification systems that would leave those employers no excuse for hiring the undocumented and punish them if they do.

But what made the Senate bill so forward looking was our bipartisan decision that an enforcement-only bill would not solve the problem of illegal immigration.

To control future immigration, we also created a guest worker program that will channel future immigrants into legal avenues, where they will be screened to make sure they pose no threat to public safety and will not take jobs from American workers.

And for immigration reform to work we had to squarely face the fact that there are approximately 11 million undocumented immigrants already working in the United States. Many have lived here for years and have children who were born in this country and are American citizens.

We wisely decided that criminalizing these 11 million people was not going to happen. We couldn't jail that many people. We couldn't deport that many people.

We knew that the vast majority of undocumented immigrants living in this country came here to work hard, support their families, pay their taxes and obey the law.

Those are the kind of people we want here.

Yes, they are here illegally and that can't be treated lightly. And we didn't. The Senate bill does not offer amnesty or a free pass to anyone. If you want to stay here, you have to earn it.

Under the comprehensive, bipartisan Senate bill, undocumented immigrants who have been present in the U.S. for at least 5 years would be able to apply for a work visa lasting 6 years. They would also pay thousands of dollars in fines, clear background checks, and must remain gainfully employed and lawabiding.

They would go to the back of the line behind those already waiting for their applications to be judged.

After 6 years of working in the U.S. on a temporary visa, an immigrant could apply for permanent residency—a process that takes 5 years—provided he or she paid an additional fee, proved payment of taxes and could show knowledge of English and United States civics.

Only after a combined period of 11 years could the immigrant apply for U.S. citizenship.

Those who have been here betwee 2 to 5 years would have to apply through a stricter guest worker program, and would have to wait even longer before they could win legal residency.

We should have rolled up our sleeves long ago to pass realistic and compassionate immigration reform. And the Senate finally has. But the House has shirked its responsibilities with its enforcement-only focus.

Now, instead of doing our constitutional duty and hammering out our differences, cogressional leadership has declared that reform is dead for this year and instead says the best we can do is build fences in the desert and create a mirage of security.

This is not sensible or right. But we must not give up. We must fight—and I will continue to fight—for true reform.

We must do the job the American people sent us here to do—solve the tough problems without falling into divisive, partisan posturing.

That is why I hope and expect that we will be allowed to offer true immigration reform amendments to this bill. If we are not allowed to offer immigration reform amendments, I will oppose cloture on this bill, and I hope all my colleagues who support reform will do the same.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I rise to speak about the pending bill before S. 6061, the Secure Fence Act of 2006. This bill, which was approved the House of Representatives last week, would require the Department of Homeland Security to build a 700-mile wall on the United States-Mexican border.

The bill goes further. The bill also provides that we shall start a study as to whether to build a similar wall on our borders with Canada. That, of course, is a much longer border and a challenge which has not really been thought through. The northern border study is part of the bill, along with this new 700-mile wall, or fence, being discussed.

Earlier this year, the Senate spent the better part of 3 months debating immigration. The process began in the Judiciary Committee, on which I serve, in early May. We had a series of substantive debates in which we considered dozens of amendments, including several maritime committee meetings on very contentious issues. At the end of the process, we approved a tough, comprehensive bill with a strong bipartisan vote. There was a similar process on the floor of the Senate.

We debated the immigration bill for 1 month. We had over 30 rollcall votes on amendments. It is rare for Congress to devote that much time and energy to one bill. I think that was reflected in the bipartisan bill that we approved. It is far from perfect. It was a compromise. There are sections in that bill I don't support. I voted for it because I thought it was the best effort we could make at that moment to move this process forward.

The Senate bill takes a comprehensive approach that is tuff but fair.

First, we deal with enforcement by improving our border security by increasing manpower and increasing new technology and devising new means to stop the flow of illegal immigrants into America. We would crack down, as well, on employers.

Understand that the magnet which draws those who illegally immigrate to the United States is the opportunity for a better life through work. For most of these people, they come here to take jobs all across our country. I have seen them in my home State of Illinois and Chicago. It is hard to visit a restaurant or hotel without seeing many people there who are working very hard for long hours at low pay, and many of them are undocumented.

We believe that if you are really going to have enforcement work, it isn't just a matter of stopping them at the border; it is a matter of drying up the magnet that draws them: the employment, those who would employ undocumented people. Our bill speaks to that.

The President has said that he supports this concept. I agree with him. We need a tamper-proof ID so that those presenting themselves for employment are clearly identified. Currently, a person shows up with a name, a phony Social Security number, and goes to work. That day has to end.

If you are talking about enforcement, it is not just a matter of what happens on that border—it is a matter of what happens in the workplace in New York, in Chicago, in Los Angeles, and all across America.

This bill which was sent to us by the House does not address the employer sanctions. We know what has happened under the Bush administration. It is rare if ever that an employer is held accountable for hiring illegal aliens. Unless and until we can engage the employment issue with the border security issue, we are going to have a difficult time controlling the flow of illegal immigration.

This bill talks about a fence. It is not the first time it has been brought up. In the comprehensive immigration bill which we passed, there was a provision for constructing a 370-mile, triple-layered fence and 500 miles of vehicle barriers along the southwest border. I question whether this is going to work. I have my doubts.

Consider just the obvious. Our southern border is more than 2,000 miles long, and we are building 700 miles of fencing or barriers. I have to say that leaves a lot of area uncovered. I guess it is not a leap of imagination to believe that people will find a way to go around this wall, around this fence, or under it. It is going to happen. I think to place all of our confidence in this sort of basic barrier may go too far.

But the provision was in our bill. It was an enforcement provision for the border which included 370 miles of tripled-layered fence and 500 miles of vehicle barriers.

Then, on August 2, the Senate appropriated the money to build it, $1.8 billion for fencing and barriers authorized by the Senate bill. The measure was approved on a strong bipartisan vote of 94 to 3.

Despite my scepticism about the fence, my belief was that this moves us forward. If this fence moves us forward in the debate about comprehensive immigration, I am going to join in that effort even though I start with scepticism about whether this is really going to do everything we are told.

So we are dealing with a fence and barrier that has already been authorized and funds have been appropriated by the Senate. Instead of going to conference with the House and Senate and sitting down and working out their differences between the two bills, the House of Representatives held hearings around the United States, hearings which were designed, I am afraid, to move this issue to the public forefront in not a very positive way; in some respects, a very negative way. In that effort, they came up with the inspiration for a new bill. In other words, they walked away from their earlier bill which dealt with immigration enforcement in very harsh terms, saying that those who were here illegally would be deemed felons, aggravated felons under Federal law, and anyone who helped them would also been charged with the crime.

Now they are off on a new approach—this so-called 700-mile fence approach. It is hard to keep track of what is going on in the House of Representatives when it comes to immigration. It changes almost on daily or weekly bases.

Before they will consider sitting down with the Senate and working out an agreement on a bill, they send us a new bill.

That is what has happened here. I wonder why at a time when we are facing so many serious issues in this country we are engaged in such political posturing when it comes to an issue of this importance.

Wouldn't it have been better for us to spend this week, instead of wasting and burning off the hours on the secure fence bill—the second House immigration bill—focus on a national energy policy, talk about ways that we can reduce our dependence on foreign oil so that Americans can have some security knowing that this economy will grow with good, reliable energy sources, and that we would not be subsidizing those who send oil to the United States and then turn around and use the hundreds of millions of dollars we send to finance our enemies and terrorism?

This is not really about immigration. It is about something else. This is about an effort by the Republican leadership to find just the right issue for an election that is just a few weeks away.

This morning, the New York Times tells us that the American people, when asked, have a new low opinion of Congress. It has been 12 years or more since so few people had a positive view of their Congress. This morning, they reported that 25 percent of the American people have positive feelings about the Congress. When asked why, they said Congress is dominated by special interests; it is dominated by an agenda that has no importance to the lives of most American people; and it seems like all they are doing is political posturing for the next campaign.

Many of those criticisms are sadly true.

This bill has been tied up for the last week and fits right into the category of political posturing.

The earlier immigration bill of the Republican-controlled House of Representatives, which would have made felons out of many hard-working people and would also have made felons out of many nurses and social workers and clergymen who were trying to help those who are here undocumented—that bill has been abandoned. Now they are trying to find a new bill, a new wedge issue for the November 7 election.

I believe we need stronger enforcement, but we need to be smart in the way we do it.

Let me give you some numbers which will give you an indication of what a smart approach might include.

In the last decade, we have doubled the number of Border Patrol agents that are at our southern border and other borders where people might cross, and they have spent eight times as many hours patrolling the border in the last 10 years and an 800-percent increase in the manhours spent patrolling our borders.

During the same period of time that this dramatic increase in manpower at the border has occurred, the number of undocumented immigrants coming into the United States has doubled.

As Attorney General Gonzales recently noted, "Some believe we should be focusing solely on border security." He said, "I don't think you can have true security without taking into account the 11 to 12 million who are already here." We need to know who they are . . . and take them out of the shadows.

Our bill, our comprehensive bill, sought to deal with this immigration issue in a sensible, smart, tough approach that will deal with enforcement as well as dealing with the reality of those who are here.

Now the House of Representatives, under the control of the President's party, has refused to sit down with the Senate and negotiate in a conference committee. They apparently prefer tough talk to solutions.

Now we have a 700-mile wall that is now being proposed. It keeps going up in the bidding from 300 to 700. Who knows what the next bill will be in preparation for this next election? That is what the bidding war is all about—who can come up with the longest wall.

If we want to solve the problem of illegal immigration, we have to secure our border, strengthen enforcement of our immigration laws, and address the situation of approximately 12 million undocumented people in our country. That is a comprehensive approach.

I hope we will have a chance, though I am doubtful, to offer amendments to this bill. It would be good to return to some of the elements of the earlier bill which had widespread support. Sixty-four Senators voted for the bill, the McCain-Kennedy comprehensive immigration bill. I was one of them. We believe this was a good, bipartisan effort to deal with a very tough problem. We need that kind of comprehensive approach.

That bill included a provision which I will offer as an amendment to this bill, if given an opportunity. It is called the DREAM Act. This is a narrowly tailored, bipartisan measure I have introduced with Senators HAGEL and LUGAR, both Republican colleagues, who have joined me and many Democratic Senators in this bipartisan effort. This gives undocumented students the chance to become permanent residents if they came here as children, are long-term U.S. residents, have good moral character, no criminal record, will attend college or enlist in the military for at least 2 years.

Currently, our immigration laws prevent thousands of young people from pursuing their dreams and fully contributing to the Nation's future. They are honor roll students, star athletes, talented artists, valedictorians, aspiring teachers, doctors, scientists, and engineers. These young people have lived in this country for most of their lives. Their parents brought them here. It is the only home they know. They are assimilated and acculturated into American society. They are American in every sense of the word except for their technical legal status.

They have beaten the odds in their young lives. The high school dropout rate among undocumented immigrants is 50 percent, compared to 21 percent for legal immigrants and 11 percent for native-born Americans. So the odds are against these kids ever graduating from high school. These children we are talking about in this bill, the DREAM Act, have demonstrated the kind of determination and commitment that makes them successful students and points the way to the significant contributions they can make in their lives. These students are tomorrow's teachers, nurses, doctors, engineers, entrepreneurs. They have the opportunity to make America in the 21st century a success story if their talents can be part of that success.

The DREAM Act would help them. It is not an amnesty. It does not say automatically that they are going to be citizens. It is designed to assist only a select group of them, the very best of the best, young people who have done nothing wrong in their lives, good moral character, finished high school, who then enlist in our military for at least 2 years or pursue a college education. That gives them the chance to earn their way toward citizenship. This offers no incentive for undocumented immigrants to enter the country and requires the beneficiaries to have been in the country for at least 5 years when the bill is signed.

It would repeal a provision of Federal law that prevents individual States from granting instate tuition rates to these students. It would not create any new tuition breaks. It would not force States to offer instate tuition to these students. It is a State decision. Each State decides. It would simply return to States the authority to make that decision.

It is not just the right thing to do, it is a good thing for America. It will allow a generation of immigrant students with great potential and ambition to contribute fully to America.

According to the Census Bureau, the average college graduate earns $1 million more in her or his lifetime than the average high school dropout. This translates into increased taxes and reduced social welfare and criminal justice costs.

There is another way our country would benefit from these thousands of highly qualified, well-educated young people who are eager to be part of America. They want to serve, many of them, in our military. At a time when our military is lowering its standards due to serious recruiting shortfalls, we should not underestimate the significance of these young people as a national security asset.

The Department of Defense has shown increased interest in this bill, understanding that there is a talent pool of these young people who are technically undocumented but want to live in the United States and serve our country. They need that talent. We need that talent as a nation.

On July 10, the Senate Committee on Armed Services held a hearing on the contributions of immigrants to the military. David Chu, the Under Secretary of Defense for Personnel and Readiness, said the following:

> There are an estimated 50,000 to 65,000 undocumented alien young adults who enter the United States at an early age and graduate from high school each year, many of whom are bright, energetic and potentially interested in military service. They include many who have participated in high school Junior ROTC programs. Under current law, these people are not eligible to enlist in the military. If their parents are undocumented or in immigration limbo, most of these young people have no mechanism to obtain legal residency even if they have lived most of their lives here. Yet many of these young

> people may wish to join the military, and have the attributes needed—education, aptitude, fitness and moral qualifications. In fact, many are High School Diploma Graduates, and may have fluent language skills—both in English and their native language . . . the DREAM Act would provide these young people the opportunity of serving the United States in uniform.

If we are talking about making America more secure safe, why would we turn our backs on the opportunity for these young people who came to America at an early age, who have beaten the odds by graduating from high school, who have good moral character and want to be part of our future, why would we turn down their opportunity to serve in our military?

The DREAM Act is supported by a broad coalition of the Senate, by religious leaders, advocates across the country, and educators across the political spectrum. Any real and comprehensive solution to the problem of illegal immigration must include the DREAM Act.

The last point I make is this: We are asked regularly here to expand something called an H–1B visa. An H–1B visa is a special visa given to foreigners to come to the United States to work because we understand that in many businesses and many places where people work—hospitals and schools and the like—there are specialties which we need more of.

I can recall Bill Gates coming to meet me in my office. Of course, his success at Microsoft is legendary. He talked about the need for computer engineers and how we had to import these engineers from foreign countries to meet the need in the United States. He challenged me. He said: If you will not allow me to bring the computer engineers in, I may have to move my production offshore, and I don't want to do that.

That is an interesting dilemma. Now put it in the context of this conversation. Why would we tell these young people, who have beaten the odds and shown such great potential, to leave America at this moment and then turn around in the next breath and say we are going to open the gates of America for other foreigners to come in and make our economy stronger? Why aren't we using these young people as a resource for our future? They have been here. They have lived here for a long period of time. They understand America. They are acculturated to America, and they want to make America better.

Instead of looking overseas at how we can lure more people in to strengthen our economy, we need only look right here at home. As Mr. Chu, from the Department of Defense, said there are 50,000 to 65,000 of these students each year. Why would we give up on them when they can be not only tomorrow's soldiers, marines, sailors, and airmen, but they can be tomorrow's doctors, scientists, and engineers?

If given the opportunity, and I certainly hope I will on this bill, I will offer the DREAM Act. I want my colleagues to join me on a bipartisan basis.

I walk around in the city of Chicago and other places in my State, and a number of young people who would be benefited by this bill come up to me. They tell me stories which are inspiring in one respect and heartbreaking in another—inspiring because some of them, with no help, no financial aid, have made it through college. One of them, a young man I continue to follow with great anticipation, is now working on a master's degree. He wants to go into medical research. He is good. He is a great scientist, a young scientist who wants to make this a better world. He is one of these undocumented kids, now a young man. Why would we give up on him?

These high school students who have worked so hard in neighborhoods and communities where it is very tough to succeed, they turn their backs on crime, drugs, and all the temptations out there and are graduating at the top of their class, they come to me and say: Senator, I want to be an American; I want to have a chance to make this a better country. This is my home. They ask me: When are you going to pass the DREAM Act? I come back here and think: What have I done lately to help these young people?

We can do something. It is not for me; it is not for the Senate; it is for this country. Let's take this great resource and let's use it for our benefit as a nation. We will be a stronger and better nation if we do.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

The question is on agreeing to the motion to proceed to H.R. 6061.

The motion was agreed to.

The PRESIDING OFFICER. The Senate will now proceed to the consideration of H.R. 6061, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 6061) to establish operational control over the international land and maritime borders of the United States.

AMENDMENT NO. 5031

Mr. FRIST. Mr. President, I send an amendment to the bill to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. FRIST) proposes an amendment numbered 5031.

At the end of the bill, add the following:

This Act shall become effective 2 days after the date of enactment.

Mr. FRIST. Mr. President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5032 TO AMENDMENT NO. 5031

Mr. FRIST. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. FRIST) proposes an amendment numbered 5032 to amendment No. 5031.

Mr. FRIST. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 1 of the amendment.

Strike "2 days" and insert " 1 day".

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JUDGE JAMES DEANDA

Mr. REID. Mr. President, last week, hundreds of family, friends, and admirers gathered in Houston, TX, to honor the life of a WWII veteran, legal giant, and true American hero, U.S. district judge James DeAnda. Judge DeAnda died last Thursday, September 7, 2006, at the age of 81. Throughout his life, he quietly went about his work of ensuring that Hispanic Americans were guaranteed the same protections and rights afforded them in our Constitution.

Today, we mourn his passing and pay tribute to his important contributions to this Nation. I am joined by Senator SALAZAR, who is familiar with the importance of Judge DeAnda's legacy. Senator SALAZAR, what do you believe are Judge DeAnda's most important legal victories?

Mr. SALAZAR. Thank you, Senator REID, for your recognition of Judge DeAnda. One of his most significant cases came in 1954, when he worked on and argued a little-known but enormously significant case before the U.S. Supreme Court. I should also mention that Judge DeAnda, together with a legal team of three other Mexican-American attorneys, were the first Mexican-American attorneys to argue before the highest Court in our land.

In Hernández v. Texas, Judge DeAnda believed that their client, Pete Hernandez, could not receive a fair and impartial trial unless members of other races served on the jury. Through careful research, Judge DeAnda showed that Hispanics in Jackson County, TX, were essentially barred from serving as jurors despite comprising a significant proportion of the population at the time. In fact, no Hispanic had served on any jury in Jackson County for a quarter century. The Supreme Court agreed and overturned the murder conviction. They unanimously ruled that Mexican Americans and all other racial groups in the United States had equal protection under the 14th amendment of the U.S. Constitution.

Despite this major legal victory, the Hernandez case was overshadowed by a companion case, Brown v. Board of Education, which was decided just a week later. But the results of this decision are evident in American courtrooms everywhere. Because of this decision alone, Judge DeAnda holds a special place in our country's history and our quest to become a more inclusive America.

Mr. REID. Yes, I agree with the Senator from Colorado. Judge DeAnda no doubt played a key role in our Nation's history. He was a key leader in the Latino civil rights movement who worked tirelessly to foster legal equality for Latinos and all Americans. Like many great Americans, Judge DeAnda rose from humble beginnings.

The son of Mexican immigrants, Judge DeAnda was born in Houston, TX. He interrupted his college education at Texas A&M University to join the Marines during World War II, serving in the Pacific and then later China. When he returned from the war, he completed his studies and then enrolled in the University of Texas Law School in 1950, where he was among the first Hispanics admitted.

Beyond the Hernandez case, Judge DeAnda took on countless other cases in his fight to end segregation of Hispanics in Texas. In 1968, he went before the Supreme Court in the case of Cisneros v. Corpus Christi ISD, a case that led to the desegregation and increased funding of schools in that city. It was also during that year that Judge DeAnda helped to establish one of the most respected national Hispanic organizations, the Mexican American Legal Defense and Educational Fund, MALDEF. Senator SALAZAR, would you say that the founding of MALDEF has empowered the Hispanic community in our country?

Mr. SALAZAR. As a Hispanic who grew up in the Southwest, I can say that the impact of MALDEF's establishment has been profound. As the Hispanic community's legal advocate, MALDEF has taken on cases throughout the country. In my own State, their work has helped improved access to equal education for Hispanics.

Judge DeAnda was also actively involved with Hispanic organizations like the League of United Latin American Citizens, LULAC, and the American G.I. Forum. By working with MALDEF, they ensured that Hispanic veterans, who gave the ultimate sacrifice on the battlefield, were not denied burial in our veterans cemeteries. Judge DeAnda's leadership was visionary and was recognized by President Jimmy Carter in 1979, who nominated him to serve as a Federal judge in the Southern District of Texas. At the time of his appointment, he was only the Nation's second Mexican-American Federal district judge.

Despite all of his contributions to the Latino community, Judge DeAnda never sought the limelight. He only strove to ensure equal rights for all in this country through his thorough representation and fair consideration of those who came before his court. I find his own words to be the most telling. He is said to have told a group of law school students once, "You will find law to be a most satisfying career because of the service you can give your fellow man. I know of no other endeavor in which you can bring about healthy change and make a decent living. You can live well and do good."

Judge DeAnda certainly did good and we are grateful to him for his service.

Mr. REID. We are truly indebted to Judge DeAnda. Indeed, it is only fitting that as our Nation begins a month-long celebration of Hispanic contributions to America during Hispanic Heritage Month, we take this time to acknowledge Judge DeAnda. We are deeply saddened by his passing but are also inspired by his example as we carry on the struggle to ensure equity for all Americans. His life-long dedication to the protection of Americans has made him an icon in the legal profession and a pioneer of the American civil rights movement.

Judge DeAnda will be missed by all, but certainly by his wife Joyce and their four children. They are in our thoughts and prayers.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On December 6, 2003, in Largo, FL, William McHenry was stabbed to death by Lucas McCauley. McCauley, a straight man, followed McHenry home from Club Z109, a bar that caters to gay and transgendered people. After arriving at his home, McHenry was attacked and stabbed by McCauley. According to police, the motivation for the attack was the victim's sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HATE CRIME

Ms. CANTWELL. Mr. President, the Jewish New Year is a time for celebration, prayer, and reflection. As friends and family commemorate the high holy days which begin tomorrow evening, Jewish communities across Washington State and around the world will come together, consider the past, and look to the year ahead.

Rosh Hashanah brings new beginnings and new energy; Yom Kippur calls for atonement and forgiveness. These ideals extend beyond religion or race—they build common ground and inspire shared sacrifice. All of this was threatened by an act of senseless violence and hate this summer in Seattle. We cannot give in to that hate.

During these days of repentance and renewal, I share a commitment to ending violence and to living with one another in peace both around the world and here in our own communities.

Yet we are still shocked and saddened by the pain and loss of July 28, 2006, when a gunman driven by hate, forced his way into the offices of the Jewish Federation of Greater Seattle. He killed one woman and wounded five others before surrendering to police.

Our community tries to recover, but we are stunned. The King County Prosecutor said: "Make no mistake, this was a hate crime."

I mourn the loss of Pamela Waechter, a beautiful woman and warm spirit who lost her own life while trying to improve the lives of others. All across Washington State we have been asking the same questions. How could such an event happen in our community? How could such violence be carried out in our city in the name of hate?

There is never any justification for a hate crime, anywhere. That this horrific crime took a life so suddenly and so uselessly is a tragedy for all of Seattle. We must recommit ourselves to the goal laid out by Rabbi Mirel. He said: "Hatred will not be our legacy."

We must do more, both as a national community and as individuals, to recognize the brutality of this crime and to respond to this terrible event. And we must do more to demonstrate that the only kind of intolerance Americans will abide is an intolerance for short-term answers and shortsighted conclusions.

Pamela Waechter, who was killed in July, set an example for us all through her involvement in the Seattle community. She moved to Seattle in 1979. After raising two children, Pamela became a student at the University of Washington and graduated with a degree in nutrition.

Pamela worked at Jewish Family Service and later at the Jewish Federation, where she did outreach and fundraising. She rose from secretary to two-term president at Temple B'nai Torah. Pamela stood out in her dedication, and brought the diverse people of this city together across boundaries of ethnicity or religion.

My thoughts and prayers go out to the victims and their families. We honor their spirit during these Days of Awe by celebrating their deeds, pursuing peace, and seeking renewal.

UNVEILING OF THE BOB DOLE LEADERSHIP PORTRAIT

Mr. ROBERTS. Mr. President, this summer the U.S. Capitol added a new portrait to its collection of Senate leaders. It is a face that is familiar to all of us since he once led this institution and spent 27 years here as a Senator. I refer to Bob Dole, former Senator from Kansas, chairman of the Finance Committee, majority leader, and Presidential candidate. His portrait was unveiled in the Old Senate Chamber on July 25 and now hangs in the Senate Chamber lobby, along with a painting of Senator George Mitchell, his Democratic counterpart. He looks very much at home there.

Bob Dole's story is familiar to almost everyone in this Nation: Born and raised in Russell, KS, he went off to serve in the U.S. Army during the Second World War. He was seriously injured in combat in Italy and underwent arduous physical rehabilitation for more than 3 years. He returned to Kansas, got his law degree, ran for the State legislature, and served as county attorney. He first ran for Congress in 1960 and served in the House of Representatives for 8 years. Then, like many of us, he migrated from the House to the Senate.

The Senate suited Bob Dole. He is a man who speaks his mind, candidly and forthrightly. Right away he impressed Senator Barry Goldwater, who hailed the new Senator from Kansas as "the first fellow we've had around here in a long time who can grab 'em by the hair and haul 'em down the aisle." While that captures the combative side of the man, there was also Bob Dole the legislative tactician, a statesman who sought common ground among 100 Senators to craft legislation that would best serve the Nation. When President Ronald Reagan sought to shore up the finances of Social Security, it was Bob Dole, as chairman of the Senate Finance Committee, working with the ranking member of the minority, Daniel Patrick Moynihan, who forged the bill that stabilized the system for another generation.

As floor leader of his party, in both the majority and the minority, Bob Dole stood front and center in the Chamber, shrewd, vigilant, and masterful. But you could also find him off the floor, sitting in the cloakroom, a legal pad on his lap, surrounded by a knot of Senators, drafting the language of an amendment to break a legislative impasse and get the Senate's business back on track.

He did this all with a ready quip and a limitless sense of humor that got him and the Senate through many difficult moments. Bob Dole possesses a sure sense of the ironies of government and the foibles of politicians. He has used this to great advantage in winning over his audiences, whether in small groups or vast arenas. He is smiling in his portrait, as if he had just delivered one of those lines that made his listeners laugh.

It is a handsome portrait of a man who well deserves the honor of being included among the artwork of the U.S. Capitol. Future Senators can gaze on it for inspiration, and it will remind visitors of his many contributions to our Nation's history. Bob Dole will most likely glance at it himself when he visits the Capitol and probably make a few wry remarks when he does. Today he is proudly a Senate spouse, married to the senior Senator from North Carolina, ELIZABETH HANFORD DOLE, who carries on his legislative tradition.

Mr. President, I ask unanimous consent to have printed in the RECORD the proceedings of the ceremony for unveiling the Bob Dole leadership portrait.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS TRANSCRIBED FROM THE BOB DOLE LEADERSHIP PORTRAIT UNVEILING—JULY 25, 2006 IN THE OLD SENATE CHAMBER

Mr. FRIST: Good afternoon. It's an honor to be here today, and it's a special honor for me to welcome back a leader whose title I share but whose service will never be rivaled.

Ten years ago, Bob Dole stepped down from the office I now hold, and he left invaluable words to all who would follow. He said, "You do not lay claim to the office you hold. It lays claim to you. Your obligation is to bring to it the gifts you can of labor and honesty and then depart with grace."

To congress and to the office of Majority Leader, Bob Dole brought the gifts of labor and honesty. But what he also brought was an invaluable perspective. It was a perspective of a fighter. It was the mind-set of the greatest generation—the generation who fought on the battlefield, on farm field, in factory—so America might rise.

From the humble plains of Kansas, Bob Dole learned the value of fighting one's way up in the world through hard and honest work. And from the battlefields of war, he learned that the freedoms we enjoy—the very freedoms that enable a boy from Kansas to dream big and succeed—were to be fought for at any price.

To this day, Bob Dole has never stopped fighting for the America he believed in. Ardently, he fought for a better life for all Americans—for the disadvantaged, for Americans with disabilities, for the hard-working farmer trying to raise a family. And always he has stood tall for America's veterans. For those who made the ultimate sacrifice, Bob Dole fought to ensure their sacrifice was never forgotten.

And it was that passion that paved the way to the construction of the World War II Memorial on the Mall. At the dedication to that memorial in 2004, Bob Dole said to the audience: "what we learned in foreign fields of battle, we applied in post-war America. As a result of our democracy, though imperfect, is more nearly perfect than in the days of Washington, Lincoln, Roosevelt."

Bob, today I say to you, our democracy is more nearly perfect because of you. America is a better place because you've been here fighting on our side. From the battlefield to the Senate floor, thank you for fighting for America.

[applause]

Mr. MITCHELL: Senator Frist, Senator Reid, Senator Dole the first, Senator DOLE the current, friends and family of both Senators DOLE and colleagues, for 6 years I was privileged to serve as Senate Majority Leader. Shortly after I was elected to that position, I went to see Bob Dole. He was then the Minority Leader, a position he continued to hold during my tenure as Majority Leader.

Bob had been in the Senate much longer than I had, knew a lot more, and so I understood that I could learn a lot from him, as I'd learned from my immediate predecessor, Senator ROBERT BYRD. I told Bob that I looked forward to working with him, and we quickly agreed on a simple set of rules that would guide our relationship. We would not surprise or embarrass each other. We would try to work together in good faith whenever possible. But when we couldn't, we would say so candidly. And always we'd let the Senate decide.

For 6 years, we lived by those rules. There were many difficult issues, some tense times, we disagreed often on substance and on process, but we never let a harsh word pass between us, in public or in private. And that is true to this day. Never in our lifetimes has a harsh word passed betweert us. We believed in and we trusted each other. All of this was possible because of Bob Dole's essential integrity and his love for the Senate.

Bob's word was his bond. Never, ever did he tell me anything that was untrue. Never did he go back on his word. He was more experienced, more knowledgeable, more savvy than I was, so it would not have been unreasonable for him to spurn my offer of cooperation. But he didn't. Not because of me but because of who he was and is.

Born and raised in Russell, Kansas, he acquired early in life the tone and the values of the American Midwest. So he's always had intense loyalty to his faith, to his family, to his country. His patriotism was tested and found not wanting in the fire of the second World War. In the most direct and unforgettable way, he learned firsthand the horror of war. But he also learned why some Wars must be fought in the defense of freedom.

A long and painful rehabilitation gave him time to try to understand why he would forever bear the scars of war. I But it also gave him time to think of how he could best serve the country he was so proud to defend. The result was a distinguished political career which is so well-known to everyone here that I won't try to recite it except to say that Bob Dole brought honor and integrity to every office he ever held.

One of Bob's many strengths is his sense of humor, his ability to defuse tension with a light comment, to find a laugh in even the most dark and difficult times. I've been the butt of many of his jokes.

[laughter]

And I can testify that he does it in such a nice way that makes even the butt laugh.

[laughter]

Our relationship was forged in many long days and nights in the Senate negotiating over the substance and the process of legislation. We usually met in my office or his. As many visitors to our offices noted at the time, his office was a bit bigger than mine. So I often was asked: how come the Minority Leader has a bigger office than the Majority Leader? I always replied that he was entitled to it because he was a leader before I was.

After I left the Senate, I joined a law firm. Two years later, we were reunited when Bob joined the same firm. This is our—today is our second reuniting in recent years. And when I got there, I couldn't help notice that while I was tucked away in a tiny office near the attic—[laughter]—he had literally a whole floor for himself and his huge entourage. And I was really bothered when I learned that he had brought along to the law firm his little dog, Leader, and the dog had a bigger office than I had.

[laughter]

So I asked him about it. And he laughed and he said, "He's entitled to it because he was leader before you were."

[laughter]

Well, it's a real honor for me to be here today to join Bob's wife and family and friends in paying tribute to a great and a remarkable American. Bob Dole is to me a colleague, a mentor, and most importantly a friend. Congratulations, Bob. It's a pleasure to be reunited with you again, as we both hang on the wall of this great institution—hidden away in the lobby, where no one will be able to see us—an institution which means so much to both of us and to which you devoted so much of your life.

And speaking of colleagues and friends, it's now my pleasure to introduce Senator Warren Rudman of New Hampshire. Warren, Bob and I served together in the Senate and Warren and I have worked together in several capacities since then. We served on a committee, and after exposure to Senator Rudman for a couple of months, one member of the committee said that Senator Rudman pears to have reached the age at which he's willing to say anything, regardless of the consequences.

[laughter]

I replied that actually Senator Rudman reached that point at the age of nine and the rest of us had been dealing with the consequences ever since.

[laughter]

Senator Rudman?

[applause]

Mr. RUDMAN: Thank You, George. Bob, Elizabeth, and Robin, colleagues, friends and family of Bob Dole, when I was preparing for today, I thought about Bob Dole's extraordinary record in the Senate and thought of speaking about his many accomplishments. But they are a matter of record with which all of you are very familiar.

For me, when I think of my years of friendship with Bob, there are two endearing qualities that are always uppermost in my mind. First, I will forever marvel at the self-deprecating wit of this great American from the heartland. Second, I have deeply admired his dedication to the principles and values of this great country. What better way to share with you my thoughts than to do so in Bob Dole's own words?

Thus, let me read to you two excerpts from his wonderful memoir, "One Soldier's Story." First, his wonderful wit, in this case, given at a most solemn occasion at one of our country's most important places.

Here are Bob's words. "Maintaining a healthy sense of humor is a key to overcoming any setback in life, even when your setbacks are extremely public. In my speech at the White House after accepting the Presidential Medal of Freedom from President Clinton just a few months after I lost the election to him, I began as though taking the oath of office. 'I, Robert J. Dole . . .' I paused as the august crowd of political leaders and members of the press immediately caught on and roared in laughter. '. . . do solemnly swear. . .' I continued, without breaking a smile to gales of laughter. I looked up as though surprised. 'Sorry, wrong speech.' The crowd roared again. 'But I had a dream. . .' The audience chuckled at my allusion to Martin Luther King Jr. '. . .that I would be here this historic week receiving something from the President. But I thought it would be the front door key to the White House.' I looked over and the President himself was doubled over with laughter." And for those of you that missed that occasion, it truly was a remarkable display of Bob Dole's humor.

Secondly, his devotion to the principles and values that George Mitchell referred to that Bob Dole holds so dear. Again, in Bob's own words, "Nearly 60 years ago, after I headed up Hill 913, I concluded my speech at the dedication ceremony of the National World War II Memorial by saying: 'It is only fitting that when this memorial was opened to the public, the very first visitors were schoolchildren. For them, our war is ancient history and those who fought it are slightly ancient themselves. Yet in the end, they are the ones for whom we built this shrine and to whom we now hand the baton in the unending relay of human possibility. Certainly the heroes represented by the 4,000 gold stars of the Freedom Wall need no monument to commemorate their sacrifice. They are known to God and to their fellow soldiers, who will mourn their passing until the day of our own. In their name, we dedicate this place of meditation, and it is in their memory that I ask you to stand, if possible, and join me in a moment of silent tribute to remind us all that sometime in our life we have or may be called upon to make a sacrifice for our country to preserve liberty and freedom.' "

Bob, it was an extraordinary privilege to work with you in the Senate and I'm deeply honored to have had this opportunity to be with you and to speak in your behalf today.

[applause]

Now I'm pleased to introduce a longtime friend and senior staff member of Bob Dole's, Rod DeArment.

[applause]

Mr. DEARMENT: Good afternoon. Shortly after I joined the Senate Finance Committee staff, where I started working for Senator Dole, he asked me to travel with him on a series of speeches on the subject of the crude oil windfall profit tax. My job was to explain the mechanics of the—of the tax. And at the first event, as Senator Dole gave introductory remarks and I launched into a review of the structure of the tax, complete with charts and a pointer. Midway through my presentation, Senator Dole slipped a note on to the podium, and I glanced down as I was speaking and—and thought it said, "more detail." So I dug in and I gave a more thorough explanation of the base prices, tertiary wells, stripper well, et cetera. When I sat down and I looked more closely at the note, I realized it said, "move faster."

[laughter]

Well, in time, I learned brevity and to read Senator Dole's handwriting better.

As I contemplated this unveiling today, I thought about all the qualities Senator Dole has that are nearly impossible for an artist to fully capture, no matter how skillful the artist is. For example, how can an artist truly reflect Senator Dole's warm friendliness that was evident to all the staff around this Capitol, from the guards at the door he greeted each morning, to the cloakroom team, to the restaurant workers, to the staffers—some of whom are here—that sat on the back of the couches and were amused by Senator Dole's comments as he passed by?

It's hard to capture his quick wit and his spontaneous humor. Much of his humor was self-deprecating, as Senator Rudman indicated. Hundreds of times he told the story of his life about how he planned to study medicine. He went away to the war, suffered a head injury and went into politics.

[laughter]

His humor was never mean, and I can tell you, his quick wit rescued me more than once from fierce cross-examination trying to defend things at the chair at the Senate Finance Committee. It's also hard to capture his boundless energy. He seemed to revel in early morning breakfasts and late-night sessions. As we approach this August recess, I recall how many august recesses Senator Dole threatened to cancel if we didn't finish a particular bill. Nearly every august recess there was that threat.

Finally, how can an artist capture Senator Dole's perseverance, tenacity and spirit? He never seemed to give up on bills he thought worthwhile. He just kept working. When a bill got hung up, his instruction always was, "work it out."

[laughter]

TEFRA in 1982 was a tribute to both Senator Dole's legislative skill and his never-say-die tenacity. Now, before I get another note from the Senator about moving faster, I would like to introduce the subject today of this grand portrait, Senator Dole.

[applause]

Mr. DOLE: Thank You.

[applause]

Mr. DOLE: Thank You.

[applause]

Mr. DOLE: Thank You. Well, first I want to thank everybody for being here and particularly Senator Frist and Senator Reid, Senator Rudman, Senator Mitchell, my good friend Rod. And it's—you know, as Barbara Mikulski said as she walked by, "I wouldn't miss this hanging for the world."

[laughter]

And some of my colleagues have been waiting for years to nail me to the wall. So . . .

[laughter]

And I remind you of an old axiom: "beware of what you wish for." In fact, I understand, as Senator Mitchell has indicated, that I'm to be hung in the Senate lobby—out of sight from the public but not far from where distinguished Members have been known to lie down and take a nap.

[laughter]

So if nothing else, I'll be there to disturb your sleep.

[laughter]

I also want to thank the artist for doing something that eluded a host of high-priced campaign consultants and spin doctors: making me look presidential.

[laughter]

Mr. Kinstler certainly made the most of what he had to work with. It calls to mind the story of Abraham Lincoln, who was running for the Senate from Illinois against Stephen A. Douglas. At one point in the campaign, Douglas called his opponent two-faced. "I leave it to you," Lincoln told the audience. "If I had two faces, do you really think I would use this one?"

[laughter]

I know that actually happened because I was in the audience. So . . .

[laughter]

Coming back to this place is more than an exercise in nostalgia. If it feels like a homecoming—and it does—it is because of two families to whom I owe so much. Elizabeth, Robin, Gloria, my sister Norma Jean, and Gladys, my sister Gloria, of all the blessings bestowed on me, none can match your love and support. I want to thank you for being here today and for being there whenever in the past.

And then there is the Senate family. And like most families, it sometimes appears dysfunctional to those outside its ranks. So doubt could be a little—no doubt it could be a little more efficient, maybe a little less verbose. But we should never forget that all the talk and all those rules are put in place to safeguard our liberties. How much better are the raised voices of debate than the dull unanimity of the cell or the grim silence of the Gulag?

Standing in this room where so much history has been made, I can't help but reflect on lawmakers who not only made me a better Senator but a better person. And some are here today. Many are here today. In both parties. Others—too many others—are present in memory only. I think of Everett Dirksen and Hubert Humphrey and Barry Goldwater and Pat Moynihan, for starters. Each of them a patriot before he was a partisan.

But the Senate family is hardly limited to Senators. Rod, who just spoke, and Sheila Burke and Bob Lighthizer and Joyce McCluney, thank you for uncovering me today and for covering for me over the years.

[laughter]

You serve as stand-ins for hundreds of other dedicated staff members—many of whom are with us today—who made me look better than any artist could. Some of you greeted constituents or wrote press releases. Others crafted legislation or chased down missing Social Security checks or made certain that the voice of ordinary Kansans was heard in this capital city. Whatever you did, each of you has a place in the Senate's history and always a place in my heart.

When I left this building ten years ago, I said it was up to the electorate to decide my future address. And in their wisdom, they decided they'd rather see me in commercials than in the Oval Office.

[laughter]

And I have discovered that there is, indeed, life after the Senate.

If not like that other Senator.

So my final acknowledgment is to those to whom I owe my greatest debt: to the people of Kansas who came to my aid many, many times when I needed it and did it for many—more than 35 years. You honored me with your confidence and you entrusted me with your interests and ideals. And after today, thanks to the kindness of my colleagues, part of me will forever be joined in this—to this institution. But the greater part will be at home on the Kansas prairie, from which I draw whatever strengt of character I brought to these halls.

So again, I thank you very much for being here. And may God Bless the United States Senate, and God Bless America. Thank you.

[applause]

Mr. REID: We've all heard people, including Senator Dole, say funny things about him. But everyone in this room should understand and acknowledge that we have a rare opportunity today to stand in the presence of a great man, a man who has changed the history of this country. Think about him.

He came from Kansas, went to fight in the war, was grievously wounded in that war. Spent not days, not weeks, not months, but years in a hospital with Senator Inouye—the same hospital—trying to make a new life out of a life that had been changed dramatically as a result of the physical damage to their bodies as a result of that war. Fought back. Decided he'd enter government and has done that to the betterment of us all.

Bob Dole, candidate for President. Bob Dole, Member of the United States Senate. Bob Dole, Majority Leader of the United States Senate. And he's done it with such grace and humor.

I've learned a number of things from Senator Dole. I've learned that you should try to be funny. But no one can be humorous like Senator Dole. I asked my staff, I said, "find some things that he said were funny." And there were volumes of stuff. But none of them seemed very funny reading them because it's his delivery. It's his delivery.

He said, "as long as there's only three or four senators on the floor, the country's in good shape. It's only when you have 50 or 60 of them on the floor you have to be concerned."

[laughter]

On seniority—he invented this. It's been used by many. "I used to think that seniority was a terrible thing when I didn't have any."

[laughter]

After his 1996 campaign: "Elizabeth's back at the Red Cross and I'm walking the dog."

[laughter]

And again after that same campaign, he said, "at least Elizabeth is the president of something."

[laughter]

Senator Dole has worked with Senator Byrd, Senator Mitchell, Senator Daschle. And as Senator Mitchell said, Senator Dole was a great advocate. I was there to witness his advocacy. But the thing about Senator Dole working with these three Senators that I've mentioned was that they all said things in a civil fashion to each other. And I—if I had to say in a sentence what Senator Dole has meant to me, it's this. And this is a quote. "Your political opponent does not have to be your enemy." We should all remember that, those of us who serve in public office. Just because you have someone that you're opposed to, a particular piece of legislation, that person's not an enemy.

So, Senator Dole, on behalf of the Reid Family, the Senate Family and our country, thank you very much for your service.

[laughter]

I would ask that Senator Dole, Elizabeth Dole come forward; Robin Dole, his daughter; Sheila Burke, who we all know; Robert Lighthizer, former staff; Joyce McCluney, former staff, please come forward.

[applause]

[inaudible conversation]

Mr. REID: There will be a reception in S-207. Everyone's invited.

A FEW BAD APPLES

Mr. LEVIN. Mr. President, analyses of gun trace data has consistently found that a tiny percentage of our Nation's licensed gun dealers contribute to the vast majority of our Nation's crime guns.

This finding was first revealed in a 1995 report produced for the Bureau of Alcohol, Tobacco, Firearms and Explosives—ATF—by a team of researchers at Northeastern University. The report used trace data to identify patterns of firearm trafficking. It found that less than one percent of licensed gun dealers account for almost half of the traced crime guns.

Later analyses confirmed these findings. A report published by Senator SCHUMER used 1998 trace data to identify 137 dealers nationwide that sold more than 50 guns traced to crime. The 13 worst dealers were the source of 13,000 guns used in crimes that year.

In the "Commerce in Firearms" report released in February 2000, the ATF reported that only 1.2 percent of dealers, or about a thousand dealers, accounted for 57 percent of the crime guns that year. A smaller subset of only 330 dealers accounted for approximately 40 percent of the crime guns. Again, the trace data showed that a relatively small number of gun dealers were responsible for the diversion of a tremendous number of guns into the illegal market. The report also recognized that trace data should be used by manufacturers of firearms to ensure retail sellers act responsibly to prevent the diversion of guns into the illegal market.

In 2004, the Americans for Gun Safety Foundation released a report based on trace data introduced into evidence in a lawsuit brought against the gun industry by the NAACP that named the gun dealers who sold the most guns traced to crime. Dealers that sold 200 or more crime guns from 1996 to 2000 were listed by name and location. The publication of the report not only allowed local communities to know where high trace gun dealers were operating, but also handed the gun industry a specific list of dealers who were contributing the most guns to the illegal market.

In 2005 the ATF released a study that found that 97 rogue gun dealers had 11,840 guns "disappear" from their shops. These dealers accounted for 96 percent of the guns identified as missing from 3,083 Federal firearm licensees that the ATF inspected.

Over the last few years, crime gun tracing has produced a great deal of valuable information on how the illegal gun market is supplied. A small number of rogue gun dealers are playing a tremendous role in aiding gun crimes by supplying thousands of guns to the criminal market. We must use this type of information to help point the way to policies that keep guns out of the hands of criminals.

COST ESTIMATES

Mr. LUGAR. Mr. President, I ask unanimous consent for three cost estimates from the Congressional Budget Office to be printed in the RECORD.

These estimates are for three important bills which the Committee on Foreign Relations has already reported to the Senate. They are S. 2489, S. 3709, and S. 3722.

The Standing Rules of the Senate require that committee reports on bills or joint resolutions contain cost estimates for such legislation.

When the Committee on Foreign Relations reported these bills earlier this year, the committee had not received the Congressional Budget Office's cost estimates.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2489—U.S. Additional Protocol Implementation Act

Summary: S. 2489 would implement the obligations of the United States under the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in the United States of America (hereafter called the Additional Protocol). The Additional Protocol was signed by the United States in 1998 and ratified by the Senate in 2004 (Treaty Document 107-7). The bill would authorize government agencies to conduct vulnerability assessments at government and commercial facilities to protect national security interests. The bill also would authorize the U.S. government to seek search warrants when owners of commercial facilities bar the government from entering the location in support of the IAEA inspections and would establish guidelines for conducting environmental sampling at both government and commercial locations.

CBO estimates that implementing S. 2489 would cost $17 million in 2007 and $72 million over the 2007-2011 period, assuming appropriation of the necessary amounts. Enacting the bill would not affect direct spending or receipts.

Section 4 of the Unfunded Mandates Reform Act (UMRA) excludes from the application of that act any legislative provisions that are necessary for the ratification or implementation of international treaty obligations. CBO has determined that because this bill would implement the Additional Protocol, it falls within that exclusion. CBO has thus not reviewed the bill for intergovernmental or private-sector mandates.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 2489 is shown in the following table. The costs would fall within budget functions 050 (national defense), 270 (energy), and 370 (commerce and housing credit). CBO assumes that the bill will be enacted near the start of fiscal year 2007 and that the estimated amounts will be appropriated each year.

	By fiscal year, in millions of dollars—				
	2007	2008	2009	2010	2011
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	23	13	13	13	13
Estimated Outlays	17	15	14	13	13

Basis of estimate: Enacting S. 2489 would enable government agencies to implement the Additional Protocol. Specifically, the bill would:

Authorize government agencies to conduct vulnerability assessments at government and commercial facilities,

Designate government agencies to provide outreach programs to the commercial facilities and to issue regulations in order to implement the provisions of the Additional Protocol,

Authorize the federal government to seek search warrants when the owner of a commercial facility refuses to give consent for inspection by the IAEA, and

Set guidelines for the IAEA to conduct environmental sampling at government and commercial facilities.

CBO expects that most of the assessments would be performed by the Department of Defense (DoD) and the Department of Energy (DOE) at universities, fuel-fabrication plants, and commercial manufacturing sites currently working on DoD projects, as well as DOE labs. Although DoD and DOE already have the authority to perform such assessments, CBO believes that those agencies will not perform these assessments unless S. 2489 is enacted. Based on information from those two departments, CBO estimates that the Department of Defense would conduct about 50 assessments a year, while the Department of Energy would conduct about 50 assessments in 2007 and about 10 assessments each year thereafter, at an average cost of about $200,000 per assessment. Accordingly, CBO estimates that conducting vulnerability assessments would cost $15 million in 2007 and $65 million over the 2007–2011 period, assuming appropriation of the estimated amounts.

CBO expects that most of the outreach efforts would be performed by the Department of Commerce (DOC). DOC is developing a new database to support the reporting requirements of the Additional Protocol. The department also would conduct outreach, training, and inspection support programs at commercial facilities. CBO anticipates that the Nuclear Regulatory Commission's (NRC's) staff would revise regulations to include the new requirements for implementing the Additional Protocol and would prepare guidance documents for its commercial licensees to prepare for the IAEA inspections. Under current law, 90 percent of the additional costs for the NRC would be covered by fees paid by operators of nuclear power plants. Based on information provided by DOC and NRC, CBO estimates that the net cost of these efforts would be $2 million in 2007 and $7 million over the 2007-2011 period.

CBO expects that most facilities would cooperate with the inspections and that the costs to seek and execute warrants required under the bill would be insignificant. Also, based on information from the State Department, CBO believes that the IAEA would not be able to conduct environmental sampling at government or commercial facilities because the United States, as a lawful nuclear weapons state, would forbid such sampling under existing treaty rights. Thus, CBO estimates that the U.S. government would incur no costs related to such sampling.

Intergovernmental and Private-Sector Impact: Section 4 of the UMRA excludes from the application of that act any legislative provisions that are necessary for the ratification or implementation of international treaty obligations. CBO has determined that because this bill would implement the Additional Protocol, it falls within that exclusion. CBO has thus not reviewed the bill for intergovernmental or private sector mandates.

Previous CBO Estimate: On August 10, 2006, CBO transmitted an estimate for S. 3709, a bill to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol, as ordered reported on July 20, 2006. Title II of that bill is identical to S. 2489, and the estimated costs are the same in both estimates.

At the request of the Senate Committee on Foreign Relations, CBO prepared an analysis of the costs associated with ratifying the Protocol Additional to the Agreement Between the United States of America and the International Atomic Energy Agency Regarding Safeguards in the United States (Treaty Document 107-7). In that analysis, dated March 5, 2004, CBO estimated that one-time costs to the U.S. government for implementing the Additional Protocol would total between $20 million and $30 million, and recurring costs would total between $10 million and $15 million a year, assuming appropriation of the estimated amounts. Those estimated costs are similar to the costs described in this estimate.

Estimate Prepared by: Federal Costs: Raymond J. Hall; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Tyler Kruzich.

Estimate Approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 3709—A bill to exempt from certain requirements of the Atomic Energy Act of 1954 United States Exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol

Summary: S. 3709 would exempt India from the current-law prohibition on the transfer of nuclear materials and technology to countries that are not signatories to the Treaty on the Non-Proliferation of Nuclear Weapons. In addition, S. 3709 would implement the obligations of the United States under the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in the United States of America (hereafter called the Additional Protocol).

CBO estimates that implementing S. 3709 would cost $17 million in 2007 and $72 million over the 2007-2011 period, assuming appropriation of the necessary amounts. Enacting the bill would not affect direct spending or receipts.

Section 4 of the Unfunded Mandates Reform Act (UMRA) excludes from the application of that act any legislative provisions that are necessary for the ratification or implementation of international treaty obligations. CBO has determined that because title II of this bill would implement the Additional Protocol, it falls within that exclusion. Other provisions of the bill contain no intergovernmental or private-sector mandates and would not affect the budgets of state, local, or tribal governments.

Estimated Cost to the Federal Government: The estimated budgetary impact of S. 3709 is shown in the following table. The costs would fall within budget functions 050 (national defense), 270 (energy), and 370 (commerce and housing credit).

	By fiscal year, in millions of dollars—				
	2007	2008	2009	2010	2011
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	23	13	13	13	13
Estimated Outlays	17	15	14	13	13

Basis of Estimate: CBO assumes that the bill will be enacted near the start of fiscal year 2007 and that the estimated amounts will be appropriated each year.

U.S. Additional Protocol Implementation (title II)

Enacting title II of S. 3709 would enable government agencies to implement the Additional Protocol. Specifically, the bill would: Authorize government agencies to conduct vulnerability assessments at government and commercial facilities, Designate government agencies to provide outreach programs to the commercial facilities and to issue regulations in order to implement the provisions of the Additional Protocol, Authorize the federal government to seek search warrants when the owner of a commercial facility refuses to give consent for inspection by the IAEA, and Set guidelines for the IAEA to conduct environmental sampling at government and commercial facilities.

CBO expects that most of the assessments would be performed by the Department of Defense (DoD) and the Department of Energy (DOE) at universities, fuel-fabrication plants, and commercial manufacturing sites currently working on DoD projects, as well as DOE labs. Although DoD and DOE already have the authority to perform such assessments, CBO believes that those agencies will not perform these assessments unless S. 2489 is enacted. Based on information from those two departments, CBO estimates that the Department of Defense would conduct about 50 assessments a year, while the Department of Energy would conduct about 50 assessments in 2007 and about 10 assessments each year thereafter, at an average cost of about $200,000 per assessment. Accordingly, CBO estimates that conducting vulnerability assessments would cost $15 million in 2007 and $65 million over the 2007–2011 period, assuming appropriation of the estimated amounts.

CBO expects that most of the outreach efforts would be performed by the Department of Commerce (DOC). DOC is developing a new database to support the reporting requirements of the Additional Protocol. The department also would conduct outreach, training, and inspection support programs at commercial facilities. CBO anticipates that the Nuclear Regulatory Commission's (NRC's) staff would revise regulations to include the new requirements for implementing the Additional Protocol and would prepare guidance documents for its commercial licensees to prepare for the IAEA inspections. Under current law, 90 percent of the additional costs for the NRC would be covered by fees paid by operators of nuclear power plants. Based on information provided by DOC and NRC, CBO estimates that the net cost of these efforts would be $2 million in 2007 and $7 million over the 2007–2011 period.

CBO expects that most facilities would cooperate with the inspections and that the costs to seek and execute warrants required under the bill would be insignificant. Also, based on information from the State Department, CBO believes that the IAEA would not be able to conduct environmental sampling at government or commercial facilities because the United States, as a lawful nuclear weapons state, would forbid such sampling under existing treaty rights. Thus, CBO estimates that the U.S. government would incur no costs related to such sampling.

United States-India Peaceful Atomic Energy Cooperation (title I)

Under title I of this bill, the United States could transfer nuclear material and technology to India, subject to an agreement between the two countries, if the President certifies that India meets certain conditions. Those conditions would require India to: Provide a credible plan to separate civilian and military nuclear facilities, Conclude an agreement with the International Atomic Energy Agency, Work actively with the United States to conclude a multilateral treaty to stop the production of fissile materials for use in nuclear weapons or other nuclear explosive devices, Support efforts of the international community to prevent proliferation of nuclear enrichment and reprocessing technology, and Gain the consensus support of the Nuclear Suppliers Group, an organization of countries with nuclear capabilities, for trade in items covered by its guidelines.

Additionally, in the event an agreement is reached for nuclear cooperation between India and the United States, the bill would require the President to submit a report detailing the basis for determining that India meets all the necessary requirements and to inform the appropriate committees of any significant nuclear activities of India. The bill also would require that the agreement be approved by a joint resolution of the two Houses of Congress that has been enacted into law. And finally, the bill would require that the exemption from current-law prohibition would cease to be effective if India detonates a nuclear explosive device after the date of the enactment of this bill.

CBO estimates that implementing title I of this bill would have no significant impact on the federal budget.

Intergovernmental and Private-Sector Impact: Section 4 of UMRA excludes from the application of that act any legislative provisions that are necessary for the ratification or implementation of international treaty obligations. CBO has determined that because title II of this bill would implement the Additional Protocol, it falls within that exclusion. Other provisions of the bill contain no intergovernmental or private-sector mandates and would not affect the budgets of state, local, or tribal governments.

Previous CBO estimate: On August 10, 2006, CBO transmitted a cost estimate for S. 2489, the U.S. Additional Protocol Implementation Act. That bill contains provisions that are identical to those in title II of S. 3709, and the estimated costs are the same in both estimates.

On July 13, 2006, CBO transmitted a cost estimate for H.R. 5682, the United States and India Nuclear Cooperation Promotion Act of 2006, as ordered reported by the House Committee on International Relations on June 27, 2006. That bill contains provisions that are very similar to those in title I of S. 3709, and the estimated costs are the same in both estimates.

At the request of the Senate Committee on Foreign Relations, CBO prepared an analysis of the costs associated with ratifying the Protocol Additional to the Agreement Between the United States of America and the International Atomic Energy Agency Regarding Safeguards in the United States (Treaty Document 107–7). In that analysis, dated March 5, 2004, CBO estimated that one-time costs to the U.S. government for implementing the Additional Protocol would total between $20 million and $30 million, and recurring costs would total between $10 million and $15 million a year, assuming appropriation of the estimated amounts. Those estimated costs are similar to the costs described in this estimate.

Estimate prepared by: Federal Costs: Raymond J. Hall and Sam Papenfuss. Impact on State, Local, and Tribal Governments: Melissa Merrell. Impact on the Private Sector: Tyler Kruzich.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 3722—Naval Vessels Transfer Act of 2006

Summary: S. 3722 would authorize the transfer of 10 naval vessels to foreign countries: five by grant and five by sale. In each case, the bill identifies the vessel, the type of transfer, and the recipient country. The authority to transfer those vessels would expire two years after enactment.

CBO estimates the specified sales would increase offsetting receipts by $60 million over the 2007–2008 period. (Asset sale receipts are a credit against direct spending.)

S. 3722 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated Cost to the Federal Government: CBO's estimate of the budgetary effects of S. 3722 are shown in the following table. The costs of this legislation fall within budget function 150 (international affairs). For this estimate, CBO assumes that S. 3722 would be enacted near the beginning of fiscal year 2007.

	By fiscal year, in millions of dollars—										
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
CHANGES IN DIRECT SPENDING											
Estimated Budget Authority	0	−10	−50	0	0	0	0	0	0	0	0
Estimated Outlays	0	−10	−50	0	0	0	0	0	0	0	0

Basis of estimate: S. 3722 would authorize the transfer of 10 naval vessels to foreign countries. Under the act, five specific vessels could be transferred to designated countries by grant and the other five vessels could be sold to specified countries. Based on information from the Navy regarding the value of these ships and recent experience with actual sales and grants, CBO estimates that the sales would increase offsetting receipts by $10 million in 2007 and $60 million over the 2007–2008 period.

Intergovernmental and private-sector impact: S. 3722 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: Sam Papenfuss.

Impact on State, Local, and Tribal Governments: Melissa Merrell.

Impact on Private Sector: Victoria Liu.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

SPACE SHUTTLE "ATLANTIS" STS–115 MISSION

Mr. NELSON of Florida. Mr. President, today, September 21, 2006, marked the successful conclusion of the STS–115 Space Shuttle *Atlantis* mission with its safe landing at the Kennedy Space Center in Florida. This 12-day mission was the 116th shuttle mission and the 19th to visit the International Space Station. STS–115 marked the resumption of International Space Station construction for the first time since 2002. The Atlantis crew delivered and installed a large space station truss segment, two solar arrays and associated equipment, significantly increasing the electrical power generation capability on the space station. STS–115 included three critical spacewalks to install the truss and solar panels, laying the groundwork for the future doubling in size of the space station.

I applaud the skill, bravery, and accomplishments of the STS–115 crew—Commander Brent Jett, pilot Christopher Ferguson, and space walking mission specialists Daniel Burbank, Steven MacLean, Heidemarie Stefanyshyn-Piper, and Joseph Tanner. This successful mission is a testament to the thousands of people who work on the Space Shuttle and Space Station Programs.

We must continue to fly space shuttle in order to complete the construction of the International Space Station, honor commitments to our international partners, and utilize this laboratory for its intended purpose—extending our presence in space and increasing our understanding of the space environment for future explorers. Equally important, we must work together to preserve the workforce that will soon become the backbone of the new Orion crew exploration vehicle and the next human space project.

CODE TALKERS RECOGNITION ACT

Mr. HARKIN. Mr. President, this is a historic day. Last night we passed S. 1035, the Code Talkers Recognition Act.

As my fellow Senate colleagues may know, code talkers played a unique role in our battlefield successes by transmitting commands and messages in their native language, which, of course, completely baffled the enemy. I was fortunate to meet one of these heroes during a visit to the Meskwaki settlement a couple years ago. Frank Sanache was modest and soft spoken about his heroism. But history has recorded his deeds in battle. And his passing was a loss to all of us who knew and respected him.

In January of 1941, Frank and seven other Meskwaki tribal members—Edward Benson, Dewey Roberts, Dewey Youngbear, Mike Twin, Jude Wayne Wabaunasee, Mike Wayne Wabaunasee, and Willard Sanache—enlisted in the Iowa National Guard. They were recruited for code talker training, and served in the 168th Infantry, 34th Division.

In the Second World War, communication in Native American languages proved to be the perfect tool for frustrating enemy eavesdropping. Indian languages were used to develop military codes that were difficult to intercept and impossible to break. This is ironic, because in the years prior to the war, the Meskwaki and other tribes had been under constant pressure to abandon their traditional languages and cultures.

The use of these codes is credited with saving countless lives. Until recently, however, only the Navajos and the Navajo code were given broad recognition and credit. But, in fact, at least 17 other tribes, including Iowa's Meskwaki, served as code talkers during the Second World War.

Congress has already recognized the courageous service of Navajo code talkers. And by passing S. 1035, the Code Talkers Recognition Act, last night, we are recognizing the service and sacrifice of all the code talkers and awarding congressional commemorative medals to these heroes.

I thank Senators FRIST, SHELBY, and SARBANES for allowing this important and historic legislation to move forward and the bipartisan effort from Senators INHOFE, JOHNSON, THUNE, and GRASSLEY in gaining 79 cosponsors.

IT'S TIME TO TALK DAY

Mr. CRAPO. Mr. President, I would like to call my colleagues' attention to the efforts of Liz Claiborne, Inc., and Redbook to designate September 21, 2006, It's Time to Talk Day. What they want us and the Nation to talk about is domestic and dating violence, and they have partnered to encourage national dialog on the subject of this pervasive and terrible crime.

We are not the only ones talking about it: talk radio, government officials, domestic violence advocates, businesses, and schools across the Nation are taking time today to focus on the issue that will affect nearly one-third of all women in their lifetime and many men. Bringing the crime of domestic and dating violence to the level of a simple conversation can start a chain reaction that will save a relationship and may, very well, save a life.

Some of you may know that I am especially concerned about teen dating violence, a crime that exists in every community regardless of race, socioeconomics, rural or urban. A young Idaho woman in an abusive dating relationship died 6 years ago. Since that time, I have pushed to include dating violence as a definition of domestic violence under Federal law. My efforts would be fruitless without the help of citizens and organizations nationwide. Liz Claiborne, Inc. is one of the organizations that has taken a leadership role in educating teens about teen dating violence through its "Love is Not Abuse" curriculum designed for 9th or 10th graders. I have been pleased to support those efforts to promote this curriculum throughout the country this past spring.

I commend the company not only on this endeavor but its newest effort to partner with the National Domestic Violence Hotline and create the first-ever National Teen Dating Violence Hotline. The hotline will be operated by the National Domestic Violence Hotline and will focus on teens and young adults up to the age of 24. Although there are national hotlines for adults, teens have special needs and require a different approach to dealing with their issues and privacy concerns.

Time to Talk Day should not be the only day to talk about how we can prevent domestic and dating violence. We must work hard to educate our children how to live in healthy relationships to prevent the cycle of violence from being repeated in the future.

ADDITIONAL STATEMENTS

TRIBUTE TO JOHN RIPLEY FORBES

• Mr. CHAMBLISS. Mr. President, today I wish to honor the memory of an extraordinary naturalist, conservationist, educator, father, and husband who devoted his life to sharing his love of nature with communities across the country. John Ripley Forbes lived in Georgia for over 30 years, and Georgians of all ages have been blessed by his delightful approach to nature, science, and learning.

Mr. Forbes was born in Massachusetts in 1913. From a very early age, he was fascinated during nature walks with his father and knew that he wanted to study nature for the rest of his life. At the age of 14, he became the protege of his neighbor, famed naturalist William Temple Hornaday. While still in his teens, John Ripley Forbes guided visitors through his personal nature collection at the Bruce Museum of Arts and Sciences in Greenwich, CT. After studying zoology and ornithology for a time at Iowa State University and Bowdoin College, he worked as an ornithological collector on explorer Donald Baxter MacMillan's 1937 expedition to Baffin Island. Fifty years later, in 1987, Bowdoin would award him an honorary doctorate degree.

Mr. Forbes continually combined his knowledge and experience as a naturalist with his enthusiastic focus on children's education. After Hornaday's death, John established and presided over the William T. Hornaday Foundation to underwrite children's museums around the United States. The organization became one of John's legacies, the Natural Science for Youth Foundation. He also worked to build museums from Naples, FL, to Sacramento, CA. In each one, he created fascinating opportunities for children to experience nature whether through habitat trails, wildlife preserves, or even animal lending libraries, which allowed children to "check out" small animals for a few days at a time. During his years of work through the foundation and whenever opportunities arose, Mr. Forbes helped found and build a national network of over 200 children's museums and nature centers where, frequently, exhibits interact with visitors as much as the visitors interact with them.

John Ripley Forbes was known for his ability to charm donations from even the most intimidating people. His wife explained, "He would meet some of these people like the Rockefellers, and they were just enchanted with his enthusiasm to do the right thing." He used this charisma for more than contributions. Mr. Forbes served at military bases in Alabama and Tennessee during World War II and supported returned airmen through simple fishing trips or nature walks. In his spare time, he would work with established natural history museums to fill new children's museums with thousands of donated specimens.

He also used his boundless energy and charm to preserve nature in its original form. Shortly after moving to Georgia in 1971, he became focused on the preservation of Atlanta's shrinking natural habitats. Mr. Forbes founded the Southeast Land Preservation Trust to shield green space from a rapidly growing real estate market and was determined to reason with developers and work out solutions that were mutually beneficial.

John Ripley Forbes exercised his passion for education and preservation through these many projects, and our future generations will reap and enjoy the results. I am grateful to people like him who, with their enthusiasm and energy, make a difference in the community and in the lives of others. His legacy will live for many generations through the work and accomplishments he left behind.

John Ripley Forbes is survived by his wife Margaret, his son Ernest Ripley Forbes of Alexandria, VA, his daughter Anne Forbes Spengler of Atlanta, and two grandchildren.

I join with them and all Georgians in mourning his passing and remembering and appreciating the contribution he made to our communities, our State, and to the lives of the many people he touched.●

TRIBUTE TO DOROTHY C. STRATTON

● Mr. LUGAR. Mr. President, today I honor and remember Dorothy C. Stratton, founder of the Women's Reserve for the Coast Guard during World War II and a strong proponent of women's education throughout her lifetime.

Dr. Stratton became the first full-time Dean of Women at Purdue University in 1933. During her tenure at Purdue, Dr. Stratton saw the enrollment of women students increase from 500 to over 1,400. In addition, a liberal science program for women in the School of Science was inaugurated, three modern residence halls for women were constructed, and an employment placement center for Purdue women was instituted.

In 1942, she was commissioned a senior lieutenant in the U.S. Navy. Later in 1942, she transferred to the U.S. Coast Guard where she created and became the first director of the Women's Reserve of the U.S. Coast Guard in World War II. Upon being named director, she was promoted to lieutenant commander in 1942 and advanced to commander in January 1944 and to the grade of captain 1 month later. She was awarded the Legion of Merit medal for her contributions to women in the military upon retirement in 1946.

Dr. Stratton then became the first director of personnel at the International Monetary Fund followed by service as executive director of the Girl Scouts of the U.S.A. She was the United Nations representative of the International Federation of University Women and chairman of the Women's Committee within the President's Commission on Employment of the Handicapped.

Please join me in honor and remembrance of Dorothy C. Stratton. I offer my deep condolences to all her family and friends, and to the many who have been inspired and touched by all that she has given.●

PATTEN SEED COMPANY

● Mr. CHAMBLISS. Mr. President, it is with great pride that today I honor the past and recent success of a great agribusiness in my home State of Georgia, Patten Seed Company. Patten Seed Company was recently named the 2006 Agribusiness of the Year by South Georgia Business magazine for its continued success in the agribusiness community.

The lasting success of Patten Seed Company was also recognized when the company received the Cox Century Award. Representatives of the Cox Family Enterprise Center at the Coles College of Business at Kennesaw State University present the Cox Century Award to Georgia businesses based on their commitments to business and family, contributions to their industry and community, multigenerational family involvement, and innovative business practices and strategies.

The history of the Patten Seed Company dates back to 1893 when R.L. Patten and his brother W.F. Patten opened a general store in Lakeland, GA. After much success with the general store, Lawson Patten, R.L's son, began to operate a seed cleaning business out of one of his father's warehouses in 1947. In 1954, Patten Seed Company was incorporated and over the last 52 years has become a household name in the turfgrass, sod, and seed industry.

Patten Seed Company's expansive operation covers 25 facilities across four States and has over 15,000 acres of grass seed and sod farm land in the Southeast. Sod from Patten Seed Company can be found in many places, from small South Georgia lawns to the Atlantis Resort in the Bahamas.

I am sincerely proud of the recognition that has been accorded to Patten Seed Company. Lakeland, GA, where Patten Seed Company originated, is not too far from my hometown of Moultrie. I see signs for one of Patten Seed Company's subsidiaries, SuperSod, whenever I drive north or south on Interstate 75.

The success of agribusinesses like Patten Seed Company, which operates not only in Georgia but throughout the Southeast, is newsworthy. I thank my colleagues for giving me the opportunity to recognize this great agribusiness.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM THAT WAS ESTABLISHED IN EXECUTIVE ORDER 13224 ON SEPTEMBER 21, 2006—PM 56

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2006. The most recent notice continuing this emergency was published in the *Federal Register* on September 22, 2005 (70 FR 55703).

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, in Pennsylvania, and against the Pentagon of September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 21, 2006.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 9:30 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker had signed the following enrolled bill:

H.R. 5684. An act to implement the United States-Oman Free Trade Agreement.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS).

At 1:01 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2334. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California.

H.R. 4586. An act to extend the life of the Benjamin Franklin Tercentenary Commission.

H.R. 4653. An act to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California.

H.R. 4768. An act to designate the facility of the United States Postal Service located at 777 Corporation Street in Beaver, Pennsylvania, as the "Robert Linn Memorial Post Office Building".

H.R. 4844. An act to amend the Help America Vote Act of 2002 to require each individual who desires a vote in an election for Federal office to provide the appropriate election official with a government-issued photo identification, and for other purposes.

H.R. 4957. An act to direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania, and for other purposes.

H.R. 5450. An act to provide for the National Oceanic and Atmospheric Administration, and for other purposes.

H.R. 5664. An act to designate the facility of the United States Postal Service located at 110 Cooper Street in Babylon, New York, as the "Jacob Samuel Fletcher Post Office Building".

The message also announced that the House passed the following bills, without amendment:

S. 260. An act to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program.

S. 418. An act to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 1025. An act to amend the Act entitled "An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes" to authorize the Equus Beds Division of the Wichita Project.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 3858) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

At 5:13 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4830. An act to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one's land) the construction or use of a tunnel or subterranean passageway between the United States and another country.

H.R. 6094. An act to restore the Secretary of Homeland Security's authority to detain dangerous aliens, to ensure the removal of deportable criminal aliens, and combat alien gang crime.

H.R. 6095. An act to affirm the inherent authority of State and local law enforcement to assist in the enforcement of immigration laws, to provide for effective prosecution of alien smugglers, and to reform immigration litigation procedures.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. ROGERS of Kentucky, Mr. WAMP, Mr. LATHAM, Mrs. EMERSON, Mr. SWEENEY, Mr. KOLBE, Mr. ISTOOK, Mr. CRENSHAW, Mr. CARTER, Mr. LEWIS of California, Mr. SABO, Mr. PRICE of North Carolina, Mr. SERRANO, Ms. ROYBAL-ALLARD, Mr. BISHOP of Georgia, Mr. BERRY, Mr. EDWARDS, and Mr. OBEY, as managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. YOUNG of Florida, Mr. HOBSON, Mr. BONILLA, Mr. FRELINGHUYSEN, Mr. TIAHRT, Mr. WICKER, Mr. KINGSTON, Ms. GRANGER, Mr. LAHOOD, Mr. LEWIS of California, Mr. MURTHA, Mr. DICKS, Mr. SABO, Mr. VISCLOSKY, Mr. MORAN of Virginia, Ms. KAPTUR, and Mr. OBEY, as managers of the conference on the part of the House.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2334. To amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California; to the Committee on Energy and Natural Resources.

H.R. 4586. To extend the life of the Benjamin Franklin Tercentenary Commission; to the Committee on Energy and Natural Resources.

H.R. 4653. An act to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4768. An act to designate the facility of the United States Postal Service located at 777 Corporation Street in Beaver, Pennsylvania, as the "Robert Linn Memorial Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4830. An act to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one's land) the construction or use of a tunnel or subterranean passageway between the United States and another country; to the Committee on the Judiciary.

H.R. 5450. An act to provide for the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5664. To designate the facility of the United States Postal Service located at 110 Cooper Street in Babylon, New York, as the "Jacob Samuel Fletcher Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6094. An act to restore the Secretary of Homeland Security's authority to detain dangerous aliens, to ensure the removal of deportable criminalaliens, and combat alien gang crime; to the Committee on the Judiciary.

H.R. 6095. An act to affirm the inherent authority of State and local law enforcement to assist in the enforcement of immigration laws, to provide for effective prosecution of alien smugglers, and to reform immigration litigation procedures; to the Committee on the Judiciary.

The following bill was read, and referred as indicated:

H.R. 2965. An act to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations and other public service programs, and for other purposes; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 503. An act to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4957. To direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3925. A bill to provide certain authorities for the Secretary of State and the Broadcasting Board of Governors, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8390. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Buprofezin: Pesticide Tolerance" (FRL No. 8092-2) received on September 20, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8391. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ethaboxam; Pesticide Tolerance" (FRL No. 8091-5) received on September 20, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8392. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenamidone; Pesticide Tolerance for Emergency Exemption" (FRL No. 8093-3) received on September 20, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8393. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenbuconazole; Pesticide Tolerances" (FRL No. 8093-9) received on September 20, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8394. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propiconazole; Pesticide Tolerance" (FRL No. 8092-1) received on September 20, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8395. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trifloxystrobin; Pesticide Tolerance" (FRL No. 8093–8) received on September 20, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8396. A communication from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "United States Standards for Soybeans" (RIN0580-AA90) received on September 21, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8397. A communication from the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting, a report relative to the Department's plan to perform a standard A–76 competition; to the Committee on Armed Services.

EC-8398. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, (12) reports relative to vacancy announcements within the Department, received on September 21, 2006; to the Committee on Armed Services.

EC–8399. A communication from the Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report relative to the role of military medical and behavioral science personnel in interrogations; to the Committee on Armed Services.

EC-8400. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the report of (2) officers authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-8401. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report relative to the national emergency and related measures blocking property of persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288; to the Committee on Banking, Housing, and Urban Affairs.

EC–8402. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report relative to the national emergency declared in Executive Order 13224; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2781. A bill to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works (Rept. No. 109-345).

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, without amendment:

H.R. 5074. A bill to amend the Railroad Retirement Act of 1974 to provide for continued payment of railroad retirement annuities by the Department of the Treasury, and for other purposes.

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

H.R. 5187. A bill to amend the John F. Kennedy Center Act to authorize additional appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007.

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S. 394. A bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment and an amendment to the title:

S. 3867. A bill to designate the Federal courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the "Rush H. Limbaugh, Sr., Federal Courthouse".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. SPECTER for the Committee on the Judiciary.

Norman Randy Smith, of Idaho, to be United States Circuit Judge for the Ninth Circuit.

Philip S. Gutierrez, of California, to be United States District Judge for the Central District of California.

Valerie L. Baker, of California, to be United States District Judge for the Central District of California.

Francisco Augusto Besosa, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

Lawrence Joseph O'Neill, of California, to be United States District Judge for the Eastern District of California.

Rodger A. Heaton, of Illinois, to be United States Attorney for the Central District of Illinois for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SESSIONS:

S. 3916. A bill to expand the boundaries of the Cahaba River National Wildlife Refuge, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BURR:

S. 3917. A bill to establish the American-Made Energy Trust Fund, to increase the tax credits for cellulosic biomass ethanol, to extend tax incentives for solar and fuel cell property, to promote coal-to-liquid fuel activities, to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program for the Coastal Plain of Alaska, and for other purposes; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. SCHUMER, and Mr. KENNEDY):

S. 3918. A bill to establish a grant program for individuals still suffering health effects as a result of the September 11, 2001, attacks in New York City and at the Pentagon; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY:

S. 3919. A bill to assist small business concerns in complying with the Sarbanes-Oxley Act of 2002; to the Committee on Small Business and Entrepreneurship.

By Mr. HATCH (for himself and Mr. CONRAD):

S. 3920. A bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare Program; to the Committee on Finance.

By Mr. McCAIN:

S. 3921. A bill to modify the calculation of back pay for persons who were approved for promotion as members of the Navy and Marine Corps while interned as prisoners of war during World War II to take into account changes in the Consumer Price Index; to the Committee on Armed Services.

By Ms. MURKOWSKI (for herself, Ms. STABENOW, and Mr. AKAKA):

S. 3922. A bill to clarify the status of the Young Woman's Christian Association Retirement Fund as a defined contribution plan for certain purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself and Mrs. FEINSTEIN):

S. 3923. A bill to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself, Mrs. MURRAY, Mr. BINGAMAN, and Ms. MIKULSKI):

S. 3924. A bill to amend title XXI of the Social Security Act to allow qualifying States to use all or any portion of their allotments under the State Children's Health Insurance Program for certain Medicaid expenditures; to the Committee on Finance.

By Mr. LUGAR:

S. 3925. A bill to provide certain authorities for the Secretary of State and the Broadcasting Board of Governors, and for other purposes; read the first time.

By Mr. SANTORUM:

S. 3926. A bill to provide for the energy, economic, and national security of America, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:

S. 3927. A bill to require the placement of blast-resistant cargo containers on all commercial passenger aircraft; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER:

S. 3928. A bill to provide for the Office of Domestic Preparedness of the Department of Homeland Security to provide grants to local governments for public awareness education relating to preparedness for natural disasters, terrorist attacks, and influenza pandemic; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY:

S. Res. 578. A resolution recognizing that the occurrence of prostate cancer in African American men has reached epidemic proportions and urging Federal agencies to address that health crisis by designating funds for education, awareness outreach, and research specifically focused on how that disease affects African American men; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MIKULSKI (for herself and Mr. SANTORUM):

S. Res. 579. A resolution designating December 13, 2006, as a Day of Remembrance to honor the 25th anniversary of the imposition of martial law by the Communist government in Poland; considered and agreed to.

By Mr. CHAMBLISS:

S. Res. 580. A resolution recognizing the importance of pollinators to ecosystem health and agriculture in the United States and the value of partnership efforts to increase awareness about pollinators and support for protecting and sustaining pollinators by designating June 24 through June 30, 2007, as "National Pollinator Week"; considered and agreed to.

By Mr. BUNNING (for himself, Mr. INHOFE, and Mr. VITTER):

S. Res. 581. A resolution condemning the anti-democratic actions of President Hugo Chavez and admonishing the statements made by him to the United Nations General Assembly on September 20, 2006; to the Committee on Foreign Relations.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. Con. Res. 117. A concurrent resolution officially designating the National Museum of the Pacific War in Fredericksburg, Texas, as The National Museum of the Pacific War; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 65, a bill to amend the age restrictions for pilots.

S. 334

At the request of Mr. DORGAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 334, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 1110

At the request of Mr. ALLEN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1110, a bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable.

S. 1132

At the request of Mr. COLEMAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1132, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1607

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1607, a bill to amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board.

S. 2010

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2010, a bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 2071

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2071, a bill to amend title XVIII of the Social Security Act to clarify congressional intent regarding the counting of residents in the nonhospital setting under the medicare program.

S. 2154

At the request of Mr. OBAMA, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2154, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. 2284

At the request of Ms. MIKULSKI, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2284, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2340

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2340, a bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries.

S. 2491

At the request of Mr. CORNYN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2585

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2585, a bill to amend the Internal Revenue Code of 1986 to permit military death gratuities to be contributed to certain tax-favored accounts.

S. 2599

At the request of Mr. VITTER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2599, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

S. 2679

At the request of Mr. TALENT, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2679, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

S. 3128

At the request of Mr. BURR, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3128, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 3238

At the request of Mr. CORNYN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 3238, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory.

S. 3491

At the request of Mr. VOINOVICH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3491, a bill to establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and to ensure a sound fiscal future for the United States, and for other purposes.

S. 3523

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3523, a bill to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending.

S. 3535

At the request of Mr. TALENT, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 3535, a bill to modernize and update the National Housing Act and to enable the Federal Housing Administration to use risk based pricing to more effectively reach underserved borrowers, and for other purposes.

S. 3609

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3609, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. 3727

At the request of Mr. KOHL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3727, a bill to amend title XVIII of the Social Security Act to provide for an adjustment to the reduction of Medicare resident positions based on settled cost reports.

S. 3744

At the request of Mr. DURBIN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3771

At the request of Mr. HATCH, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 3771, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 3791

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3791, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such disease.

S. 3844

At the request of Mr. NELSON of Nebraska, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3844, a bill to provide for the investment of all funds collected from the tariff on imports of ethanol in the research, development, and deployment of biofuels, especially cellulosic ethanol produced from biomass feedstocks.

S. 3882

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3882, a bill to amend title 18, United States Code, to support the war on terrorism, and for other purposes.

S. 3884

At the request of Mr. LUGAR, the names of the Senator from Texas (Mr. CORNYN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 3884, a bill to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

S. 3887

At the request of Mr. DORGAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3887, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 3913

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 3913, a bill to amend title XXI of the Social Security Act to eliminate funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007.

At the request of Mr. ROCKEFELLER, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 3913, supra.

S. RES. 553

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 553, a resolution expressing the sense of the Senate that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in honor of Varian Fry.

AMENDMENT NO. 5021

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 5021 intended to be proposed to H.R. 6061, a bill to establish operational control over the international land and maritime borders of the United States.

AMENDMENT NO. 5022

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 5022 intended to be proposed to H.R. 6061, a bill to establish operational control over the international land and maritime borders of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 3919. A bill to assist small business concerns in complying with the Sarbanes-Oxley Act of 2002; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, in order for the United States to continue to stand for the fairest, most transparent and efficient financial markets in the world, I believe we must provide assistance to America's small public companies in their efforts to comply with the Sarbanes-Oxley Act.

Just a few years ago, the trust and confidence of the American people in their financial markets was dangerously eroded by the emergence of serious accounting irregularities by some companies and possible fraudulent actions by corporations like WorldCom, Inc., Enron, Arthur Andersen and others. The shocking malfeasance by these businesses and accounting firms put a strain on the growth of our economy. The misconduct by a few senior executives has cost the jobs of thousands of hard-working Americans. The lack of faith in our financial markets contributed to an overall decline in stock values and has caused grave losses to individual investors and pension funds.

By all accounts, Sarbanes-Oxley has been effective in bringing accountability to corporate governance, auditing, and financial reporting for public companies. The dark days of the Enron scandal have given way to a new corporate culture that embraces responsibility and transparency, and for this we have Sarbanes-Oxley to thank. Sarbanes-Oxley has helped restore confidence in our capital markets and helped improve our nation's future economic growth.

However, with compliance also comes cost. And while the cost of complying with the law is small enough to be absorbed by larger corporations, smaller public companies, particularly small minority public companies, have been disproportionately affected by these costs. Small business is the engine of economic growth in our Nation. Almost 60 percent of Americans are employed by small businesses. Small business growth has been critical in developing the high wage jobs for America's future.

Unfortunately, an April 2006 report to the Senate Committee on Small Business and Entrepreneurship by the United States Government Accountability Office (GAO) found that small public firms are incurring much higher audit fees and increased costs in complying with the Sarbanes-Oxley Act.

The report finds that of the 2,263 public firms with market capitalization of less than $75 million, just 66 have fully implemented Section 404 of the law that requires firms to construct formal internal control frameworks and filed internal control reports. These 66 firms reported paying $1.14 in audit fees per $100 of revenue, compared to just $.13 per $100 for firms with greater than $1 billion in market capitalization. I believe we must take action to help small companies comply with the regulatory burdens of the Sarbanes-Oxley Act.

In addition to the costs associated with internal controls, 81 percent of small firms responding to the GAO survey said they brought in outside consultants to comply with the Act. Nearly half of the small firms reported "opportunity costs" related to complying with the regulatory burden placed on them by the Sarbanes-Oxley Act such as deferring or canceling operational improvements, and more than one-third of respondents were forced to defer or cancel information technology investments. Too many small firms simply do not have the resources and expertise necessary to implement the formal internal control frameworks required by Section 404, and as a result, they are disadvantaged compared to larger firms that are absorbing these costs.

The U.S. Securities and Exchange Commission has provided a lengthy compliance period for small businesses to comply with the Sarbanes-Oxley regulations and is attempting to develop additional methods to ease the regulatory burden. However, I believe additional efforts are needed.

In order to assist these firms with the increased costs of implementation and help our small businesses keep our economy moving forward, I am introducing the Small Business Sarbanes-Oxley Compliance Assistance Act of 2006. The bill would authorize the U.S. Small Business Administration to award grants to small public companies and small business concerns to help lessen the burden of these costs. If Congress is asking these small firms to bear the burden of cost for compliance with Sarbanes-Oxley, the least we can do is chip in and help pay for it. My legislation authorizes $5 million to be awarded annually through 2011.

My legislation also creates a task force, assembled by the SBA Chief Counsel for Advocacy, and comprising of representatives from the SEC and other appropriate bank regulatory agencies, to report semi-annually on how to assist small public companies in complying with Sarbanes-Oxley. My hope is that this task force will continually find new ways to lift the regulatory burden on small businesses attempting to comply with the law. Each report of the task force will be required to evaluate upgrades or alternatives to the SEC's Electronic Data Gathering Analysis Retrieval System so that companies might submit filings to the SEC without the need for third party intervention. The task force will also report on the potential to reduce inefficiencies related to SEC filings; the feasibility of synchronizing filing requirements for substantially similar small firms; whether the SEC and bank regulatory agencies should commit additional resources to aiding small public firms with filing requirements; whether the SEC needs to publish guidance on reporting and legal requirements aimed at assisting smaller public firms; and the feasibility of extending incorporation by reference privileges to other Government filings containing equivalent information.

This legislation will help some but not all of the thousands of small firms that are public or hope to become public. As more information becomes available, I am hopeful that the task force will provide ideas on how the SEC can help more of the small, non-accelerated filers implement the Sarbanes-

Oxley regulations. We must do all we can to insure that small firms can demonstrate that transparency and accountability in the private sector is thriving without having to incur such a burdensome cost. This legislation is supported by the National Black Chamber of Commerce as well as Small Business Majority. I ask all my colleagues to support this legislation.

By Mr. HATCH (for himself and Mr. CONRAD):

S. 3920. A bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare Program; to the Committee on Finance.

Mr. HATCH. Mr. President, today I am pleased to introduce the Medicare Durable Medical Equipment Access Act with my colleague Senator KENT CONRAD of North Dakota. This bill makes several modest changes to the competitive acquisition process for this equipment.

In 2007, a competitive acquisition program will replace the current reimbursement policy for durable medical equipment in Medicare. This shift toward a market-based approach to payments for durable medical equipment was mandated through the Medicare Modernization Act (MMA) of 2003.

Our bill was written with two key goals in mind. The Medicare Durable Medical Equipment Access Act would preserve access to home medical equipment in rural areas for older or disabled Americans who need this equipment. In addition, the bill will allow small businesses that provide homecare equipment to continue to participate in the Medicare Program if they qualify and meet the competitively bid price.

Our legislation is identical to H.R. 3559 which was introduced earlier this Congress by Congressmen DAVID HOBSON and JOHN TANNER. That bill has broad, bipartisan support and 132 House cosponsors.

As background, section 302(b)(1) of the MMA requires Medicare to replace the current durable medical equipment payment methodology for certain items with a competitive acquisition process beginning in 2007 in 10 of the largest metropolitan statistical areas (MSAs).

The Medicare Durable Medical Equipment Access Act would require several modest changes to the competitive acquisition program.

First, the MMA requires the Secretary to include quality standards in the competitive acquisition process and also allows the Secretary to waive the application of quality standards if applying the standards would delay implementation of the process. However, quality standards are essential to ensuring that beneficiaries are not forced to use the lowest-cost provider without consideration of the quality of the medical equipment items provided. This bill would require the Secretary to include quality standards before implementing competitive acquisition.

Second, the MMA allows the Secretary to exempt rural areas and urban areas with low population density to ensure that competitive acquisition is not implemented in areas that lack the health care infrastructure to support it. This bill would require the Secretary to exempt MSAs with fewer than 500,000 people.

Third, the MMA created a Program Advisory and Oversight Committee composed of stakeholders to advise the Secretary on the implementation of competitive acquisition. However, the MMA does not apply the Federal Advisory Committee Act (FACA) to it. The purpose of FACA is to ensure that advice rendered to the executive branch by advisory committees be both objective and accessible to the public. This bill would apply FACA to this oversight committee.

Fourth, the MMA allows the Secretary to contract with only as many providers as the Secretary deems necessary to meet the demand of an area. Any provider not awarded a contract would be prohibited from participating in Medicare for up to 3 years. This bill would allow applicable small businesses that did not receive a contract to continue to provide durable medical equipment in Medicare at the competitive acquisition bid rate.

Fifth, the MMA explicitly prohibited administrative or judicial review for competitive acquisition of DME. This means that providers do not have legal recourse to appeal the bid amount or contracts. My bill would restore appeal rights for competitive acquisition of DME. These rights exist elsewhere in the Medicare program.

Sixth, under the MMA, the Secretary can only competitively acquire an item if the Secretary believes that doing so would result in significant savings to Medicare. It is important for the Secretary to show that the savings from competitive acquisition justify constructing a bureaucracy to implement the program. To that end, this bill would require the Secretary to show that competitive acquisition would result in savings of at least 10 percent.

Finally, under the MMA, the Secretary can use competitive acquisition bid rates in one MSA to set the reimbursement for another MSA. Our bill would require that, before doing so, the Secretary conduct a comparability analysis of the two MSAs. This will help prevent any applications of bid rates outside of an MSA that are inappropriate.

The new, market-based competitive acquisition program in Medicare is designed to save money and make Medicare more efficient. In order to achieve this goal, we need to preserve access to care and preserve the cost-effective health care infrastructure that homecare represents. This bill will help ensure that the market reforms enacted by the MMA accomplish both cost savings and continued access to cost-effective care.

Before I close, I would like to give a real life example from my home state of Utah on why this legislation is needed and necessary. A small provider of durable medical equipment in Utah approached me about how current law will impact him. This company was established in 1997 with just one employee. It has grown over the years by providing its customers the products that they need to stay at home and out of the hospitals.

When competitive bidding hits the State of Utah in 2007, this small company will be forced to bid against large national companies. Much larger companies compete with the smaller ones to provide medical equipment such as wheelchairs, in home hospital beds, and home oxygen. If my Utah company loses the bid, it will go out of business, as will many of its smaller competitors in Utah. This company prides itself on being able to provide customers with a high quality of service. The owner of the company has asked me how he can continue to provide great service when his company has been forced to bid to the lowest price possible just to keep from going out of business.

Therefore, this legislation means a lot to small companies not just in Utah, but all over the country, by allowing them to continue to provide medical equipment to those who need it.

I heard from several small medical equipment companies in my home State of Utah for several years on this issue and they made very convincing arguments. That is why I am introducing the Medicare Durable Medical Equipment Access Act. I strongly urge my colleagues to talk to their constituents back home who own small durable medical equipment companies. I am certain that these companies are experiencing concerns similar to those shared with me.

I urge my colleagues to cosponsor this legislation so that Medicare beneficiaries will continue to receive quality care at affordable prices for their medical supplies.

Mr. CONRAD. Mr. President, today I am pleased to join my colleague, Senator HATCH, in introducing the Medicare Durable Medical Equipment (DME) Access Act. This bill responds to the concerns I heard from seniors and suppliers in North Dakota about the negative impact competitive bidding could have on the ability of DME suppliers in rural States to remain viable. The bill we introduce today is designed to preserve access to DME in rural areas.

The Medicare Modernization Act (MMA) required Medicare to replace the current DME payment methodology for certain items with a competitive acquisition process beginning in 2007 in 10 of the largest metropolitan statistical areas (MSAs). The Medicare Durable Medical Equipment Access Act would require several modest changes to the competitive acquisition program to help preserve access to medical equipment in rural areas.

First, our bill would build upon language in the MMA that allows the Secretary to exempt rural areas to prevent these beneficiaries from losing access to needed medical equipment. Specifically, it would require the Secretary to exempt MSAs with fewer than 500,000 people.

Second, the MMA allows the Secretary to waive the application of quality standards in the competitive acquisition process if applying the standards would delay implementation. Our bill would ensure that quality standards are included when determining the winning bid to ensure that patients receive both high-quality and low-cost equipment.

Third, in creating the competitive acquisition program, the Secretary may contract with only as many providers as deemed necessary to meet demand in an area. Any provider not awarded a contract would be prohibited from participating in Medicare for up to three years. This bill would allow certain small businesses to continue providing DME in Medicare at the competitive acquisition bid rate, allowing them to offer in-person care to Medicare beneficiaries.

Fourth, under the MMA, the Secretary can use competitive acquisition bid rates in one MSA to set the reimbursement for another MSA. Our bill would require that the Secretary compare the two to ensure that the bid rates aren't inappropriately applied.

Finally, the Medicare Durable Medical Equipment Access Act would take additional steps to ensure that competitive acquisition results in savings, that providers have access to administrative and judicial review, and that any meetings of the newly created CMS Program Advisory and Oversight Committee on competitive bidding be open to the public.

These provisions are small steps, but they will ensure that beneficiaries in rural areas have access to the medical equipment they need. While we should pursue options for making the Medicare program more efficient, we must also protect access to care. I believe this bill achieves the appropriate balance between these two goals. I urge all of my colleagues to support this important legislation.

By Mr. McCAIN:

S. 3921. A bill to modify the calculation of back pay for persons who were approved for promotion as members of the Navy and Marine Corps while interned as prisoners of war during World War II to take into account changes in the Consumer Price Index; to the Committee on Armed Services.

Mr. McCAIN. Mr. President, today I am introducing the World War II POW Pay Equity Act of 2006. This legislation would ensure that former World War II Prisoners of War, or their surviving spouses, receive the appropriate back pay for their honorable service, adjusted for inflation.

Due to a technicality, Navy and Marine Corps POWs during World War II were denied promotions while they were interned. The Fiscal Year 2001 National Defense Authorization Act included provisions to correct this injustice. Unfortunately, this legislation did not specify an adjustment for inflation. The result was that these heroes of our "greatest generation" were paid in 1942 dollars which roughly equated to ten cents on the current dollar. It is well past time to properly compensate them for their dedicated service.

When our great Nation called upon these brave individuals, they answered the call. Now they need our help to fix a technicality that has denied them the full amount of the back-pay they are due, pay that was earned in the harshest of environments. Many of these WWII veterans suffer from extreme financial distress. The total number of surviving WWII POWs is now less than 1,000, and there are approximately 400 surviving spouses. We cannot abandon those who were truly responsible for defending the liberties we hold so dear. It would be shameful for Congress and our Nation not to compensate fairly these veterans, as this is a debt that our country incurred during their internment as POWs.

The impact of this legislation goes well beyond those who have so bravely gone before us in defense of our Nation. This is a readiness issue as well. Today's service members are acutely aware of the manner in which our Nation honors its veterans. President George Washington reminded all of his fellow Americans of the keen relationship between our Nation's veterans and those on active duty when he said, "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the Veterans of earlier wars were treated and appreciated by their country." That statement holds just as true today as it did over 200 years ago.

I urge my colleagues to support this legislation.

By Ms. MURKOWSKI (for herself, Ms. STABENOW, and Mr. AKAKA):

S. 3922. A bill to clarify the status of the Young Woman's Christian Association Retirement Fund as a defined contribution plan for certain purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill that will clarify the legal status of the Young Women's Christian Association's Retirement Fund.

The YWCA Retirement Fund is one of the oldest pension plans serving the retirement needs of women. This bill will help protect the retirement security of thousands of YWCA employees nationwide who serve well over a million users.

Whether it is providing day care for working mothers, keeping a battered women's shelter open, or meeting the other pressing needs of women in our communities, the YWCA has a long tradition of service. Those who work at our local YWCAs deserve to know that their retirement plan is secure.

Today, the YWCA Retirement Fund is a unique pension program. First, approximately 90 percent of its participants are women. Second, it is a multiple employer pension plan—one that relies on 300 local YWCAs to make funding contributions. And lastly, since it was established in 1924, the pension plan's structure has remained generally unchanged—it is partially a defined benefit plan, and partially a defined contribution plan.

Recently, some employers have transformed their traditional defined benefit pension plans into various types of "hybrid" plans, and in the process, some have reduced the rate at which benefits accrue for their older workers. Older workers have successfully challenged some of these arrangements as age discriminatory. During its more than 80-year history, the YWCA Retirement Fund has never treated any worker differently based on age or longevity of employment. Most of the controversy surrounding these plans focuses on how employers treat certain participants when they convert their pre-existing pension plans. But the YWCA pension program never converted—its basic structure has remained the same since it was established 1924.

The success of some of these lawsuits has raised questions about whether the YWCA pension plan could be found to be age discriminatory merely on the basis of its design. This threat is particularly acute given the fact that the YWCA Retirement Fund is a multiple employer pension plan—a plan that relies on contributions from each local YWCA. This enormous potential liability would be shared jointly by all local YWCAs. Under current law, even the mere threat of lawsuit could cause local YWCAs to end their participation in this plan.

If enacted, this legislation would merely classify the YWCA retirement plan as a defined contribution plan only for the purpose of testing for age discrimination—it would continue to protect participants from being treated differently on the basis of age while eliminating the potential crippling legal threat.

Legislation was enacted in 2004—Public Law 108-476—to clarify the legal status of the YMCA pension plan, a plan that is similar to the YWCA plan. Congress was right to protect the YMCA pension plan then and now it is time to protect the pension plan serving our YWCAs.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3922

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "YWCA Retirement Plan Preservation Act of 2006".

SEC. 2. CLARIFICATION OF AGE DISCRIMINATION RULES.

(a) IN GENERAL.—A pension plan described in subsection (b) shall be treated as a defined contribution plan for purposes of sections 204(b)(1)(H) and 204(b)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(1)(H) and 1054(b)(2)) and section 4(i)(1) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(1)).

(b) PENSION PLAN DESCRIBED.—A pension plan described in this subsection is the plan subject to title IV of the Employee Retirement Income Security Act of 1974 maintained by the Young Women's Christian Association Retirement Fund, a corporation created by an Act of the State of New York which became law on April 12, 1924.

(c) EFFECTIVE DATE.—Subsection (a) shall apply in the case of any civil action brought on or after September 21, 2006, alleging a violation occurring before June 29, 2005, of section 204(b)(1)(H) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(1)(H)), section 4(i)(1) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(1)), or both, with respect to the plan described in subsection (b).

Mr. HATCH (for himself and Mrs. FEINSTEIN):

S. 3923. A bill to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce with Senator FEINSTEIN legislation to establish a pilot program that is intended to enhance the level of expertise in patent cases among United States district court judges. In conversations with a number of constituents and both small and large companies in my home State of Utah, I have found that one of the frequent complaints by those who had been involved in patent litigation was that many district court judges had relatively little expertise in patent law, and—partially as a result—the decisions of trial courts are often overturned on appeal due to technical errors in construing patent claims. Obviously, this is frustrating for litigants, because it prolongs the uncertainty they experience and makes an expensive appeal of the trial court's decision much more likely. This bill seeks to address that problem by providing a way to increase the level of expertise among district court judges in patent cases.

The core provisions of this bill authorize a pilot project in at least five judicial districts that have a significant patent litigation caseload. Under the pilot program, judges in these districts will be allowed to form a smaller pool of judges who are willing to accept a larger portion of the patent litigation docket in the district. The bill also authorizes additional resources to allow participating courts to hire law clerks with expertise in patent law and to provide for educational programs relating to patent law for the participating judges. It is our intention that this program will allow these judges to acquire greater experience in handling patent trials, decrease the amount of time that patent cases take to resolve, and reduce reversals on appeal by enhancing the level of experience and expertise of judges and law clerks handling these cases. The project is authorized for at least five judicial districts, to be designated by the Administrative Office of the United States Courts, and will last for a 10 year period.

The bill also requires Administrative Office of the United States Courts and the Federal Judicial Center to provide a report to Congress on the results of the pilot program, along with additional information that will allow Congress to determine whether this approach has had the beneficial effects that we anticipate.

Those who are following the patent debates in Congress closely will notice that this bill is very similar to a bill introduced in the House by Representatives ISSA and SCHIFF, and I would like to acknowledge their work on this issue, as well as the work of other members of the House Judiciary Committee and the Subcommittee on Courts, the Internet, and Intellectual Property. I would also like to thank my colleague from California, Senator FEINSTEIN, for her interest in this issue and for her willingness to cosponsor this bill.

I should also note that further refinements to this language will likely be necessary as it moves through the legislative process. In particular, we need to include a provision which would preserve a sufficient element of random assignment among judges. I understand some of my Senate colleagues have reservations about including this provision, but we will deal with that issue as the bill progresses.

I hope my colleagues in the Senate will join Senator FEINSTEIN and me by supporting this legislation.

I yield the floor.

By Ms. CANTWELL (for herself, Mrs. MURRAY, Mr. BINGAMAN, and Ms. MIKULSKI):

S. 3924. A bill to amend title XXI of the Social Security Act to allow qualifying States to use all or any portion of their allotments under the State Children's Health Insurance Program for certain Medicaid expenditures; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I rise today to introduce the Children's Health Protection and Eligibility Act of 2006. I am delighted to have Senator MURRAY, BINGAMAN, and MIKULSKI introduce this bill with me today.

As health insurance costs continue to rise and the number of employers that offer health coverage to their employees decline, our safety net programs are all the more critical, especially for the health of our children. It is more important than ever to sustain existing health care coverage for our children—and, in fact, to expand it. It's the best way to reduce costs and improve access. It's about keeping children healthy.

New Census data released last month showed that the number of uninsured has grown from 41.2 million in 2001 to 46.6 million in 2005. These are largely working families—the number of fulltime workers without any insurance increased to 17.7 percent in 2005 from 16.8 percent in 2002.

In Washington, our Medicaid program is currently providing coverage for more than 500,000 children. Our State Children's Health Insurance Program is providing coverage to another 11,000 children. But 100,000 of our kids in Washington State remain uninsured even though they are eligible for one of the public programs.

One barrier to expanding kids' access to health care in Washington is the funding rules that were put into place when SCHIP was enacted in 1997. In short, our state has been punished for its early innovation for doing the right thing.

When SCHIP was enacted at the Federal level in 1997, Washington was one of only four States already providing health coverage for children at the level Federal lawmakers wanted SCHIP to reach. Under the original Federal rules, Washington was not allowed to use new funds to pay for children who were covered prior to SCHIP's implementation.

As a result, we have been penalized and prevented from fully using our share of the funding. That is why in 2002 I worked to ensure a temporary fix to the funding inequity and I have been fighting to make this fix permanent ever since. And as a result of these temporary fixes, Washington has been able to extend coverage to an additional 60,000 children and reinvest $47.3 million in children's health safety net programs.

Despite this success, the State has still been forced to return over percent of its share of Federal funding. Over the first decade of the SCHIP program, Washington is expected to return $191 million in Federal funds.

Let me say that again: we're returning millions of dollars to the Federal Government and we still have 100,000 uninsured children in our State—the majority of whom are eligible for these public programs.

It's unacceptable and it runs contrary to the central goal of the SCHIP program. We need a permanent solution once and for all so that Washington and the other States that expanded eligibility in their Medicaid programs before the enactment of SCHIP in 1997 are no longer penalized for their early innovation and their commitment to the health of children.

This is why we are introducing the Children's Health Protection and Eligibility Act of 2006.

This legislation will give states the ability to use SCHIP funds more efficiently to prevent the loss of health care coverage for children. States that have made a commitment to insuring children could use their entire SCHIP funds allotment to maintain access to health care coverage for all low-income children in the state. The bill also ensures that all of the qualifying States that have demonstrated a commitment to providing health care coverage to children can access SCHIP funds in the same manner to support children's health care coverage. Finally, this bill allows States that have expanded coverage to the highest eligibility levels allowed under SCHIP, and meet certain requirements, to receive the enhanced SCHIP match rate for any kids that had previously been covered above the mandatory level.

The requirements are best practices that have been tested and proven all across our Nation: a simplified application process, twelve-month continuous eligibility and easy access to enrollment staff are just a few of the examples of actions that we have taken in Washington that are proven to work. They result in more children having coverage and accessing appropriate care. Many of our States are working to make the program easier for children and families to navigate and now Congress needs to make it easier for all States to access their SCHIP allotment in order to expand and improve coverage to our youngest citizens.

Children are the leaders of tomorrow; they are the very future of our great Nation. We owe them nothing less than the sum of our energies, our talents, and our efforts in providing them a foundation on which to build happy, healthy and productive lives. With the rising number of uninsured and the ever-increasing healthcare costs, it is more important than ever to maintain existing health care coverage for children in order to hold down health care costs and to keep children healthy. Removing barriers for innovative states and allowing them to fully access their SCHIP allocation is a major step in achieving this goal. I urge my colleagues to join us in support of this bill and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY FOR QUALIFYING STATES TO USE ALL OR ANY PORTION OF THEIR SCHIP ALLOTMENTS FOR CERTAIN MEDICAID EXPENDITURES.

(a) IN GENERAL.—Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)) is amended by striking "not more than 20 percent of any allotment under section 2104 for fiscal year 1998, 1999, 2000, 2001, 2004, or 2005" and inserting "all or any portion of any allotment made to the State under section 2104 for a fiscal year".

(b) ADDITIONAL REQUIREMENTS.—Section 2105(g)(2) of such Act (42 U.S.C. 1397ee(g)(2)) is amended—

(1) by striking "a State, that, on" and inserting "a State that is described in subparagraph (A) and satisfies all of the requirements of subparagraph (B).

"(A) STATE DESCRIBED.—A State described in this subparagraph is a State that, on"; and

(2) by adding at the end the following:

"(B) REQUIREMENTS.—The requirements of this subparagraph are the following:

"(i) NO REDUCTION IN MEDICAID OR SCHIP INCOME ELIGIBILITY.—Since January 1, 2001, the State has not reduced the income, assets, or resource requirements for eligibility for medical assistance under title XIX or for child health assistance under this title.

"(ii) NO WAITING LIST IMPOSED.—The State does not impose any numerical limitation, waiting list, or similar limitation on the eligibility of children for medical assistance under title XIX or child health assistance under this title and does not limit the acceptance of applications for such assistance.

"(iii) PROVIDES ASSISTANCE TO ALL CHILDREN WHO APPLY AND QUALIFY.—The State provides medical assistance under title XIX or child health assistance under this title to all children in the State who apply for and meet the eligibility standards for such assistance.

"(iv) PROTECTION AGAINST INABILITY TO PAY PREMIUMS OR COPAYMENTS.—The State ensures that no child loses coverage under title XIX or this title, or is denied needed care, as a result of the child's parents' inability to pay any premiums or cost-sharing required under such title.

"(v) ADDITIONAL REQUIREMENTS.—The State has implemented at least 3 of the following policies and procedures (relating to coverage of children under title XIX and this title):

"(I) SIMPLIFIED APPLICATION FORM.—With respect to children who are eligible for medical assistance under title XIX, the State uses the same simplified application form (including, if applicable, permitting application other than in person) for purposes of establishing eligibility for assistance under title XIX and this title.

"(II) ELIMINATION OF ASSET TEST.—The State does not apply any asset test for eligibility under title XIX or this title with respect to children.

"(III) ADOPTION OF 12-MONTH CONTINUOUS ENROLLMENT.—The State provides that eligibility shall not be regularly redetermined more often than once every year under this title or for children eligible for medical assistance under title XIX.

"(IV) SAME VERIFICATION AND REDETERMINATION POLICIES; AUTOMATIC REASSESSMENT OF ELIGIBILITY.—With respect to children who are eligible for medical assistance under section 1902(a)(10)(A), the State provides for initial eligibility determinations and redeterminations of eligibility using the same verification policies (including with respect to face-to-face interviews), forms, and frequency as the State uses for such purposes under this title, and, as part of such redeterminations, provides for the automatic reassessment of the eligibility of such children for assistance under title XIX and this title.

"(V) OUTSTATIONING ENROLLMENT STAFF.—The State provides for the receipt and initial processing of applications for benefits under this title and for children under title XIX at facilities defined as disproportionate share hospitals under section 1923(a)(1)(A) and Federally-qualified health centers described in section 1905(l)(2)(B) consistent with section 1902(a)(55).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006, and shall apply to expenditures described in section 2105(g)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(B)(ii)) that are made after that date.

By Mr. LUGAR:

S. 3925. A bill to provide certain authorities for the Secretary of State and the Broadcasting Board of Governors, and for other purposes; read the first time.

Mr. LUGAR. Mr. President, I am introducing legislation today at the request of the executive branch and will be seeking unanimous consent to request its passage as soon as possible. The Foreign Affairs Management Authorities Act of 2006 contains provisions requested by the State Department and the Broadcasting Board of Governors that will enable the two agencies to carry out their work more efficiently and effectively.

Title I of this bill creates a new pay for performance system for Foreign Service officers with the rank of 01 and below and creates a uniform worldwide pay scale. The American Foreign Service Association supports these. I am including a letter from Anthony Holmes, the AFSA President.

The Senior Foreign Service already participates in a pay for performance plan as mandated in previously enacted law, Section 412(a)(2) PL108–447, Div. B. The legislation replaces "within grade increases" with a requirement that, upon the introduction of the new Foreign Service Schedule in April 2008, any further adjustments in pay are tied to individual performance rather than longevity of service. It directs the Secretary of State to pay to each member of the Service an adjustment taking into account "individual performance, contribution to the mission of the Department, or both, under a rigorous performance management system that makes meaningful distinctions based on relative performance and that clearly links individual pay and performance under precepts prescribed by the Secretary." Each Secretary/head of agency utilizing the Foreign Service personnel system may implement this section in a manner most suitable to the unique circumstances of his or her agency. Poor performers would get no increase in pay. As with the Senior Foreign Service, the pay for performance planned for the Foreign Service would utilize multiple levels of performance distinctions. Performance-based adjustments normally would be made only once in any 12-month period.

Title I also provides a number of employee protections. It specifically guarantees a minimum funding pool for performance-based pay adjustments to ensure that, in the aggregate, employees are not disadvantaged by conversion to the new pay system. It authorizes selection boards to rank order employees for the purpose of recommending pay for performance salary adjustments, and requires agencies that use selection boards for pay for performance to follow the selection board rankings in allocating salary increases, except in special circumstances. The legislation does not impact the negotiation of procedures and appropriate arrangements for adversely affected employees with the employees' representative, the American Foreign Service Association, AFSA.

Title I provides transitional authorities to the Secretary of State for use during the interim period before April 2008 when the new Foreign Service Schedule is established. It contains provisions that govern the conversion of employees to the new schedule and it provides for a one-year transition period from the current 14-step system. It also gives the Secretary authority to establish transitional rules that prevent a reduction in a member's rate of pay by reason of conversion to the new system, among other measures that are to be applied to provide for a smooth transition.

In a long needed reform, Title I also provides uniform compensation for worldwide service by April 2008. It eliminates the disparity in pay between those serving in Washington, DC, and other domestic posts who receive locality pay increases and those serving overseas who do not. The discrepancy has skewed incentives to serve overseas and is inconsistent with mandatory worldwide and rotational assignment requirements. The Department estimates the cost of its three-stage transition to the new pay system to be $32 million in its 2007 budget, $64 million in 2008, and $32 million in 2009. The legislation provides for pay conversion and establishes temporary rules for the period leading up to April 2008 as the transition takes place.

As Secretary Rice works to fill difficult posts around the world, including in Iraq and Afghanistan, and as our diplomats come increasingly under fire in tough places, it is common sense to restructure a pay system that, without reform, provides disincentives to serving overseas. The Foreign Service must know that our country stands behind them, appreciates their service, and is grateful for the contributions they make to the security of our country and the well-being of our citizens.

Title II contains a number of provisions that are contained in S.600, still being held on the Senate calendar. It also contains provisions that were requested by the executive branch subsequent to the Senate Foreign Relations Committee's passage of S. 600. The provisions in Title II of this legislation are as follows:

Section 201. Education allowances modifies current law to: 1. permit payment of certain fees required by overseas schools for successful completion of a course or grade; 2. allow for travel to the United States for children in kindergarten through 12th grade when schools at post are not adequate; 3. allow for education travel to a school outside the United States for children at the secondary and college level; 4. provide for educational travel at the graduate level for children who are still dependents (students older than 22 would be ineligible for such travel); and 5. allow the option of storing a child's personal effects near the school during their trip to post, rather than transporting the effects back and forth.

Section 202. Fraud Prevention and Detection Account broadens the Secretary of State's authority to use a portion of fees collected for H–1B, H–2B and L–1 visas to investigate fraud in other visa categories, including fraud in connection with terrorist activities. Allowing an expanded use of the funds will assist the Department in developing a system that concentrates on H and L visa fraud, but will potentially reduce fraud among all visa classifications and increase the U.S. ability to disrupt terrorist travel.

Section 203. Extension of Privileges and Immunities extends diplomatic privileges and immunities to the African Union Mission to the United States and to the Permanent Observer Mission of the Holy See, and to members of both of these missions.

Section 204. International Litigation Fund allows the Department to retain awards of costs and attorneys' fees when defending against international claims in addition to amounts currently allowed to be retained when it successfully prosecutes a claim.

Section 205. Personal Services Contracting; BBG, the legislation extends for one year a pilot program allowing the BBG to hire 60 U.S. citizens or foreign nationals on contract rather than as full-time government employees. Such authority gives the BBG the flexibility to hire, for the short or medium-term, broadcasters and on-air hosts in difficult languages, some with many dialects. The BBG uses the authority, for example, for surge capacity in Urdu and Arabic.

Inspector General, this section also establishes a limited authority for the State Department's Office of the Inspector General (OIG) to hire personal service contractors (PSCs) to augment its ability to conduct oversight of programs and operations related to Afghanistan and Iraq. No more than 20 PSCs may be hired at any one time and, absent exceptional circumstances, the contract length for each PSC may not exceed two years. The Inspector General anticipates a need for additional staff once the Special Inspector General for Iraq Reconstruction's (SIGIR's) portfolio is either partially or fully transferred to the State Department. The OIG also expects an increase in short-term staffing needs to carry out oversight responsibilities related to Afghanistan.

Section 206. Facilitating Service in Iraq and Afghanistan is a technical correction to an inadvertent drafting error in section 1602(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (P.L. 109–234). The intent behind section 1602(a) was to provide the Secretary of State with additional authority to waive annuity limitations on reemployed Foreign Service annuitants to support U.S. efforts in Iraq and Afghanistan. As enacted, however, section 1602(a) has the unintended effect of cutting back significantly on the Secretary of State's pre-existing authority to waive Foreign Service annuity limitations in an emergency involving a direct threat to life or property or other unusual circumstances, without regard to geographic location. This technical correction restores the Secretary's pre-existing authority and provides the intended additional authorities with respect to Iraq and Afghanistan.

Section 207. Discontinuance of Duplicative or Obsolete Reports discontinues a number of reports that have been overtaken by events or contain material that is covered in other executive branch submissions to the Congress.

I ask my colleagues to give favorable and speedy consideration to this measure.

I ask unanimous consent that a letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN FOREIGN
SERVICE ASSOCIATION,
Washington, DC, September 20, 2006.

Hon. RICHARD G. LUGAR,
Chairman, Senate Committee on Foreign Relations, Washington, DC.

DEAR CHAIRMAN LUGAR: On behalf of the 14,000 members of the American Foreign Service Association (AFSA), please accept out sincere appreciation for your leadership during the 109th Session on a number of fronts of vital importance to our members and to the United States. In particular, AFSA is grateful for your determination to address the existing pay disparity between Washington-based Foreign Service personnel and those on assignment overseas. As you know, this pay equity issue has been our highest priority for many years.

I want you to know the great importance that AFSA attaches to passing legislation this year that will make the changes necessary to the Foreign Service Act of 1980 to permit a unified worldwide pay schedule. We realize that there are many issues that you and your colleagues are currently grappling with and will try to get passed before the mid-term election recess next week. Our great fear, one that we hope you can help us avoid, is that our modest bill, so important to our members, will be shunted aside with the rationalization that it can always be taken up again later. Mr. Chairman, we are afraid that your colleagues are in danger of missing an exceptional, perhaps unique, opportunity to resolve this pay equity issue and to guarantee a win/win outcome for all concerned by creating a model pay-for-performance personnel system for the Foreign Service that will be a shining example for the rest of the federal government.

The current inequity is profoundly unfair and undermines the moral of our Country's diplomatic corps. The U.S. Foreign Service must have all the tools it needs to implement our diplomatic and national security priorities around the globe, often under extremely challenging circumstances. One vital tool our nation can provide the men and women of the Foreign Service and their families is the validation of their essential efforts abroad that ending this pay disparity would provide. With the increasing difficulty of service overseas and continuing threats against American officials abroad, this measure would be the single most important morale booster that the Congress could provide, Conversely, a lack of immediate action on the proposed legislation would be a profound disappointment to our members.

Mr, Chairman, I know that you fully understand that Foreign Service members should not be penalized for serving abroad with a 17.5 percent pay cut. That simply isn't right. It is our sincere hope that you can persuade Congress to act on this issue now or a crucial opportunity will be lost.

Again, thank you for your leadership. AFSA is most grateful for your support and friendship.

Sincerely,

J. ANTHONY HOLMES,
President.

By Mr. SANTORUM:

S. 3926. A bill to provide for the energy, economic, and national security of America, and for other purposes; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I gave a speech a couple weeks ago about the situation in the Middle East. I want to just do a reprise of that in brief to discuss the context of introducing today what we call the Empower America: Securing America's Energy Future Act.

It comes from the basis that I believe we are facing in this country—a threat. We are, in my opinion, already in the very early stages of a world war. We can act now to make this threat—which I believe is a serious one but not yet fully actualized—less severe if we do certain things. One of them, as you will hear at the conclusion of my remarks, will be focusing on our energy situation here at home.

One of the things I hear as a frustration of so many people I talk to in Pennsylvania is they look at the conflicts we are in in Afghanistan, Iraq, and other places in the world, and they don't see an end or a strategy of how we succeed. I suggest that part of that strategy is in creating energy security and developing a whole host of energy resources in this country so that we are not dependent upon—or as dependent upon foreign sources of energy and that we develop the new technologies that will allow America to continue to grow and keep prices down, and not just because I want to keep them down for consumers, which is great, but so we are not providing enormous riches for people to develop nuclear weapons and turn around and harm the United States and our allies.

I believe the threat we face can be analyzed in a three-pronged approach. As I said on the floor last week or the week before, we face a threat, an enemy most people refer to as terrorists. I do not refer to them as terrorists; I refer to them as who they are: radical Islamic fascists. They have an ideology. These are not people who kill for the purpose of killing. They don't kill because of hatred. They kill because they have a belief, an objective.

I know that for a year or two, the President, right after 9/11, referred to these terrorists as "cowards." I notice that he doesn't do that anymore. I don't know of anybody who does that anymore. There is a reason: They are not cowards at all. These are people with great conviction. Some would even say that, in a demented way, they have great courage. But they are certainly not cowards. Calling them cowards gives the wrong impression to the American people that we are fighting a foe who is afraid of us or afraid of something. The problem is they seem to be afraid of very little when it comes to this world. They are willing to give up their lives. In fact, they want to give up their lives, and their objective, by the way, is to take as many other lives in the process. The object in this war is not territory; the object of this war is submission and death.

So we are not dealing with a group of cowards. When we tell the American public we are dealing with cowards, they don't think this is a serious enemy that can defeat us. America would never lose to a group of cowards. But we can lose to a group of fanatical, zealous Islamists, who have a clear mission and a clear methodology by which to accomplish that mission.

These are people who are very serious about what they want to do, whether it is radical Sunnis or radical Shias. They have an objective and a common enemy—as does the radical left, represented so comically, in my opinion, so ridiculously, by the speech of Hugo Chavez yesterday at the United Nations. What do Mahmud Ahmadi-Nejad, President of Iran, and Hugo Chavez have in common? Nothing except their hatred of everything this country holds dear—freedom, democracy, and individual human rights. That is what they hate. I would suggest they have as much in common as Mussolini and Hitler and Tojo. They had very little in common ideologically. The Japanese believed in the superiority of the Japanese race and wanted to conquer and rule the world. Hitler didn't believe in that, but they formed an alliance because there was a common enemy.

That is the case here. We are seeing it. It is, hopefully, a frightening sight put on display over the last couple of days at the United Nations, as this character of a President, this ridiculous diatribe Hugo Chavez presented to the U.N. received applause from many around the world—most leaders around the world. This is a serious threat. We can look at it and put it in political terms and say we went to war for the wrong reason and this or that wasn't true. But that is looking in the rearview mirror when we have a huge threat. So they have an ideology and a common enemy.

Secondly, they have a very effective methodology by which to conduct this war. It is one that doesn't require the kind of coordination and resources a traditional military campaign would require. They don't need to conquer land, to hold ground; they simply need to kill people every day. And they do—every day. And we cover it in America every day. American people watch it every day. And every day, the resolve of the American people is eroded. The resolve of the American people is eroded because—I will use the words of Osama bin Laden—because we Americans love life and the radical Islamists love death. That is how he said he would defeat us, because of America's and the West's love for life and respect for life, their attachment to this world, to the modern world, and the radical Islamist's attachment not to this world at all but to death, which, in their minds, means life—a better life with Allah. That is their objective, their methodology. Their methodology is to prey upon what they believe is the weakness of America, what they believe is the weakness of the West, which is the fact that we respect life, love life, we have human rights, and we believe in freedom. We believe it is our objective in this world to make it a better world. They don't care about that at all. So terror is a uniquely effective tactic that fits well into their culture of death and is particularly effective against our culture of life.

In addition, they are trying to develop a new weapon; that is, a nuclear weapon. Iran has made it very clear and Chavez has announced his intention to develop a huge arsenal of weapons of mass destruction to use, in the words of Ahmadi-Nejad, "to wipe Israel off the face of the earth" and use that weaponry to get the rest of the Western World to submit to their radical, fanatical brand of Islam.

This is their ultimate threat. This is the ultimate tactic of death and terror—to have a country that is committed publicly to using nuclear weapons not to defend itself, not to gain an earthly dominion over the world, but to cause mass chaos and destruction, in the case of Iran, for a religious purpose, because what they seek to accomplish is the return of the Hidden or 12th Imam. That is the 12th descendant of the Prophet Muhammad who, in the late 800s, went into hiding, according to the Shia religion, and is destined to return as the messiah of the Islamic faith at the end of times—the end of times meaning Armageddon. The interesting twist that the radical Shia project onto the world stage today is they believe it is their obligation to bring about the return of the Hidden or 12th Imam by causing a modern-day Armageddon. That is what they believe. You may not have heard this before, but let me assure you, that is what they believe. That is what they say. That is what they talk about all the time, that this is their objective. It is a messianic vision; they are being compelled by their faith.

Some pass it off as a bunch of dictators who are just using religion to prop themselves up, to maintain control, or to try to dominate bigger areas of the world. Well, that would be bad enough. That would be dangerous enough. But I think we underestimate them when we say that. I think we underestimate President Ahmadi-Nejad and the ruling mullahs of Iran when we say that. I believe they are true believers, and I don't think we can afford the luxury of not believing that they believe this. I don't think we can dismiss them as another group of two-bit tyrants. These are two-bit tyrants who have billions upon billions of dollars and have allies like North Korea, who have access to nuclear technology. They have scientists from Russia who left Russia because there is nothing for them to do, and they are in Tehran today developing rocketry and the nuclear capability to project that power.

Some would say I am beating the drums of war. No. I am accurately describing the situation at hand. Some disagree with me, and they are welcome to. Do you want to take that chance? Do you want to take the chance of having a nuclear weapon? They are clear about their intention of developing it. Do you want to take that chance? I don't.

How did this happen? Radical Islam has been present in the Middle East for a long time. We have not heard much from them except when? In the last 30, 40 years. Why? The price of oil. It is oil, to begin with, and now the high price of oil. It gives them the resources to not only feed the people to keep them in power but to produce weapons to project power. The only reason, again, they have those resources is because of this one three-letter word—oil—which brings me back to the beginning of this discussion.

If we are going to defeat radical fascist Islam, then we have to have a strategy to take resources away from them so they cannot project the power they can today. The only way to do that is by developing a more secure energy future for America and reducing our dependency on that oil, which would reduce the price of energy around the world. We need to encourage not only alternative energy production in this country; we have to do so around the world. We have to do so around the world by using alternative technology such as, for example, as I talk about in the bill, coal.

One of the greatest new energy consumers in the world is China. They don't have a lot of oil, but they have a lot of coal. So it is an opportunity for us, with coal to gas and coal to liquid fuels technology, developing and commercializing that technology. And it is not just going to be coal to liquid fuels, but if you talk to folks in the business who are developing these plants right now—and one is being developed in Pennsylvania, which I have been involved with—they believe they can use all sorts of organic matter, such as waste products, to blend in with the coal to be able to produce liquid fuel.

We need to have that technology in America, and they need to have that technology, and they are developing it, by the way, in China. We need to create from the vast amount of energy opportunities that we have in America and around the world new technologies so oil becomes less of a valuable commodity. This is one concrete way we can fight the war on radical Islamic fascism.

I have put together a bill that talks about making—it does, if it would be passed—a huge investment, a huge investment in alternative technologies, a huge investment in coal, a huge investment in renewables to create a more secure energy future for America. We can no longer talk about how we are going to do this or that we will do it at some future date. We must act now, quickly. We need to provide support for the commercialization of this technology. We are not going to see energy produced at $20 a barrel, the equivalent of oil. We are not going to see it done at $30 or $40 a barrel. It may be more expensive. We have to make sure we provide proper support in loan guarantees, incentives, and tax credits to make this a profitable venture and a secure venture for people to invest in.

This is not something that normally I have come to the Chamber and said that this is the Government's job. This is national security. This is not about subsidizing big business. This is about producing energy here for the security of our country. We either make the investment here or we pay a horrible price, human as well as financial, in the future.

We need to think big, and we need to think now. That is why—when I spoke about the comments the Senator from Louisiana made before I came to the floor on opening up OCS—it is unconscionable for us to look at the national security situation we look at today, to look at the subsidies we are providing to our enemies and say: Oh, oh, we can't explore for oil in Alaska or OCS. Oh, we are worried about the environment.

I am worried about the environment, too. In my State of Pennsylvania, in the western part of our State, we drill 3,000 gas wells a year—3,000—on farms, in neighborhoods, outside neighborhoods, in people's backyards. At Oakmont Country Club, which is where the U.S. Open is going to be played, they are going to drill a gas well right next to Oakmont Country Club. That is pretty much an environmental area. Nobody wants to pollute Oakmont Country Club. We are going to drill a gas well there.

Yet there are people on this floor who won't drill those wells in Alaska where nobody goes, where nobody is. As a result, our country is at risk. We feed an enemy huge resources to combat us in their attempt to destroy us. It is unconscionable for us, a country that produces oil and gas cleaner and more efficiently than any other country in the world, to allow our enemy to hold us, not just hostage, but to gain resources to destroy us because we placate an interest group who funds, campaigns, and influences voters.

I know many in this Chamber and many in this country do not believe we are at war or do not believe this war is serious. Time will tell. I think, unfortunately, time will tell us in a relatively short period of time how serious this is, and we will look back on this time as we stood year after year for the past 10 years twiddling our thumbs, not doing what we can do to provide a more secure energy future for this country, and we will look back in horror of the blinders, of the scales we had on our eyes that we could not see the threat before us.

We must do something. The bill I am introducing today is a comprehensive package that does a lot to make America a safer country, first and foremost, from a national security perspective and, secondly, from an economic perspective.

I know we only have a week left. The Senator from Louisiana talked about trying to get a bill done. Let's get something done. I plead for us to get something done to create some new sources of energy for this country, to put some downward pressure on world market prices. It is essential for us to do so.

We need to make this commitment for the future of our country.

By Mrs. BOXER.

S. 3927. A bill to require the placement of blast-resistant cargo containers on all commercial passenger aircraft; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, I was pleased that the Senate leadership finally agreed to consider a port security bill last week. It is high time we did more about security at our ports.

Our ports are a soft target. We knew this before 9/11 and many experts have warned us since that terrible day that our ports are vulnerable to attack.

Since the port security bill was signed into law at the end of 2002, we have not moved forward on port security, and it remains dangerously underfunded. Since the 9/11 attacks, we have spent only $816 million on port security grants, despite Coast Guard estimates that $5.4 billion is needed over 10 years.

Addressing port security is critical. However, security for other transportation modes is important, but the Republican leadership wanted us to do port security and nothing else.

Through the efforts of many Senators, provisions for rail and transit security were included. But, the final bill the Senate approved does not contain any major provisions for aviation security. Yes, aviation security has improved greatly in the last five years. But, as we recently found out with the aviation terrorist plot uncovered by the British authorities, there are still holes in the system.

Transportation Security Administration, TSA, has implemented new security procedures since we learned of the London terror plot to detonate liquid explosives on flights from Great Britain to the United States. While I support these new procedures, TSA is asking passengers to give up their lip gloss, yet we are not examining cargo loaded on board our passenger planes.

I am pleased that the Department of Homeland Security will launch a pilot program at San Francisco Airport, SFO, this October to check all commercial cargo for explosives on passenger flights.

We should be doing this at every airport to ensure the security of the flying public and the solvency of the airline industry. But until that time, at the very least, we need to use at least one blast resistant cargo container on passenger planes that carry cargo. This was one of the recommendations of the 9/11 Commission.

For several years, I have been working to get these containers on planes.

Currently, TSA is undertaking a pilot project using these containers, some of which are made with Kevlar, for cargo. But we must move past pilot programs.

We should use blast-resistant containers for cargo on all passenger planes. That is why I an introducing a bill to do just that.

The 9/11 Commission recommended, TSA should require that every passenger aircraft carrying cargo deploy at least one hardened container to carry any suspect cargo. Therefore, all passenger planes should have at least one blast-resistant container for cargo.

To place one blast-resistant container on each plane, it would cost about $75 million—this is equal to the cost of a little more than 5 hours in Iraq. Imagine the impact on the security of the country and the financial outlook for the airline industry if a plane were to explode during a flight.

We owe this to the American people. We cannot allow terrorists to exploit holes in our aviation security system.

By Mrs. BOXER:

S. 3928. A bill to provide for the Office of Domestic Preparedness of the Department of Homeland Security to provide grants to local governments for public awareness education relating to preparedness for natural disasters, terrorist attacks, and influenza pandemic; to the Committee on Homeland Security and Governmental Affairs.

Mrs. BOXER. Mr. President, in the last 5 years, Americans have faced both devastating terrorist attacks and natural disasters. We have also been warned that an avian flu pandemic is a strong possibility.

In California, we have had fires, floods, mudslides, and earthquakes—thankfully not the big one.

We have learned that disasters are inevitable. Being prepared is crucial—especially when the American people cannot rely on the Federal Government, which was demonstrated by the poor Federal response in Hurricane Katrina. Department of Homeland Security Secretary Michael Chertoff has even said, People should be prepared to sustain themselves for up to 72 hours after a disaster.

Therefore, being prepared and knowing how to respond in the days following a natural disaster is extremely important. However, people do not know how to prepare, and, unfortunately, local governments may lack the resources to educate their residents.

According to the Los Angeles Times, Los Angeles County officials could not afford to distribute pamphlets on earthquake preparedness for individuals with special needs.

That is why I am pleased to introduce legislation that will provide grants, through the Department of Homeland Security's Office of Domestic Preparedness, to local governments to educate the public about how to deal with natural disasters, terrorist attacks, and an influenza pandemic.

It is important that we work to make sure that local communities are able to prepare their citizens to deal with future disasters.

I hope my colleagues will support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 578—RECOGNIZING THAT THE OCCURRENCE OF PROSTATE CANCER IN AFRICAN AMERICAN MEN HAS REACHED EPIDEMIC PROPORTIONS AND URGING FEDERAL AGENCIES TO ADDRESS THAT HEALTH CRISIS BY DESIGNATING FUNDS FOR EDUCATION, AWARENESS OUTREACH, AND RESEARCH SPECIFICALLY FOCUSED ON HOW THAT DISEASE AFFECTS AFRICAN AMERICAN MEN

Mr. KERRY submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 578

Whereas the incidence of prostate cancer in African American men is 60 percent higher than any other racial or ethnic group in the United States;

Whereas African American men have the highest mortality rate of any ethnic and racial group in the United States, dying at a rate that is 140 percent higher than other ethnic and racial groups;

Whereas that rate of mortality represents the largest disparity of mortality rates in any of the major cancers;

Whereas prostate cancer can be cured with early detection and the proper treatment, regardless of the ethnic or racial group of the cancer patient;

Whereas African Americans are more likely to be diagnosed earlier in age and at a later stage of cancer progression than for all other ethnic and racial groups, thereby leading to lower cure rates and lower chances of survival; and

Whereas, according to a recent paper published in the Proceedings of the National Academy of Sciences, researchers from the Dana Farber Cancer Institute and Harvard Medical School have discovered a variant of a small segment of the human genome that accounts for the higher risk of prostate cancer in African American men: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that prostate cancer has created a health crisis for African American men; and

(2) declares the critical importance of the designation of increased funding for—

(A) research to address and attempt to end the health crisis created by prostate cancer; and

(B) efforts relating to education, awareness, and early detection at the grassroots levels to end that health crisis.

Mr. KERRY. Mr. President, today, I am joining Congressman GREG MEEKS to submit a Senate resolution aimed at raising awareness of the prostate cancer crisis among African-American men. This Resolution urges Congress to provide the funds necessary to prevent and fight the disease, and to encourage African-American men to get screened.

Prostate cancer is the second leading cause of cancer related death for African-American men. They have the highest incidence and mortality rate due to prostate cancer of any ethnic or racial group. African-American men are dying at a rate of 140 percent—almost 2½ times—higher than other groups. That is the largest disparity for any major cancer.

No person of any race should have to suffer unnecessarily from a disease we have the medical science and moral obligation to prevent, detect, and treat. It should no longer rob sons, daughters, and wives of their fathers, husbands, and loved ones. Just as the doctrine of 'separate but equal,' was wrong in education, it is wrong in health care. We have to reform the system so that the quality of health care for every American never depends on the color of any American's skin. We need to fund more research and greater outreach efforts. For this reason, I urge every member of Congress to support this resolution.

SENATE RESOLUTION 579—DESIGNATING DECEMBER 13, 2006, AS A DAY OF REMEMBRANCE TO HONOR THE 25TH ANNIVERSARY OF THE IMPOSITION OF MARTIAL LAW BY THE COMMUNIST GOVERNMENT IN POLAND

Ms. MIKULSKI (for herself and Mr. SANTORUM) submitted the following resolution; which was considered and agreed to:

S. RES. 579

Whereas, on May 9, 1945, Europe declared victory over the oppression of the Nazi regime;

Whereas Poland and other countries in Central, Eastern, and Southern Europe soon fell under the oppressive control of the Soviet Union;

Whereas for decades the people of Poland struggled heroicly for freedom and democracy against that oppression, paying at times the ultimate sacrifice;

Whereas, in 1980, the Solidarity Trade Union was formed in Poland;

Whereas membership in the Solidarity Trade Union grew rapidly in size to 10,000,000 members, and the Union obtained unprecedented moral power that soon threatened the Communist government in Poland;

Whereas, on December 13, 1981, the Communist government in Poland crushed the Solidarity Trade Union, imprisoned the leaders of the Union, and imposed martial law on Poland;

Whereas, through his profound influence, Pope John Paul II gave the people of Poland the hope and strength to bear the torch of freedom that eventually lit up all of Europe;

Whereas the support of the Polish-American community while martial law was imposed on Poland was essential in encouraging the people of Poland to continue to struggle for liberty;

Whereas the people of the United States were greatly supportive of the efforts of the people of Poland to rid themselves of an oppressive government;

Whereas the people of the United States expressed their support on Christmas Eve 1981 by lighting candles in their homes to show solidarity with the people of Poland who were suffering under martial law;

Whereas, in 1989, the people of Poland finally won the right to hold free parliamentary elections, which led to the election of Poland's first Prime Minister during the post-war era who was not a member of the Communist party, Mr. Tadeusz Mazowiecki; and

Whereas, in 2006, Poland is an important member of the European Union, one of the closest allies of the United States, a contributing partner in the North Atlantic Treaty Organisation, and a reliable partner in the war on terrorism that maintains an active and crucial presence in Iraq and Afghanistan: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 13, 2006, the 25th anniversary of the imposition of martial law by the Communist government in Poland, as a Day of Remembrance honoring the sacrifices paid by the people of Poland during the struggle against Communist rule;

(2) honors the people of Poland who risked their lives to restore liberty in Poland and to return Poland to the democratic community of nations; and

(3) calls on the people of the United States to remember that the struggle of the people of Poland greatly contributed to the fall of Communism and the ultimate end of the Cold War.

SENATE RESOLUTION 580—RECOGNIZING THE IMPORTANCE OF POLLINATORS TO ECOSYSTEM HEALTH AND AGRICULTURE IN THE UNITED STATES AND THE VALUE OF PARTNERSHIP EFFORTS TO INCREASE AWARENESS ABOUT POLLINATORS AND SUPPORT FOR PROTECTING AND SUSTAINING POLLINATORS BY DESIGNATING JUNE 24 THROUGH JUNE 30, 2007, AS "NATIONAL POLLINATOR WEEK"

Mr. CHAMBLISS submitted the following resolution; which was considered and agreed to:

S. RES. 580

Whereas bees, butterflies, and other pollinator species have a critically important role in agriculture in the United States and help to produce a healthy and affordable food supply and sustain ecosystem health;

Whereas pollinators help to produce an estimated 1 out of every 3 bites of food consumed in the United States and to reproduce at least 80 percent of flowering plants;

Whereas commodities produced in partnership with animal pollinators generate significant income for agricultural producers, with domestic honeybees alone pollinating an estimated $14,600,000,000 worth of crops in the United States each year produced on more than 2,000,000 acres;

Whereas it is in the strong economic interest of agricultural producers and consumers in the United States to help ensure a healthy, sustainable pollinator population;

Whereas possible declines in the health and population of pollinators pose what could be a significant threat to global food webs, the integrity of biodiversity, and human health;

Whereas the North American Pollinator Protection Campaign, managed by the Coevolution Institute, is a tri-national, cooperative conservation, public-private collaboration of individuals from nearly 140 diverse stakeholder groups, including concerned landowners and managers, conservation and environmental groups, scientists, private businesses, and government agencies; and

Whereas the Pollinator Partnership™ web site (http://www.pollinator.org) has been created as the source for pollinator information: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NORTH AMERICAN POLLINATOR APPRECIATION WEEK.

The Senate—

(1) recognizes the partnership role that pollinators play in agriculture and healthy ecosystems;

(2) applauds the cooperative conservation collaborative efforts of participants in the North American Pollinator Protection Campaign to increase awareness about the important role of pollinators and to build support for protecting and sustaining pollinators;

(3) designates June 24 through 30, 2007, as "National Pollinator Week"; and

(4) encourages the people of the United States to observe the week with appropriate ceremonies and activities.

SENATE RESOLUTION 581—CONDEMNING THE ANTI-DEMOCRATIC ACTIONS OF PRESIDENT HUGO CHAVEZ AND ADMONISHING THE STATEMENTS MADE BY HIM TO THE UNITED NATIONS GENERAL ASSEMBLY ON SEPTEMBER 20, 2006

Mr. BUNNING (for himself, Mr. INHOFE, and Mr. VITTER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 581

Whereas, to consolidate his powers, President Chavez rewrote the constitution of Venezuela after he was elected in 1988;

Whereas, in August 2004, President Chavez survived a recall vote through intimidation and other undemocratic actions;

Whereas President Chavez has decreed that all private property deemed "not in productive use" will be confiscated by the government of Venezuela and redistributed to third parties;

Whereas President Chavez has enacted a media responsibility law placing restrictions on broadcast media coverage, imposing severe penalties for violations, and using other legal methods to intimidate media outlets that criticize his government;

Whereas changes imposed by President Chavez to the penal code of Venezuela have threatened the freedom of expression and freedom of association once enjoyed by the citizens of Venezuela, and have increased jail terms for those convicted of criticizing the government of that country;

Whereas President Chavez and his supporters have stated their intention to use their full control of the national assembly to change the constitution of Venezuela to allow President Chavez to remain in power until 2030, a period of time that exceeds the current constitutional limits of Venezuela;

Whereas, in an effort to destabilize the already fragile democratic governments of other countries in the region, President Chavez is supporting radical forces in Colombia, Bolivia, and Ecuador, as well as leftist parties in those countries;

Whereas President Chavez has repeatedly stated his desire to unite Latin America to serve as a buffer against the United States;

Whereas President Chavez has aligned himself with countries that are classified by the Department of State as sponsors of terrorism;

Whereas President Chavez has developed a close relationship with the Dictator of Cuba, Fidel Castro;

Whereas President Chavez has also associated himself with other dictators, including Kim Jong Il of North Korea and the totalitarian regime of Iran;

Whereas President Chavez was allowed to promote hatred in a speech in which he delivered at the United Nations General Assembly on September 20, 2006, and referred to the President of the United States as "the devil";

Whereas President Chavez referred to the President of the United States as "the spokesman of imperialism" for the efforts of the United States to aid the citizens of Afghanistan and Iraq in the goal of those citizens to create a permanent and viable representative government; and

Whereas President Chavez made unsubstantial claims that the United States has set in motion a coup in Venezuela and continues to support coup attempts in Venezuela and elsewhere: Now, therefore, be it

Resolved, that the Senate condemns President Chavez for his anti-democratic actions and his statements made at the United Nations General Assembly on September 20, 2006.

SENATE CONCURRENT RESOLUTION 117—OFFICIALLY DESIGNATING THE NATIONAL MUSEUM OF THE PACIFIC WAR IN FREDERICKSBURG, TEXAS, AS THE NATIONAL MUSEUM OF THE PACIFIC WAR

Mr. CORNYN (for himself and Mrs. HUTCHISON) submitted the following concurrent resolution; which was referred to the Committee on Energy and Natural Resources:

S. CON. RES. 117

Whereas the National Museum of the Pacific War in Fredericksburg, Texas, was founded in 1966 by local citizens in honor of Admiral Chester Nimitz, a Fredericksburg, Texas, native and in honor of those who served in the World War II Pacific War, defending liberty and Nation;

Whereas the National Museum of the Pacific War in Fredericksburg, Texas, is frequently referred to as the Admiral Nimitz Museum;

Whereas the National Museum of the Pacific War in Fredericksburg, Texas, is the only institution in the continental United States dedicated exclusively to telling the story and interpreting the experiences of the United States and its allies that took part in the Pacific Theater battles of World War II—on the battlefield, ocean, and home front;

Whereas the National Museum of the Pacific War in Fredericksburg, Texas, has grown to nearly 34,000 square feet of indoor exhibit space;

Whereas the National Museum of the Pacific War in Fredericksburg, Texas, boasts an impressive display of Allied and Japanese aircraft, tanks, guns, and other large artifacts made famous during the Pacific War campaigns;

Whereas the National Museum of the Pacific War in Fredericksburg, Texas, highlights—

(1) the personal effects of those who made history in the Pacific;

(2) aircraft and battleship remnants;

(3) art; and

(4) other rare treasures;

Whereas there remains a need to preserve in a museum setting both—

(1) evidence of the honor, courage, patriotism, and sacrifice of those Americans who served and sacrificed in the defense of liberty during World War II; and

(2) evidence of other relevant subjects; and

Whereas the National Museum of the Pacific War in Fredericksburg, Texas, houses an archival collection of materials—maintained by the Center for Pacific War Studies—that contains more than 10,000 Pacific War photos, an extensive collection of private papers, official documents, and manuscripts, and a research library of more than 3,000 volumes, all related to the Pacific War: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) designates the National Museum of the Pacific War in Fredericksburg, Texas, including the museum's future and expanded exhibits, collections, archives, artifacts, and education programs, as "The National Museum of the Pacific War";

(2) supports efforts to preserve historic moments in our Nation's history;

(3) recognizes that the continued collection, preservation, and display of the historical objects and other historical materials held by The National Museum of the Pacific War enhance our knowledge and understanding of the experience of past and present members of the United States Armed Forces among freedom-loving people around the world;

(4) asks all Americans to join in celebrating The National Museum of the Pacific War and its mission of preserving and safeguarding the legacy of the heroes of the Pacific War; and

(5) encourages present and future generations to understand the sacrifices all Americans made during the difficult times of World War II, to understand how World War II shaped the Nation, other countries, and subsequent world events, and how the sacrifices made then helped preserve liberty, democracy, and other founding principles for generations to come.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5026. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table.

SA 5027. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5028. Mr. SALAZAR (for himself, Mr. KENNEDY, Mr. LIEBERMAN, Mr. OBAMA, Mr. REID, Mr. LEAHY, Mr. DURBIN, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5029. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5030. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5031. Mr. FRIST proposed an amendment to the bill H.R. 6061, supra.

SA 5032. Mr. FRIST proposed an amendment to amendment SA 5031 proposed by Mr. FRIST to the bill H.R. 6061, supra.

SA 5033. Mr. FRIST (for Mr. LUGAR (for himself, Mr. BROWNBACK, Mr. MARTINEZ, Mr. HAGEL, Mr. CORNYN, Mrs. HUTCHISON, Mr. DEWINE, Mr. COLEMAN, Mr. CHAFEE, Mr. ALEXANDER, Mr. SUNUNU, and Mr. SPECTER)) proposed an amendment to the bill H.R. 3127, to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

SA 5034. Mr. CRAIG proposed an amendment to the bill S. 2562, to increase, effective as of December 1, 2006, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

TEXT OF AMENDMENTS

SA 5026. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . ENHANCED BORDER SURVEILLANCE.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security, in cooperation with the Administrator of the Federal Aviation Administration, shall establish a 1-year pilot program at the Northern Border Air Wing bases of the Office of Customs and Border Protection Air and Marine to test the use of unmanned aerial vehicles for border surveillance along the international marine and land border between Canada and the United States.

SA 5027. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STUDY ON METHAMPHETAMINE INFILTRATION AT THE BORDERS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in conjunction with the Drug Enforcement Agency, shall report to Congress—

(1) on the amount and type of methamphetamine seizures occurring at both the northern and southern borders; and

(2) after considering the flow of methamphetamine and its precursors across our borders, recommendations identifying funding, equipment, and infrastructure needs to better combat methamphetamine trafficking across United States borders with particular attention to the manpower and equipment needs on Indian reservations located at or near United States borders.

SA 5028. Mr. SALAZAR (for himself, Mr. KENNEDY, Mr. LIEBERMAN, Mr. OBAMA, Mr. REID, Mr. LEAHY, Mr. DURBIN, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 7, after line 10, add the following:

DIVISION A—COMPREHENSIVE IMMIGRATION REFORM

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Comprehensive Immigration Reform Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

DIVISION A—COMPREHENSIVE IMMIGRATION REFORM

Sec. 1. Short title; table of contents.
Sec. 2. Reference to the Immigration and Nationality Act.
Sec. 3. Definitions.
Sec. 4. Severability.

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

Sec. 101. Enforcement personnel.
Sec. 102. Technological assets.
Sec. 103. Infrastructure.
Sec. 104. Border Patrol checkpoints.
Sec. 105. Ports of entry.
Sec. 106. Construction of strategic border fencing and vehicle barriers.

Subtitle B—Border Security Plans, Strategies, and Reports

Sec. 111. Surveillance plan.
Sec. 112. National Strategy for Border Security.
Sec. 113. Reports on improving the exchange of information on North American security.
Sec. 114. Improving the security of Mexico's southern border.
Sec. 115. Combating human smuggling.
Sec. 116. Deaths at United States-Mexico border.
Sec. 117. Cooperation with the Government of Mexico.

Subtitle C—Other Border Security Initiatives

Sec. 121. Biometric data enhancements.
Sec. 122. Secure communication.
Sec. 123. Border Patrol training capacity review.
Sec. 124. Us-visit System.
Sec. 125. Document fraud detection.
Sec. 126. Improved document integrity.
Sec. 127. Cancellation of visas.
Sec. 128. Biometric entry-exit System.
Sec. 129. Border study.
Sec. 130. Secure Border Initiative financial accountability.
Sec. 131. Mandatory detention for aliens apprehended at or between ports of entry.
Sec. 132. Evasion of inspection or violation of arrival, reporting, entry, or clearance requirements.
Sec. 133. Temporary National Guard support for securing the southern land border of the United States.
Sec. 134. Report on incentives to encourage certain members and former Members of the Armed Forces to serve in the Bureau of Customs and Border Protection.
Sec. 135. Western Hemisphere Travel Initiative.

Subtitle D—Border Tunnel Prevention Act

Sec. 141. Short title.
Sec. 142. Construction of border tunnel or passage.
Sec. 143. Directive to the United States Sentencing Commission.

Subtitle E—Border Law Enforcement Relief Act

Sec. 151. Short title.
Sec. 152. Findings.
Sec. 153. Border relief grant Program.
Sec. 154. Enforcement of Federal Immigration law.

Subtitle F—Rapid Response Measures

Sec. 161. Deployment of Border Patrol agents.
Sec. 162. Border Patrol major assets.
Sec. 163. Electronic equipment.
Sec. 164. Personal equipment.
Sec. 165. Authorization of appropriations.

TITLE II—INTERIOR ENFORCEMENT

Sec. 201. Removal and denial of benefits to terrorist aliens.
Sec. 202. Detention and removal of aliens ordered removed.
Sec. 203. Aggravated felony.
Sec. 204. Terrorist bars.
Sec. 205. Increased criminal penalties related to gang violence, removal, and alien smuggling.
Sec. 206. Illegal entry.
Sec. 207. Illegal reentry.
Sec. 208. Reform of passport, VISA, and Immigration fraud offenses.
Sec. 209. Inadmissibility and removal for passport and Immigration fraud offenses.
Sec. 210. Incarceration of criminal aliens.
Sec. 211. Encouraging aliens to depart voluntarily.
Sec. 212. Deterring aliens ordered removed from remaining in the United States unlawfully.
Sec. 213. Prohibition of the sale of firearms to, or the possession of firearms by certain aliens.
Sec. 214. Uniform statute of limitations for certain Immigration, naturalization, and peonage offenses.
Sec. 215. Diplomatic security Service.
Sec. 216. Field agent allocation and background checks.
Sec. 217. Construction.
Sec. 218. State Criminal Alien Assistance Program.
Sec. 219. Transportation and processing of illegal aliens apprehended by State and local law enforcement officers.
Sec. 220. Reducing illegal Immigration and ALIEN smuggling on tribal lands.
Sec. 221. Alternatives to detention.
Sec. 222. Conforming amendment.
Sec. 223. Reporting requirements.
Sec. 224. State and local Enforcement of Federal Immigration laws.
Sec. 225. Removal of drunk drivers.
Sec. 226. Medical services in underserved areas.
Sec. 227. Expedited removal.
Sec. 228. Protecting immigrants from convicted sex offenders.
Sec. 229. Law enforcement authority of States and political subdivisions and transfer to Federal custody.
Sec. 230. Laundering of monetary instruments.
Sec. 231. Listing of Immigration violators in the National Crime Information Center database.
Sec. 232. Cooperative enforcement programs.
Sec. 233. Increase of Federal detention space and the utilization of facilities identified for closures as a result of the Defense Base Closure Realignment Act of 1990.
Sec. 234. Determination of Immigration status of individuals charged with Federal offenses.
Sec. 235. Expansion of the Justice Prisoner and Alien Transfer System.

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

Sec. 301. Unlawful employment of aliens.
Sec. 302. Employer Compliance Fund.
Sec. 303. Additional worksite enforcement and fraud detection agents.
Sec. 304. Clarification of ineligibility for misrepresentation.
Sec. 305. Antidiscrimination protections.

TITLE IV—NONIMMIGRANT AND IMMIGRANT VISA REFORM

Subtitle A—Temporary Guest Workers

Sec. 401. Immigration impact study.
Sec. 402. Nonimmigrant temporary worker.
Sec. 403. Admission of nonimmigrant temporary guest workers.
Sec. 404. Employer obligations.
Sec. 405. ALIEN employment management System.
Sec. 406. Rulemaking; effective date.
Sec. 407. Recruitment of United States workers.
Sec. 408. Temporary guest worker VISA Program Task Force.
Sec. 409. Requirements for participating countries.
Sec. 410. S visas.
Sec. 411. L VISA limitations.
Sec. 412. Compliance investigators.
Sec. 413. VISA waiver Program expansion.
Sec. 414. Authorization of appropriations.

Subtitle B—Immigration Injunction Reform

Sec. 421. Short title.
Sec. 422. Appropriate remedies for Immigration legislation.
Sec. 423. Effective date.

TITLE V—BACKLOG REDUCTION

Sec. 501. Elimination of existing backlogs.
Sec. 502. Country limits.
Sec. 503. Allocation of immigrant visas.
Sec. 504. Relief for minor children and widows.
Sec. 505. Shortage occupations.
Sec. 506. Relief for widows and orphans.
Sec. 507. Student visas.
Sec. 508. Visas for individuals with advanced degrees.
Sec. 509. Children of Filipino World War II veterans.
Sec. 510. Expedited adjudication of employer petitions for aliens of extraordinary artistic ability.
Sec. 511. Powerline workers.
Sec. 512. Determinations with respect to children under the Haitian Refugee Immigration Fairness Act of 1998.

Subtitle B—SKIL Act

Sec. 521. Short title.
Sec. 522. H-1b VISA holders.
Sec. 523. Market-based VISA limits.
Sec. 524. United States educated immigrants.
Sec. 525. Student visa reform.
Sec. 526. L-1 VISA holders Subject to VISA backlog.
Sec. 527. Retaining workers Subject to green card backlog.
Sec. 528. Streamlining the adjudication process for established employers.
Sec. 529. Providing premium processing of Employment-Based visa petitions.
Sec. 530. Eliminating procedural delays in labor certification process.
Sec. 531. Completion of background and security checks.
Sec. 532. VISA revalidation.

Subtitle C—Preservation of Immigration Benefits for Hurricane Katrina Victims

Sec. 541. Short title.
Sec. 542. Definitions.
Sec. 543. Special immigrant status.
Sec. 544. Extension of filing or reentry deadlines.
Sec. 545. Humanitarian relief for certain surviving spouses and children.
Sec. 546. Recipient of public benefits.
Sec. 547. Age-out protection.
Sec. 548. Employment eligibility verification.
Sec. 549. Naturalization.
Sec. 550. Discretionary authority.
Sec. 551. Evidentiary standards and regulations.
Sec. 552. Identification documents.
Sec. 553. Waiver of regulations.
Sec. 554. Notices of change of address.
Sec. 555. Foreign students and exchange Program participants.

TITLE VI—WORK AUTHORIZATION AND LEGALIZATION OF UNDOCUMENTED INDIVIDUALS

Subtitle A—Access to Earned Adjustment and Mandatory Departure and Reentry

Sec. 601. Access to earned adjustment and mandatory departure and reentry.

Subtitle B—Agricultural Job Opportunities, Benefits, and Security

Sec. 611. Short title.
Sec. 612. Definitions.

CHAPTER 1—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

Sec. 613. Agricultural workers.
Sec. 614. Correction of Social Security records.

CHAPTER 2—REFORM OF H-2A WORKER PROGRAM

Sec. 615. Amendment to the Immigration and Nationality Act.

CHAPTER 3—MISCELLANEOUS PROVISIONS

Sec. 616. Determination and use of user fees.
Sec. 617. Regulations.
Sec. 618. Report to Congress.
Sec. 619. Effective date.

Subtitle C—DREAM Act

Sec. 621. Short title.
Sec. 622. Definitions.
Sec. 623. Restoration of State option to determine residency for purposes of higher Education benefits.
Sec. 624. Cancellation of removal and adjustment of status of certain Long-Term residents who entered the United States as children.
Sec. 625. Conditional permanent resident status.
Sec. 626. Retroactive benefits.
Sec. 627. Exclusive jurisdiction.
Sec. 628. Penalties for false statements in application.
Sec. 629. Confidentiality of information.
Sec. 630. Expedited processing of applications; prohibition on fees.
Sec. 631. Higher Education assistance.
Sec. 632. GAO report.

Subtitle D—Programs To Assist Nonimmigrant Workers

Sec. 641. Ineligibility and removal prior to application period.
Sec. 642. Grants to support public education and community training.
Sec. 643. Strengthening American citizenship.
Sec. 644. Supplemental Immigration fee.
Sec. 645. Addressing poverty in Mexico.

TITLE VII—MISCELLANEOUS

Subtitle A—Immigration Litigation Reduction

CHAPTER 1—APPEALS AND REVIEW

Sec. 701. Additional Immigration personnel.

CHAPTER 2—IMMIGRATION REVIEW REFORM

Sec. 702. Board of Immigration Appeals.
Sec. 703. Immigration judges.
Sec. 704. Removal and review of judges.
Sec. 705. Legal orientation Program.
Sec. 706. Regulations.
Sec. 707. GAO study on the appellate process for Immigration appeals.
Sec. 708. Senior judge participation in the selection of magistrates.

Subtitle B—Citizenship Assistance for Members of the Armed Services

Sec. 711. Short title.
Sec. 712. Waiver of requirement for fingerprints for Members of the Armed Forces.
Sec. 713. Provision of information on naturalization to Members of the Armed Forces.
Sec. 714. Provision of information on naturalization to the public.
Sec. 715. Reports.

Subtitle C—State Court Interpreter Grant Program

Sec. 721. Short title.
Sec. 722. Findings.
Sec. 723. State court interpreter Program.
Sec. 724. Authorization of appropriations.

Subtitle D—Border Infrastructure and Technology Modernization

Sec. 731. Short title.
Sec. 732. Definitions.
Sec. 733. Port of Entry Infrastructure Assessment Study.
Sec. 734. National Land Border Security Plan.
Sec. 735. Expansion of commerce security programs.
Sec. 736. Port of entry technology demonstration Program.
Sec. 737. Authorization of appropriations.

Subtitle E—Family Humanitarian Relief

Sec. 741. Short title.
Sec. 742. Adjustment of status for certain nonimmigrant victims of terrorism.
Sec. 743. Cancellation of removal for certain immigrant victims of terrorism.
Sec. 744. Exceptions.
Sec. 745. Evidence of death.
Sec. 746. Definitions.

Subtitle F—Other Matters

Sec. 751. Noncitizen membership in the Armed Forces.
Sec. 752. Nonimmigrant alien status for certain athletes.
Sec. 753. Extension of returning worker exemption.
Sec. 754. Surveillance technologies programs.
Sec. 755. Comprehensive Immigration efficiency review.
Sec. 756. Northern Border Prosecution Initiative.
Sec. 757. Southwest Border Prosecution Initiative.
Sec. 758. Grant Program to assist eligible applicants.
Sec. 759. Screening of municipal solid waste.
Sec. 760. Access to Immigration services in areas that are not accessible by road.
Sec. 761. Border Security on certain Federal land.
Sec. 762. Unmanned Aerial Vehicles.
Sec. 763. Relief for widows and orphans.
Sec. 764. Terrorist activities.
Sec. 765. Family unity.
Sec. 766. Travel document plan.
Sec. 767. English as national language.
Sec. 768. Requirements for naturalization.
Sec. 769. Declaration of English.
Sec. 770. Preserving and enhancing the role of the English language.
Sec. 771. Exclusion of illegal aliens from congressional apportionment tabulations.
Sec. 772. Office of Internal Corruption Investigation.
Sec. 773. Adjustment of status for certain persecuted religious minorities.
Sec. 774. Eligibility of agricultural and forestry workers for certain legal assistance.
Sec. 775. Designation of Program countries.
Sec. 776. Global healthcare cooperation.
Sec. 777. Attestation by healthcare workers.
Sec. 778. Public access to the Statue of Liberty.
Sec. 779. National security determination.

TITLE VIII—INTERCOUNTRY ADOPTION REFORM

Sec. 801. Short title.
Sec. 802. Findings; purposes.
Sec. 803. Definitions.

Subtitle A—Administration of Intercountry Adoptions

Sec. 811. Office of Intercountry Adoptions.
Sec. 812. Recognition of Convention adoptions in the United States.
Sec. 813. Technical and conforming amendment.
Sec. 814. Transfer of functions.
Sec. 815. Transfer of resources.
Sec. 816. Incidental transfers.
Sec. 817. Savings provisions.

Subtitle B—Reform of United States Laws Governing Intercountry Adoptions

Sec. 821. Automatic acquisition of citizenship for adopted children born outside the United States.
Sec. 822. Revised procedures.
Sec. 823. Nonimmigrant visas for children traveling to the United States to be adopted by a United States citizen.
Sec. 824. Definition of adoptable child.
Sec. 825. Approval to adopt.
Sec. 826. Adjudication of child status.
Sec. 827. Funds.

Subtitle C—Enforcement

Sec. 831. Civil penalties and enforcement.
Sec. 832. Criminal penalties.

SEC. 2. REFERENCE TO THE IMMIGRATION AND NATIONALITY ACT.

Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 3. DEFINITIONS.

In this division:

(1) DEPARTMENT.—Except as otherwise provided, the term "Department" means the Department of Homeland Security.

(2) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

SEC. 4. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be invalid for any reason, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any other person or circumstance shall not be affected by such holding.

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

SEC. 101. ENFORCEMENT PERSONNEL.

(a) ADDITIONAL PERSONNEL.—

(1) PORT OF ENTRY INSPECTORS.—In each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 500 the number of positions for full-time active duty port of entry inspectors and provide appropriate training, equipment, and support to such additional inspectors.

(2) INVESTIGATIVE PERSONNEL.—

(A) IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking "800" and inserting "1000".

(B) ADDITIONAL PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subparagraph (A), during each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(3) DEPUTY UNITED STATES MARSHALS.—In each of the fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations, increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals that investigate criminal matters related to immigration.

(4) RECRUITMENT OF FORMER MILITARY PERSONNEL.—

(A) IN GENERAL.—The Commissioner of United States Customs and Border Protection, in conjunction with the Secretary of Defense or a designee of the Secretary of Defense, shall establish a program to actively recruit members of the Army, Navy, Air Force, Marine Corps, and Coast Guard who have elected to separate from active duty.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit a report on the implementation of the recruitment program established pursuant to subparagraph (A) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) PORT OF ENTRY INSPECTORS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out paragraph (1) of subsection (a).

(2) DEPUTY UNITED STATES MARSHALS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a)(3).

(3) BORDER PATROL AGENTS.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734) is amended to read as follows:

"SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

"(a) ANNUAL INCREASES.—The Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time active-duty border patrol agents within the Department of Homeland Security (above the number of such positions for which funds were appropriated for the preceding fiscal year), by—

"(1) 2,000 in fiscal year 2006;

"(2) 2,400 in fiscal year 2007;

"(3) 2,400 in fiscal year 2008;

"(4) 2,400 in fiscal year 2009;

"(5) 2,400 in fiscal year 2010; and

"(6) 2,400 in fiscal year 2011;

"(b) NORTHERN BORDER.—In each of the fiscal years 2006 through 2011, in addition to the border patrol agents assigned along the northern border of the United States during the previous fiscal year, the Secretary shall assign a number of border patrol agents equal to not less than 20 percent of the net increase in border patrol agents during each such fiscal year.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.".

SEC. 102. TECHNOLOGICAL ASSETS.

(a) ACQUISITION.—Subject to the availability of appropriations, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary and the Secretary of Defense shall submit to Congress a report that contains—

(1) a description of the current use of Department of Defense equipment to assist the Secretary in carrying out surveillance of the international land borders of the United States and assessment of the risks to citizens of the United States and foreign policy interests associated with the use of such equipment;

(2) the plan developed under subsection (b) to increase the use of Department of Defense equipment to assist such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by the Secretary of Defense under such plan during the 1-year period beginning on the date of the submission of the report.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

(e) UNMANNED AERIAL VEHICLE PILOT PROGRAM.—During the 1-year period beginning on the date on which the report is submitted under subsection (c), the Secretary shall conduct a pilot program to test unmanned aerial vehicles for border surveillance along the international border between Canada and the United States.

(f) CONSTRUCTION.—Nothing in this section may be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. 103. INFRASTRUCTURE.

(a) CONSTRUCTION OF BORDER CONTROL FACILITIES.—Subject to the availability of appropriations, the Secretary shall construct all-weather roads and acquire additional vehicle barriers and facilities necessary to achieve operational control of the international borders of the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

SEC. 104. BORDER PATROL CHECKPOINTS.

The Secretary may maintain temporary or permanent checkpoints on roadways in border patrol sectors that are located in proximity to the international border between the United States and Mexico.

SEC. 105. PORTS OF ENTRY.

The Secretary is authorized to—

(1) construct additional ports of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

(2) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 106. CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) TUCSON SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) YUMA SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector; and

(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(c) Other High Trafficked Areas.—The Secretary shall construct not less than 370 miles of triple-layered fencing which may include portions already constructed in San Diego Tucson and Yuma Sectors, and 500 miles of vehicle barriers in other areas along the southwest border that the Secretary determines are areas that are most often used by smugglers and illegal aliens attempting to gain illegal entry into the United States.

(d) Construction Deadline.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a), (b), and (c) and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(e) Report.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a), (b), and (c).

(f) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Subtitle B—Border Security Plans, Strategies, and Reports

SEC. 111. SURVEILLANCE PLAN.

(a) Requirement for Plan.—The Secretary shall develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) Content.—The plan required by subsection (a) shall include the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) A description of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.

(3) A description of how the Commissioner of the United States Customs and Border Protection of the Department is working, or is expected to work, with the Under Secretary for Science and Technology of the Department to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) Identification of any obstacles that may impede such deployment.

(6) A detailed estimate of all costs associated with such deployment and with continued maintenance of such technologies.

(7) A description of how the Secretary is working with the Administrator of the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles.

(c) Submission to Congress.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

SEC. 112. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) Requirement for Strategy.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(b) Content.—The National Strategy for Border Security shall include the following:

(1) The implementation schedule for the comprehensive plan for systematic surveillance described in section 111.

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(3) A risk assessment for all United States ports of entry and all portions of the international land and maritime borders of the United States that includes a description of activities being undertaken—

(A) to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) to protect critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

(5) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(6) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(7) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations regarding actions the Secretary can carry out to improve coordination with such authorities to enable border security and enforcement activities to be carried out in a more efficient and effective manner.

(8) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, personal property rights, privacy rights, and civil liberties, including an assessment of efforts to take into account asylum seekers, trafficking victims, unaccompanied minor aliens, and other vulnerable populations.

(9) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(10) A description of ways to ensure that the free flow of travel and commerce is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(11) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(12) A description of the performance metrics to be used to ensure accountability by the bureaus of the Department in implementing such Strategy.

(13) A schedule for the implementation of the security measures described in such Strategy, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.

(c) Consultation.—In developing the National Strategy for Border Security, the Secretary shall consult with representatives of—

(1) State, local, and tribal authorities with responsibility for locations along the international land and maritime borders of the United States; and

(2) appropriate private sector entities, nongovernmental organizations, and affected communities that have expertise in areas related to border security.

(d) Coordination.—The National Strategy for Border Security shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13, dated December 21, 2004.

(e) Submission to Congress.—

(1) Strategy.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress the National Strategy for Border Security.

(2) Updates.—The Secretary shall submit to Congress any update of such Strategy that the Secretary determines is necessary, not later than 30 days after such update is developed.

(f) Immediate Action.—Nothing in this section or section 111 may be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

SEC. 113. REPORTS ON IMPROVING THE EXCHANGE OF INFORMATION ON NORTH AMERICAN SECURITY.

(a) Requirement for Reports.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary and the heads of other appropriate Federal agencies, shall submit to Congress a report on improving the exchange of information related to the security of North America.

(b) Contents.—Each report submitted under subsection (a) shall contain a description of the following:

(1) Security clearances and document integrity.—The progress made toward the development of common enrollment, security, technical, and biometric standards for the issuance, authentication, validation, and repudiation of secure documents, including—

(A) technical and biometric standards based on best practices and consistent with international standards for the issuance, authentication, validation, and repudiation of travel documents, including—

(i) passports;

(ii) visas; and

(iii) permanent resident cards;

(B) working with Canada and Mexico to encourage foreign governments to enact laws to combat alien smuggling and trafficking, and laws to forbid the use and manufacture of fraudulent travel documents and to promote information sharing;

(C) applying the necessary pressures and support to ensure that other countries meet proper travel document standards and are committed to travel document verification before the citizens of such countries travel internationally, including travel by such citizens to the United States; and

(D) providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with visa and travel documents.

(2) IMMIGRATION AND VISA MANAGEMENT.—The progress of efforts to share information regarding high-risk individuals who may attempt to enter Canada, Mexico, or the United States, including the progress made—

(A) in implementing the Statement of Mutual Understanding on Information Sharing, signed by Canada and the United States in February 2003; and

(B) in identifying trends related to immigration fraud, including asylum and document fraud, and to analyze such trends.

(3) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and identifying best practices regarding immigration security, including the progress made—

(A) in enhancing consultation among officials who issue visas at the consulates or embassies of Canada, Mexico, or the United States throughout the world to share information, trends, and best practices on visa flows;

(B) in comparing the procedures and policies of Canada and the United States related to visitor visa processing, including—

(i) application process;

(ii) interview policy;

(iii) general screening procedures;

(iv) visa validity;

(v) quality control measures; and

(vi) access to appeal or review;

(C) in exploring methods for Canada, Mexico, and the United States to waive visa requirements for nationals and citizens of the same foreign countries;

(D) in providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with immigration violators;

(E) in developing and implementing an immigration security strategy for North America that works toward the development of a common security perimeter by enhancing technical assistance for programs and systems to support advance automated reporting and risk targeting of international passengers;

(F) in sharing information on lost and stolen passports on a real-time basis among immigration or law enforcement officials of Canada, Mexico, and the United States; and

(G) in collecting 10 fingerprints from each individual who applies for a visa.

(4) NORTH AMERICAN VISITOR OVERSTAY PROGRAM.—The progress made by Canada and the United States in implementing parallel entry-exit tracking systems that, while respecting the privacy laws of both countries, share information regarding third country nationals who have overstayed their period of authorized admission in either Canada or the United States.

(5) TERRORIST WATCH LISTS.—The progress made in enhancing the capacity of the United States to combat terrorism through the coordination of counterterrorism efforts, including the progress made—

(A) in developing and implementing bilateral agreements between Canada and the United States and between Mexico and the United States to govern the sharing of terrorist watch list data and to comprehensively enumerate the uses of such data by the governments of each country;

(B) in establishing appropriate linkages among Canada, Mexico, and the United States Terrorist Screening Center; and

(C) in exploring with foreign governments the establishment of a multilateral watch list mechanism that would facilitate direct coordination between the country that identifies an individual as an individual included on a watch list, and the country that owns such list, including procedures that satisfy the security concerns and are consistent with the privacy and other laws of each participating country.

(6) MONEY LAUNDERING, CURRENCY SMUGGLING, AND ALIEN SMUGGLING.—The progress made in improving information sharing and law enforcement cooperation in combating organized crime, including the progress made—

(A) in combating currency smuggling, money laundering, alien smuggling, and trafficking in alcohol, firearms, and explosives;

(B) in implementing the agreement between Canada and the United States known as the Firearms Trafficking Action Plan;

(C) in determining the feasibility of formulating a firearms trafficking action plan between Mexico and the United States;

(D) in developing a joint threat assessment on organized crime between Canada and the United States;

(E) in determining the feasibility of formulating a joint threat assessment on organized crime between Mexico and the United States;

(F) in developing mechanisms to exchange information on findings, seizures, and capture of individuals transporting undeclared currency; and

(G) in developing and implementing a plan to combat the transnational threat of illegal drug trafficking.

(7) LAW ENFORCEMENT COOPERATION.—The progress made in enhancing law enforcement cooperation among Canada, Mexico, and the United States through enhanced technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with known and suspected criminals or terrorists, including exploring the formation of law enforcement teams that include personnel from the United States and Mexico, and appropriate procedures for such teams.

SEC. 114. IMPROVING THE SECURITY OF MEXICO'S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in coordination with the Secretary, shall work to cooperate with the head of Foreign Affairs Canada and the appropriate officials of the Government of Mexico to establish a program—

(1) to assess the specific needs of Guatemala and Belize in maintaining the security of the international borders of such countries;

(2) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(3) to provide technical assistance to Guatemala and Belize to promote issuance of secure passports and travel documents by such countries; and

(4) to encourage Guatemala and Belize—

(A) to control alien smuggling and trafficking;

(B) to prevent the use and manufacture of fraudulent travel documents; and

(C) to share relevant information with Mexico, Canada, and the United States.

(b) BORDER SECURITY FOR BELIZE, GUATEMALA, AND MEXICO.—The Secretary, in consultation with the Secretary of State, shall work to cooperate—

(1) with the appropriate officials of the Government of Guatemala and the Government of Belize to provide law enforcement assistance to Guatemala and Belize that specifically addresses immigration issues to increase the ability of the Government of Guatemala to dismantle human smuggling organizations and gain additional control over the international border between Guatemala and Belize; and

(2) with the appropriate officials of the Government of Belize, the Government of Guatemala, the Government of Mexico, and the governments of neighboring contiguous countries to establish a program to provide needed equipment, technical assistance, and vehicles to manage, regulate, and patrol the international borders between Mexico and Guatemala and between Mexico and Belize.

(c) TRACKING CENTRAL AMERICAN GANGS.—The Secretary of State, in coordination with the Secretary and the Director of the Federal Bureau of Investigation, shall work to cooperate with the appropriate officials of the Government of Mexico, the Government of Guatemala, the Government of Belize, and the governments of other Central American countries—

(1) to assess the direct and indirect impact on the United States and Central America of deporting violent criminal aliens;

(2) to establish a program and database to track individuals involved in Central American gang activities;

(3) to develop a mechanism that is acceptable to the governments of Belize, Guatemala, Mexico, the United States, and other appropriate countries to notify such a government if an individual suspected of gang activity will be deported to that country prior to the deportation and to provide support for the reintegration of such deportees into that country; and

(4) to develop an agreement to share all relevant information related to individuals connected with Central American gangs.

(d) LIMITATIONS ON ASSISTANCE.—Any funds made available to carry out this section shall be subject to the limitations contained in section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2006 (Public Law 109–102; 119 Stat. 2218).

SEC. 115. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

(d) SAVINGS PROVISION.—Nothing in this section may be construed to provide additional authority to any State or local entity to enforce Federal immigration laws.

SEC. 116. DEATHS AT UNITED STATES-MEXICO BORDER.

(a) COLLECTION OF STATISTICS.—The Commissioner of the Bureau of Customs and Border Protection shall collect statistics relating to deaths occurring at the border between the United States and Mexico, including—

(1) the causes of the deaths; and

(2) the total number of deaths.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Commissioner of the Bureau of Customs and Border Protection shall submit to the Secretary a report that—

(1) analyzes trends with respect to the statistics collected under subsection (a) during the preceding year; and

(2) recommends actions to reduce the deaths described in subsection (a).

SEC. 117. COOPERATION WITH THE GOVERNMENT OF MEXICO.

(a) COOPERATION REGARDING BORDER SECURITY.—The Secretary of State, in cooperation with the Secretary and representatives of Federal, State, and local law enforcement agencies that are involved in border security and immigration enforcement efforts, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico regarding—

(1) improved border security along the international border between the United States and Mexico;

(2) the reduction of human trafficking and smuggling between the United States and Mexico;

(3) the reduction of drug trafficking and smuggling between the United States and Mexico;

(4) the reduction of gang membership in the United States and Mexico;

(5) the reduction of violence against women in the United States and Mexico; and

(6) the reduction of other violence and criminal activity.

(b) COOPERATION REGARDING EDUCATION ON IMMIGRATION LAWS.—The Secretary of State, in cooperation with other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to carry out activities to educate citizens and nationals of Mexico regarding eligibility for status as a nonimmigrant under Federal law to ensure that the citizens and nationals are not exploited while working in the United States.

(c) COOPERATION REGARDING CIRCULAR MIGRATION.—The Secretary of State, in cooperation with the Secretary of Labor and other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico to encourage circular migration, including assisting in the development of economic opportunities and providing job training for citizens and nationals in Mexico.

(d) CONSULTATION REQUIREMENT.—Federal, State, and local representatives in the United States shall consult with their counterparts in Mexico concerning the construction of additional fencing and related border security structures along the international border between the United States and Mexico, as authorized by this title, before the commencement of any such construction in order to—

(1) solicit the views of affected communities;

(2) lessen tensions; and

(3) foster greater understanding and stronger cooperation on this and other important security issues of mutual concern.

(e) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of State shall submit to Congress a report on the actions taken by the United States and Mexico under this section.

Subtitle C—Other Border Security Initiatives

SEC. 121. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2007, the Secretary shall—

(1) in consultation with the Attorney General, enhance connectivity between the Automated Biometric Fingerprint Identification System (IDENT) of the Department and the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect all fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a).

SEC. 122. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations;

(3) between Border Patrol agents and residents in remote areas along the international land borders of the United States; and

(4) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

SEC. 123. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Secretary to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) COMPONENTS OF REVIEW.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has changed since September 11, 2001, and an evaluation of language and cultural diversity training programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector.

(4) An evaluation of whether utilizing comparable non-Federal training programs, proficiency testing, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year;

(B) the per agent costs of basic training; and

(C) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 124. US-VISIT SYSTEM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a schedule for—

(1) equipping all land border ports of entry of the United States with the U.S.-Visitor and Immigrant Status Indicator Technology (US-VISIT) system implemented under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a);

(2) developing and deploying at such ports of entry the exit component of the US-VISIT system; and

(3) making interoperable all immigration screening systems operated by the Secretary.

SEC. 125. DOCUMENT FRAUD DETECTION.

(a) TRAINING.—Subject to the availability of appropriations, the Secretary shall provide all Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the head of the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement.

(b) FORENSIC DOCUMENT LABORATORY.—The Secretary shall provide all Customs and Border Protection officers with access to the Forensic Document Laboratory.

(c) ASSESSMENT.—

(1) REQUIREMENT FOR ASSESSMENT.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Inspector General shall submit to Congress the findings of the assessment required by paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 126. IMPROVED DOCUMENT INTEGRITY.

(a) IN GENERAL.—Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in the heading, by striking "**ENTRY AND EXIT DOCUMENTS**" and inserting "**TRAVEL AND ENTRY DOCUMENTS AND EVIDENCE OF STATUS**";

(3) in subsection (b)(1)—

(A) by striking "Not later than October 26, 2004, the" and inserting "The"; and

(B) by striking "visas and" both places it appears and inserting "visas, evidence of status, and";

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following:

“(d) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of an alien's status as an immigrant, nonimmigrant, parolee, asylee, or refugee, shall be machine-readable and tamper-resistant, and shall incorporate a biometric identifier to allow the Secretary of Homeland Security to verify electronically the identity and status of the alien.”.

SEC. 127. CANCELLATION OF VISAS.

Section 222(g) (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

(B) by inserting “and any other nonimmigrant visa issued by the United States that is in the possession of the alien” after “such visa”; and

(2) in paragraph (2)(A), by striking “(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality” and inserting “(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence”.

SEC. 128. BIOMETRIC ENTRY-EXIT SYSTEM.

(a) COLLECTION OF BIOMETRIC DATA FROM ALIENS DEPARTING THE UNITED STATES.—Section 215 (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (g);

(2) by moving subsection (g), as redesignated by paragraph (1), to the end; and

(3) by inserting after subsection (b) the following:

“(c) The Secretary of Homeland Security is authorized to require aliens departing the United States to provide biometric data and other information relating to their immigration status.”.

(b) INSPECTION OF APPLICANTS FOR ADMISSION.—Section 235(d) (8 U.S.C. 1225(d)) is amended by adding at the end the following:

“(5) AUTHORITY TO COLLECT BIOMETRIC DATA.—In conducting inspections under subsection (b), immigration officers are authorized to collect biometric data from—

“(A) any applicant for admission or alien seeking to transit through the United States; or

“(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).”.

(c) COLLECTION OF BIOMETRIC DATA FROM ALIEN CREWMEN.—Section 252 (8 U.S.C. 1282) is amended by adding at the end the following:

“(d) An immigration officer is authorized to collect biometric data from an alien crewman seeking permission to land temporarily in the United States.”.

(d) GROUNDS OF INADMISSIBILITY.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end the following:

“(C) WITHHOLDERS OF BIOMETRIC DATA.—Any alien who knowingly fails to comply with a lawful request for biometric data under section 215(c) or 235(d) is inadmissible.”; and

(2) in subsection (d), by inserting after paragraph (1) the following:

“(2) The Secretary of Homeland Security shall determine whether a ground for inadmissibility exists with respect to an alien described in subparagraph (C) of subsection (a)(7) and may waive the application of such subparagraph for an individual alien or a class of aliens, at the discretion of the Secretary.”.

(e) IMPLEMENTATION.—Section 7208 of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1365b) is amended—

(1) in subsection (c), by adding at the end the following:

“(3) IMPLEMENTATION.—In fully implementing the automated biometric entry and exit data system under this section, the Secretary is not required to comply with the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) or any other law relating to rulemaking, information collection, or publication in the Federal Register.”; and

(2) in subsection (l)—

(A) by striking “There are authorized” and inserting the following:

“(1) IN GENERAL.—There are authorized”; and

(B) by adding at the end the following:

“(2) IMPLEMENTATION AT ALL LAND BORDER PORTS OF ENTRY.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 and 2008 to implement the automated biometric entry and exit data system at all land border ports of entry.”.

SEC. 129. BORDER STUDY.

(a) SOUTHERN BORDER STUDY.—The Secretary, in consultation with the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall conduct a study on the construction of a system of physical barriers along the southern international land and maritime border of the United States. The study shall include—

(1) an assessment of the necessity of constructing such a system, including the identification of areas of high priority for the construction of such a system determined after consideration of factors including the amount of narcotics trafficking and the number of illegal immigrants apprehended in such areas;

(2) an assessment of the feasibility of constructing such a system;

(3) an assessment of the international, national, and regional environmental impact of such a system, including the impact on zoning, global climate change, ozone depletion, biodiversity loss, and transboundary pollution;

(4) an assessment of the necessity for ports of entry along such a system;

(5) an assessment of the impact such a system would have on international trade, commerce, and tourism;

(6) an assessment of the effect of such a system on private property rights including issues of eminent domain and riparian rights;

(7) an estimate of the costs associated with building a barrier system, including costs associated with excavation, construction, and maintenance;

(8) an assessment of the effect of such a system on Indian reservations and units of the National Park System;

(9) an assessment of the necessity of constructing such a system after the implementation of provisions of this Act relating to guest workers, visa reform, and interior and worksite enforcement, and the likely effect of such provisions on undocumented immigration and the flow of illegal immigrants across the international border of the United States;

(10) an assessment of the impact of such a system on diplomatic relations between the United States and Mexico, Central America, and South America, including the likely impact of such a system on existing and potential areas of bilateral and multilateral cooperative enforcement efforts;

(11) an assessment of the impact of such a system on the quality of life within border communities in the United States and Mexico, including its impact on noise and light pollution, housing, transportation, security, and environmental health;

(12) an assessment of the likelihood that such a system would lead to increased violations of the human rights, health, safety, or civil rights of individuals in the region near the southern international border of the United States, regardless of the immigration status of such individuals;

(13) an assessment of the effect such a system would have on violence near the southern international border of the United States; and

(14) an assessment of the effect of such a system on the vulnerability of the United States to infiltration by terrorists or other agents intending to inflict direct harm on the United States.

(b) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study described in subsection (a).

SEC. 130. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) IN GENERAL.—The Inspector General of the Department shall review each contract action relating to the Secure Border Initiative having a value of more than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and time lines. The Inspector General shall complete a review under this subsection with respect to each contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) INSPECTOR GENERAL.—

(1) ACTION.—If the Inspector General becomes aware of any improper conduct or wrongdoing in the course of conducting a contract review under subsection (a), the Inspector General shall, as expeditiously as practicable, refer information relating to such improper conduct or wrongdoing to the Secretary, or to another appropriate official of the Department, who shall determine whether to temporarily suspend the contractor from further participation in the Secure Border Initiative.

(2) REPORT.—Upon the completion of each review described in subsection (a), the Inspector General shall submit to the Secretary a report containing the findings of the review, including findings regarding—

(A) cost overruns;

(B) significant delays in contract execution;

(C) lack of rigorous departmental contract management;

(D) insufficient departmental financial oversight;

(E) bundling that limits the ability of small businesses to compete; or

(F) other high risk business practices.

(c) REPORTS BY THE SECRETARY.—

(1) IN GENERAL.—Not later than 30 days after the receipt of each report required under subsection (b)(2), the Secretary shall submit a report, to the Committee on the

Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, that describes—

(A) the findings of the report received from the Inspector General; and

(B) the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(2) CONTRACTS WITH FOREIGN COMPANIES.—Not later than 60 days after the initiation of each contract action with a company whose headquarters is not based in the United States, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, regarding the Secure Border Initiative.

(d) REPORTS ON UNITED STATES PORTS.—Not later that 30 days after receiving information regarding a proposed purchase of a contract to manage the operations of a United States port by a foreign entity, the Committee on Foreign Investment in the United States shall submit a report to Congress that describes—

(1) the proposed purchase;

(2) any security concerns related to the proposed purchase; and

(3) the manner in which such security concerns have been addressed.

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General of the Department, there are authorized to be appropriated to the Office, to enable the Office to carry out this section—

(1) for fiscal year 2007, not less than 5 percent of the overall budget of the Office for such fiscal year;

(2) for fiscal year 2008, not less than 6 percent of the overall budget of the Office for such fiscal year; and

(3) for fiscal year 2009, not less than 7 percent of the overall budget of the Office for such fiscal year.

SEC. 131. MANDATORY DETENTION FOR ALIENS APPREHENDED AT OR BETWEEN PORTS OF ENTRY.

(a) IN GENERAL.—Beginning on October 1, 2007, an alien (other than a national of Mexico) who is attempting to illegally enter the United States and who is apprehended at a United States port of entry or along the international land and maritime border of the United States shall be detained until removed or a final decision granting admission has been determined, unless the alien—

(1) is permitted to withdraw an application for admission under section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)) and immediately departs from the United States pursuant to such section; or

(2) is paroled into the United States by the Secretary for urgent humanitarian reasons or significant public benefit in accordance with section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)).

(b) REQUIREMENTS DURING INTERIM PERIOD.—Beginning 60 days after the date of the enactment of this Act and before October 1, 2007, an alien described in subsection (a) may be released with a notice to appear only if—

(1) the Secretary determines, after conducting all appropriate background and security checks on the alien, that the alien does not pose a national security risk; and

(2) the alien provides a bond of not less than $5,000.

(c) RULES OF CONSTRUCTION.—

(1) ASYLUM AND REMOVAL.—Nothing in this section shall be construed as limiting the right of an alien to apply for asylum or for relief or deferral of removal based on a fear of persecution.

(2) TREATMENT OF CERTAIN ALIENS.—The mandatory detention requirement in subsection (a) does not apply to any alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations.

(3) DISCRETION.—Nothing in this section shall be construed as limiting the authority of the Secretary, in the Secretary's sole unreviewable discretion, to determine whether an alien described in clause (ii) of section 235(b)(1)(B) of the Immigration and Nationality Act shall be detained or released after a finding of a credible fear of persecution (as defined in clause (v) of such section).

SEC. 132. EVASION OF INSPECTION OR VIOLATION OF ARRIVAL, REPORTING, ENTRY, OR CLEARANCE REQUIREMENTS.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 555. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements

"(a) PROHIBITION.—A person shall be punished as described in subsection (b) if such person attempts to elude or eludes customs, immigration, or agriculture inspection or fails to stop at the command of an officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States at a port of entry or customs or immigration checkpoint.

"(b) PENALTIES.—A person who commits an offense described in subsection (a) shall be—

"(1) fined under this title;

"(2)(A) imprisoned for not more than 3 years, or both;

"(B) imprisoned for not more than 10 years, or both, if in commission of this violation, attempts to inflict or inflicts bodily injury (as defined in section 1365(g) of this title); or

"(C) imprisoned for any term of years or for life, or both, if death results, and may be sentenced to death; or

"(3) both fined and imprisoned under this subsection.

"(c) CONSPIRACY.—If 2 or more persons conspire to commit an offense described in subsection (a), and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be punishable as a principal, except that the sentence of death may not be imposed.

"(d) PRIMA FACIE EVIDENCE.—For the purposes of seizure and forfeiture under applicable law, in the case of use of a vehicle or other conveyance in the commission of this offense, or in the case of disregarding or disobeying the lawful authority or command of any officer or employee of the United States under section 111(b) of this title, such conduct shall constitute prima facie evidence of smuggling aliens or merchandise.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by inserting at the end:

"555. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements".

(c) FAILURE TO OBEY BORDER ENFORCEMENT OFFICERS.—Section 111 of title 18, United States Code, is amended by inserting after subsection (b) the following:

"(c) FAILURE TO OBEY LAWFUL ORDERS OF BORDER ENFORCEMENT OFFICERS.—Whoever willfully disregards or disobeys the lawful authority or commend of any officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States while engaged in, or on account of, the performance of official duties shall be fined under this title or imprisoned for not more than 5 years, or both.".

SEC. 133. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—(1) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the southern land border of the United States the activities authorized in subsection (b), for the purpose of securing such border. Such duty shall not exceed 21 days in any year.

(2) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform duty under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units or personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The activities authorized by this subsection are any of the following:

(1) Ground reconnaissance activities;

(2) Airborne reconnaissance activities;

(3) Logistical support;

(4) Provision of translation services and training;

(5) Administrative support services;

(6) Technical training services;

(7) Emergency medical assistance and services;

(8) Communications services;

(9) Rescue of aliens in peril;

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States; and

(11) Ground and air transportation.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under subsection (a) shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty.

(f) DEFINITIONS.—In this section:

(1) The term "Governor of a State" means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) The term "State along the southern border of the United States" means each of the following:

(A) The State of Arizona.

(B) The State of California.

(C) The State of New Mexico.

(D) The State of Texas.

(g) Duration of Authority.—The authority of this section shall expire on January 1, 2009.

(h) Prohibition on Direct Participation in Law Enforcement.—Activities carried out under the authority of this section shall not include the direct participation of a member of the National Guard in a search, seizure, arrest, or similar activity.

SEC. 134. REPORT ON INCENTIVES TO ENCOURAGE CERTAIN MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES TO SERVE IN THE BUREAU OF CUSTOMS AND BORDER PROTECTION.

(a) Report Required.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly submit to the appropriate committees of Congress a report assessing the desirability and feasibility of offering incentives to covered members and former members of the Armed Forces for the purpose of encouraging such members to serve in the Bureau of Customs and Border Protection.

(b) Covered Members and Former Members of the Armed Forces.—For purposes of this section, covered members and former members of the Armed Forces are the following:

(1) Members of the reserve components of the Armed Forces.

(2) Former members of the Armed Forces within two years of separation from service in the Armed Forces.

(c) Requirements and Limitations.—

(1) Nature of incentives.—In considering incentives for purposes of the report required by subsection (a), the Secretaries shall consider such incentives, whether monetary or otherwise and whether or not authorized by current law or regulations, as the Secretaries jointly consider appropriate.

(2) Targeting of incentives.—In assessing any incentive for purposes of the report, the Secretaries shall give particular attention to the utility of such incentive in—

(A) encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former of the Armed Forces who have provided border patrol or border security assistance to the Bureau as part of their duties as members of the Armed Forces; and

(B) leveraging military training and experience by accelerating training, or allowing credit to be applied to related areas of training, required for service with the Bureau of Customs and Border Protection.

(3) Payment.—In assessing incentives for purposes of the report, the Secretaries shall assume that any costs of such incentives shall be borne by the Department of Homeland Security.

(d) Elements.—The report required by subsection (a) shall include the following:

(1) A description of various monetary and non-monetary incentives considered for purposes of the report.

(2) An assessment of the desirability and feasibility of utilizing any such incentive for the purpose specified in subsection (a), including an assessment of the particular utility of such incentive in encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former members of the Armed Forces described in subsection (c)(2).

(3) Any other matters that the Secretaries jointly consider appropriate.

(e) Appropriate Committees of Congress Defined.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, and Appropriations of the House of Representatives.

SEC. 135. WESTERN HEMISPHERE TRAVEL INITIATIVE.

(a) Findings.—Congress makes the following findings:

(1) United States citizens make approximately 130,000,000 land border crossings each year between the United States and Canada and the United States and Mexico, with approximately 23,000,000 individual United States citizens crossing the border annually.

(2) Approximately 27 percent of United States citizens possess United States passports.

(3) In fiscal year 2005, the Secretary of State issued an estimated 10,100,000 passports, representing an increase of 15 percent from fiscal year 2004.

(4) The Secretary of State estimates that 13,000,000 passports will be issued in fiscal year 2006, 16,000,000 passports will be issued in fiscal year 2007, and 17,000,000 passports will be issued in fiscal year 2008.

(b) Extension of Western Hemisphere Travel Initiative Implementation Deadline.—Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note) is amended by striking "January 1, 2008" and inserting "the later of June 1, 2009, or 3 months after the Secretary of State and the Secretary of Homeland Security make the certification required in subsection (i) of section 133 of the Comprehensive Immigration Reform Act of 2006.".

(c) Passport Cards.—

(1) Authority to issue.—In order to facilitate travel of United States citizens to Canada, Mexico, the countries located in the Caribbean, and Bermuda, the Secretary of State, in consultation with the Secretary, is authorized to develop a travel document known as a Passport Card.

(2) Issuance.—In accordance with the Western Hemisphere Travel Initiative carried out pursuant to section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note), the Secretary of State, in consultation with the Secretary, shall be authorized to issue to a citizen of the United States who submits an application in accordance with paragraph (5) a travel document that will serve as a Passport Card.

(3) Applicability.—A Passport Card shall be deemed to be a United States passport for the purpose of United States laws and regulations relating to United States passports.

(4) Validity.—A Passport Card shall be valid for the same period as a United States passport.

(5) Limitation on use.—A Passport Card may only be used for the purpose of international travel by United States citizens through land and sea ports of entry between—

(A) the United States and Canada;

(B) the United States and Mexico; and

(C) the United States and a country located in the Caribbean or Bermuda.

(6) Application for issuance.—To be issued a Passport Card, a United States citizen shall submit an application to the Secretary of State. The Secretary of State shall require that such application shall contain the same information as is required to determine citizenship, identity, and eligibility for issuance of a United States passport.

(7) Technology.—

(A) Expedited traveler programs.—To the maximum extent practicable, a Passport Card shall be designed and produced to provide a platform on which the expedited traveler programs carried out by the Secretary, such as NEXUS, NEXUS AIR, SENTRI, FAST, and Register Traveler may be added. The Secretary of State and the Secretary shall notify Congress not later than July 1, 2007, if the technology to add expedited travel features to the Passport Card is not developed by that date.

(B) Technology.—The Secretary and the Secretary of State shall establish a technology implementation plan that accommodates desired technology requirements of the Department of State and the Department, allows for future technological innovations, and ensures maximum facilitation at the northern and southern borders.

(8) Specifications for card.—A Passport Card shall be easily portable and durable. The Secretary of State and the Secretary shall consult regarding the other technical specifications of the Card, including whether the security features of the Card could be combined with other existing identity documentation.

(9) Fee.—

(A) In general.—An applicant for a Passport Card shall submit an application under paragraph (6) together with a nonrefundable fee in an amount to be determined by the Secretary of State. Passport Card fees shall be deposited as an offsetting collection to the appropriate Department of State appropriation, to remain available until expended.

(B) Limitation on fees.—

(i) In general.—The Secretary of State shall seek to make the application fee under this paragraph as low as possible.

(ii) Maximum fee without certification.—Except as provided in clause (iii), the application fee may not exceed $24.

(iii) Maximum fee with certification.—The application fee may be not more than $34 if the Secretary of State, the Secretary, and the Postmaster General—

(I) jointly certify to Congress that the cost to produce and issue a Passport Card significantly exceeds $24; and

(II) provide a detailed cost analysis for such fee.

(C) Reduction of fee.—The Secretary of State shall reduce the fee for a Passport Card for an individual who submits an application for a Passport Card together with an application for a United States passport.

(D) Waiver of fee for children.—The Secretary of State shall waive the fee for a Passport Card for a child under 18 years of age.

(E) Audit.—In the event that the fee for a Passport Card exceeds $24, the Comptroller General of the United States shall conduct an audit to determine whether Passport Cards are issued at the lowest possible cost.

(10) Accessibility.—In order to make the Passport Card easily obtainable, an application for a Passport Card shall be accepted in the same manner and at the same locations as an application for a United States passport.

(11) Rule of construction.—Nothing in this section shall be construed as limiting, altering, modifying, or otherwise affecting the validity of a United States passport. A United States citizen may possess a United States passport and a Passport Card.

(d) State Enrollment Demonstration Program.—

(1) IN GENERAL.—Notwithstanding any other provisions of law, the Secretary of State and the Secretary shall enter into a memorandum of understanding with 1 or more appropriate States to carry out at least 1 demonstration program as follows:

(A) A State may include an individual's United States citizenship status on a driver's license which meets the requirements of section 202 of the REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note).

(B) The Secretary of State shall develop a mechanism to communicate with a participating State to verify the United States citizenship status of an applicant who voluntarily seeks to have the applicant's United States citizenship status included on a driver's license.

(C) All information collected about the individual shall be managed exclusively in the same manner as information collected through a passport application and no further distribution of such information shall be permitted.

(D) A State may not require an individual to include the individual's citizenship status on a driver's license.

(E) Notwithstanding any other provision of law, a driver's license which meets the requirements of this paragraph shall be deemed to be sufficient documentation to permit the bearer to enter the United States from Canada or Mexico through not less than at least 1 designated international border crossing in each State participating in the demonstration program.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall have the effect of creating a national identity card.

(3) AUTHORITY TO EXPAND.—The Secretary of State and the Secretary may expand the demonstration program under this subsection so that such program is carried out in additional States, through additional ports of entry, for additional foreign countries, and in a manner that permits the use of additional types of identification documents to prove identity under the program.

(4) STUDY.—Not later than 6 months after the date that the demonstration program under this subsection is carried out, the Comptroller General of the United States shall conduct a study of—

(A) the cost of the production and issuance of documents that meet the requirements of the program compared with other travel documents;

(B) the impact of the program on the flow of cross-border traffic and the economic impact of the program; and

(C) the security of travel documents that meet the requirements of the program compared with other travel documents.

(5) RECIPROCITY WITH CANADA.—Notwithstanding any other provision of law, if the Secretary of State and the Secretary certify that certain identity documents issued by Canada (or any of its provinces) meet security and citizenship standards comparable to the requirements described in paragraph (1), the Secretary may determine that such documents are sufficient to permit entry into the United States. The Secretary shall work, to the maximum extent possible, to ensure that identification documents issued by Canada that are used as described in this paragraph contain the same technology as identification documents issued by the United States (or any State).

(6) ADDITIONAL PILOT PROGRAMS.—To the maximum extent possible, the Secretary shall seek to conduct pilot programs related to Passport Cards and the State Enrollment Demonstration Program described in this subsection on the international border between the United States and Canada and the international border between the United States and Mexico.

(e) EXPEDITED PROCESSING FOR REPEAT TRAVELERS.—

(1) LAND CROSSINGS.—To the maximum extent practicable at the United States border with Canada and the United States border with Mexico, the Secretary shall expand expedited traveler programs carried out by the Secretary to all ports of entry and should encourage citizens of the United States to participate in the preenrollment programs, as such programs assist border control officers of the United States in the fight against terrorism by increasing the number of known travelers crossing the border. The identities of such expedited travelers should be entered into a database of known travelers who have been subjected to in-depth background and watch-list checks to permit border control officers to focus more attention on unknown travelers, potential criminals, and terrorists. The Secretary, in consultation with the appropriate officials of the Government of Canada, shall equip at least 6 additional northern border crossings with NEXUS technology and 6 additional southern ports of entry with SENTRI technology.

(2) SEA CROSSINGS.—The Commissioner of Customs and Border Patrol shall conduct and expand trusted traveler programs and pilot programs to facilitate expedited processing of United States citizens returning from pleasure craft trips in Canada, Mexico, the Caribbean, or Bermuda. One such program shall be conducted in Florida and modeled on the I-68 program.

(f) PROCESS FOR INDIVIDUALS LACKING APPROPRIATE DOCUMENTS.—

(1) IN GENERAL.—The Secretary shall establish a program that satisfies section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note)—

(A) to permit a citizen of the United States who has not been issued a United States passport or other appropriate travel document to cross the international border and return to the United States for a time period of not more than 72 hours, on a limited basis, and at no additional fee; or

(B) to establish a process to ascertain the identity of, and make admissibility determinations for, a citizen described in paragraph (A) upon the arrival of such citizen at an international border of the United States.

(2) GRACE PERIOD.—During a time period determined by the Secretary, officers of the United States Customs and Border Patrol may permit citizens of the United States and Canada who are unaware of the requirements of section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note), or otherwise lacking appropriate documentation, to enter the United States upon a demonstration of citizenship satisfactory to the officer. Officers of the United States Customs and Border Patrol shall educate such individuals about documentary requirements.

(g) TRAVEL BY CHILDREN.—Notwithstanding any other provision of law, the Secretary shall develop a procedure to accommodate groups of children traveling by land across an international border under adult supervision with parental consent without requiring a government-issued identity and citizenship document.

(h) PUBLIC PROMOTION.—The Secretary of State, in consultation with the Secretary, shall develop and implement an outreach plan to inform United States citizens about the Western Hemisphere Travel Initiative and the provisions of this Act, to facilitate the acquisition of appropriate documentation to travel to Canada, Mexico, the countries located in the Caribbean, and Bermuda, and to educate United States citizens who are unaware of the requirements for such travel. Such outreach plan should include—

(1) written notifications posted at or near public facilities, including border crossings, schools, libraries, Amtrak stations, and United States Post Offices located within 50 miles of the international border between the United States and Canada or the international border between the United States and Mexico and other ports of entry;

(2) provisions to seek consent to post such notifications on commercial property, such as offices of State departments of motor vehicles, gas stations, supermarkets, convenience stores, hotels, and travel agencies;

(3) the collection and analysis of data to measure the success of the public promotion plan; and

(4) additional measures as appropriate.

(i) CERTIFICATION.—Notwithstanding any other provision of law, the Secretary may not implement the plan described in section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) until the later of June 1, 2009, or the date that is 3 months after the Secretary of State and the Secretary certify to Congress that—

(1)(A) if the Secretary and the Secretary of State develop and issue Passport Cards under this section—

(i) such cards have been distributed to at least 90 percent of the eligible United States citizens who applied for such cards during the 6-month period beginning not earlier than the date the Secretary of State began accepting applications for such cards and ending not earlier than 10 days prior to the date of certification;

(ii) Passport Cards are provided to applicants, on average, within 4 weeks of application or within the same period of time required to adjudicate a passport; and

(iii) a successful pilot has demonstrated the effectiveness of the Passport Card; or

(B) if the Secretary and the Secretary of State do not develop and issue Passport Cards under this section and develop a program to issue an alternative document that satisfies the requirements of section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004, in addition to the NEXUS, SENTRI, FAST and Border Crossing Card programs, such alternative document is widely available and well publicized;

(2) United States border crossings have been equipped with sufficient document readers and other technologies to ensure that implementation will not substantially slow the flow of traffic and persons across international borders;

(3) officers of the Bureau of Customs and Border Protection have received training and been provided the infrastructure necessary to accept Passport Cards and all alternative identity documents at all United States border crossings; and

(4) the outreach plan described in subsection (g) has been implemented and the Secretary determines such plan has been successful in providing information to United States citizens.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State and the Secretary such sums as may be necessary to carry out this section, and the amendment made by this section.

Subtitle D—Border Tunnel Prevention Act

SEC. 141. SHORT TITLE.

This subtitle may be cited as the "Border Tunnel Prevention Act".

SEC. 142. CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, as amended by section 132, is further amended by adding at the end the following:

"§ 556. Border tunnels and passages

"(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be fined under this title and imprisoned for not more than 20 years.

"(b) Any person who knows or recklessly disregards the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be fined under this title and imprisoned for not more than 10 years.

"(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi))) shall be subject to a maximum term of imprisonment that is twice the maximum term of imprisonment that would have otherwise been applicable had the unlawful activity not made use of such a tunnel or passage.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, as amended by section 132, is further amended by adding at the end the following:

"Sec. 556. Border tunnels and passages".

(c) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by inserting "556," before "1425,".

SEC. 143. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 556 of title 18, United States Code, as added by section 142.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 556 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) provide adequate base offense levels for offenses under such section;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(B) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(4) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(5) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(6) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

Subtitle E—Border Law Enforcement Relief Act

SEC. 151. SHORT TITLE.

This subtitle may be cited as the "Border Law Enforcement Relief Act of 2006".

SEC. 152. FINDINGS.

Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed $89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region

SEC. 153. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term "eligible law enforcement agency" means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term "High Impact Area" means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. 154. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this subtitle shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

Subtitle F—Rapid Response Measures

SEC. 161. DEPLOYMENT OF BORDER PATROL AGENTS.

(a) EMERGENCY DEPLOYMENT OF BORDER PATROL AGENTS.—

(1) IN GENERAL.—If the Governor of a State on an international border of the United States declares an international border security emergency and requests additional United States Border Patrol agents (referred to in this subtitle as "agents") from the Secretary, the Secretary, subject to paragraphs (1) and (2), may provide the State with not more than 1,000 additional agents for the purpose of patrolling and defending the international border, in order to prevent individuals from crossing the international border into the United States at any location other than an authorized port of entry.

(2) CONSULTATION.—Upon receiving a request for agents under paragraph (1), the Secretary, after consultation with the President, shall grant such request to the extent that providing such agents will not significantly impair the Department's ability to provide border security for any other State.

(3) COLLECTIVE BARGAINING.—Emergency deployments under this subsection shall be made in accordance with all applicable collective bargaining agreements and obligations.

(b) ELIMINATION OF FIXED DEPLOYMENT OF BORDER PATROL AGENTS.—The Secretary shall ensure that agents are not precluded from performing patrol duties and apprehending violators of law, except in unusual circumstances if the temporary use of fixed deployment positions is necessary.

(c) INCREASE IN FULL-TIME BORDER PATROL AGENTS.—Section 5202(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734), as amended by section 101(b)(2), is further amended by striking "2,000" and inserting "3,000".

SEC. 162. BORDER PATROL MAJOR ASSETS.

(a) CONTROL OF BORDER PATROL ASSETS.—The United States Border Patrol shall have complete and exclusive administrative and operational control over all the assets utilized in carrying out its mission, including, aircraft, watercraft, vehicles, detention space, transportation, and all of the personnel associated with such assets.

(b) HELICOPTERS AND POWER BOATS.—

(1) HELICOPTERS.—The Secretary shall increase, by not less than 100, the number of helicopters under the control of the United States Border Patrol. The Secretary shall ensure that appropriate types of helicopters are procured for the various missions being performed.

(2) POWER BOATS.—The Secretary shall increase, by not less than 250, the number of power boats under the control of the United States Border Patrol. The Secretary shall ensure that the types of power boats that are procured are appropriate for both the waterways in which they are used and the mission requirements.

(3) USE AND TRAINING.—The Secretary shall—

(A) establish an overall policy on how the helicopters and power boats procured under this subsection will be used; and

(B) implement training programs for the agents who use such assets, including safe operating procedures and rescue operations.

(c) MOTOR VEHICLES.—

(1) QUANTITY.—The Secretary shall establish a fleet of motor vehicles appropriate for use by the United States Border Patrol that will permit a ratio of not less than 1 police-type vehicle for every 3 agents. These police-type vehicles shall be replaced not less than every 3 years. The Secretary shall ensure that there are sufficient numbers and types of other motor vehicles to support the mission of the United States Border Patrol.

(2) FEATURES.—All motor vehicles purchased for the United States Border Patrol shall—

(A) be appropriate for the mission of the United States Border Patrol; and

(B) have a panic button and a global positioning system device that is activated solely in emergency situations to track the location of agents in distress.

SEC. 163. ELECTRONIC EQUIPMENT.

(a) PORTABLE COMPUTERS.—The Secretary shall ensure that each police-type motor vehicle in the fleet of the United States Border Patrol is equipped with a portable computer with access to all necessary law enforcement databases and otherwise suited to the unique operational requirements of the United States Border Patrol.

(b) RADIO COMMUNICATIONS.—The Secretary shall augment the existing radio communications system so that all law enforcement personnel working in each area where United States Border Patrol operations are conducted have clear and encrypted 2-way radio communication capabilities at all times. Each portable communications device shall be equipped with a panic button and a global positioning system device that is activated solely in emergency situations to track the location of agents in distress.

(c) HAND-HELD GLOBAL POSITIONING SYSTEM DEVICES.—The Secretary shall ensure that each United States Border Patrol agent is issued a state-of-the-art hand-held global positioning system device for navigational purposes.

(d) NIGHT VISION EQUIPMENT.—The Secretary shall ensure that sufficient quantities of state-of-the-art night vision equipment are procured and maintained to enable each United States Border Patrol agent working during the hours of darkness to be equipped with a portable night vision device.

SEC. 164. PERSONAL EQUIPMENT.

(a) BODY ARMOR.—The Secretary shall ensure that every agent is issued high-quality body armor that is appropriate for the climate and risks faced by the agent. Each agent shall be permitted to select from among a variety of approved brands and styles. Agents shall be strongly encouraged, but not required, to wear such body armor whenever practicable. All body armor shall be replaced not less than every 5 years.

(b) WEAPONS.—The Secretary shall ensure that agents are equipped with weapons that are reliable and effective to protect themselves, their fellow agents, and innocent third parties from the threats posed by armed criminals. The Secretary shall ensure that the policies of the Department authorize all agents to carry weapons that are suited to the potential threats that they face.

(c) UNIFORMS.—The Secretary shall ensure that all agents are provided with all necessary uniform items, including outerwear suited to the climate, footwear, belts, holsters, and personal protective equipment, at no cost to such agents. Such items shall be replaced at no cost to such agents as they become worn, unserviceable, or no longer fit properly.

SEC. 165. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this subtitle.

TITLE II—INTERIOR ENFORCEMENT

SEC. 201. REMOVAL AND DENIAL OF BENEFITS TO TERRORIST ALIENS.

(a) ASYLUM.—Section 208(b)(2)(A)(v) (8 U.S.C. 1158(b)(2)(A)(v)) is amended by striking "or (VI)" and inserting "(V), (VI), (VII), or (VIII)".

(b) CANCELLATION OF REMOVAL.—Section 240A(c)(4) (8 U.S.C. 1229b(c)(4)) is amended—

(1) by striking "inadmissible under" and inserting "described in"; and

(2) by striking "deportable under" and inserting "described in".

(c) VOLUNTARY DEPARTURE.—Section 240B(b)(1)(C) (8 U.S.C. 1229c(b)(1)(C)) is amended by striking "deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)" and inserting "described in paragraph (2)(A)(iii) or (4) of section 237(a)".

(d) RESTRICTION ON REMOVAL.—Section 241(b)(3)(B) (8 U.S.C. 1231(b)(3)(B)) is amended—

(1) in clause (iii), by striking "or" at the end;

(2) in clause (iv) by striking the period at the end and inserting "; or";

(3) by inserting after clause (iv) the following:

"(v) the alien is described in section 237(a)(4)(B) (other than an alien described in section 212(a)(3)(B)(i)(IV) if the Secretary of Homeland Security determines that there are not reasonable grounds for regarding the alien as a danger to the security of the United States)."; and

(4) in the undesignated paragraph, by striking "For purposes of clause (iv), an alien who is described in section 237(a)(4)(B) shall be considered to be an alien with respect to whom there are reasonable grounds for regarding as a danger to the security of the United States.".

(e) RECORD OF ADMISSION.—Section 249 (8 U.S.C. 1259) is amended to read as follows:

"SEC. 249. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JANUARY 1, 1972.

"A record of lawful admission for permanent residence may be made, in the discretion of the Secretary of Homeland Security and under such regulations as the Secretary may prescribe, for any alien, as of the date of the approval of the alien's application or, if entry occurred before July 1, 1924, as of the date of such entry if no such record is otherwise available, if the alien establishes that the alien—

"(1) is not described in section 212(a)(3)(E) or in section 212(a) (insofar as it relates to criminals, procurers, other immoral persons, subversives, violators of the narcotics laws, or smugglers of aliens);

"(2) entered the United States before January 1, 1972;

"(3) has resided in the United States continuously since such entry;

"(4) is a person of good moral character;

"(5) is not ineligible for citizenship; and

"(6) is not described in section 237(a)(4)(B).".

(f) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act or condition constituting a ground for inadmissibility, excludability, or removal occurring or existing on or after the date of the enactment of this Act.

SEC. 202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) IN GENERAL.—

(1) AMENDMENTS.—Section 241(a) (8 U.S.C. 1231(a)) is amended—

(A) by striking "Attorney General" the first place it appears and inserting "Secretary of Homeland Security";

(B) by striking "Attorney General" any other place it appears and inserting "Secretary";

(C) in paragraph (1)—

(i) in subparagraph (B), by amending clause (ii) to read as follows:

"(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the expiration date of the stay of removal.";

(ii) by amending subparagraph (C) to read as follows:

"(C) EXTENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to—

"(i) make all reasonable efforts to comply with the removal order; or

"(ii) fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including failing to make timely application in good faith for travel or other documents necessary to the alien's departure, or conspiring or acting to prevent the alien's removal."; and

(iii) by adding at the end the following:

"(D) TOLLING OF PERIOD.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this Act, the removal period shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date on which the alien is returned to the custody of the Secretary.";

(D) in paragraph (2), by adding at the end the following: "If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administrative final order of removal, the Secretary, in the exercise of discretion, may detain the alien during the pendency of such stay of removal.";

(E) in paragraph (3), by amending subparagraph (D) to read as follows:

"(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary prescribes for the alien—

"(i) to prevent the alien from absconding;

"(ii) for the protection of the community; or

"(iii) for other purposes related to the enforcement of the immigration laws.";

(F) in paragraph (6), by striking "removal period and, if released," and inserting "removal period, in the discretion of the Secretary, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien";

(G) by redesignating paragraph (7) as paragraph (10); and

(H) by inserting after paragraph (6) the following:

"(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

"(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF ALIENS.—The following procedures shall apply to an alien detained under this section:

"(A) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FULLY COOPERATE WITH REMOVAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien described in subparagraph (B) should be detained or released after the removal period in accordance with this paragraph.

"(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if the alien—

"(i) has effected an entry into the United States;

"(ii) has made all reasonable efforts to comply with the alien's removal order;

"(iii) has cooperated fully with the Secretary's efforts to establish the alien's identity and to carry out the removal order, including making timely application in good faith for travel or other documents necessary for the alien's departure; and

"(iv) has not conspired or acted to prevent removal.

"(C) EVIDENCE.—In making a determination under subparagraph (A), the Secretary—

"(i) shall consider any evidence submitted by the alien;

"(ii) may consider any other evidence, including—

"(I) any information or assistance provided by the Department of State or other Federal agency; and

"(II) any other information available to the Secretary pertaining to the ability to remove the alien.

"(D) AUTHORITY TO DETAIN FOR 90 DAYS BEYOND REMOVAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)).

"(E) AUTHORITY TO DETAIN FOR ADDITIONAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien beyond the 90-day period authorized under subparagraph (D) until the alien is removed, if the Secretary—

"(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or

"(ii) certifies in writing—

"(I) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

"(II) after receipt of a written recommendation from the Secretary of State, that the release of the alien would likely have serious adverse foreign policy consequences for the United States;

"(III) based on information available to the Secretary (including classified, sensitive, or national security information, and regardless of the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States;

"(IV) that—

"(aa) the release of the alien would threaten the safety of the community or any person, and conditions of release cannot reasonably be expected to ensure the safety of the community or any person; and

"(bb) the alien—

"(AA) has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), or of 1 or more attempts or conspiracies to commit any such aggravated felonies for an aggregate term of imprisonment of at least 5 years; or

"(BB) has committed a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, is likely to engage in acts of violence in the future; or

"(V) that—

"(aa) the release of the alien would threaten the safety of the community or any person, notwithstanding conditions of release designed to ensure the safety of the community or any person; and

"(bb) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)) for which the alien was sentenced to an aggregate term of imprisonment of not less than 1 year.

"(F) ADMINISTRATIVE REVIEW PROCESS.—The Secretary, without any limitations other than those specified in this section, may detain an alien pending a determination under subparagraph (E)(ii), if the Secretary has initiated the administrative review process identified in subparagraph (A) not later than 30 days after the expiration of the removal period (including any extension of the removal period under paragraph (1)(C)).

"(G) RENEWAL AND DELEGATION OF CERTIFICATION.—

"(i) RENEWAL.—The Secretary may renew a certification under subparagraph (E)(ii) every 6 months, without limitation, after providing the alien with an opportunity to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew such certification, the Secretary shall release the alien, pursuant to subparagraph (H).

"(ii) DELEGATION.—Notwithstanding any other provision of law, the Secretary may not delegate the authority to make or renew a certification described in subclause (II), (III), or (V) of subparagraph (E)(ii) to any employee reporting to the Assistant Secretary for Immigration and Customs Enforcement.

"(iii) HEARING.—The Secretary may request that the Attorney General, or a designee of the Attorney General, provide for a hearing to make the determination described in subparagraph (E)(ii)(IV)(bb)(BB).

"(H) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary may, in the Secretary's discretion, impose conditions on release in accordance with the regulations prescribed pursuant to paragraph (3).

"(I) REDETENTION.—The Secretary, without any limitations other than those specified in this section, may detain any alien subject to a final removal order who has previously been released from custody if—

"(i) the alien fails to comply with the conditions of release;

"(ii) the alien fails to continue to satisfy the conditions described in subparagraph (B); or

"(iii) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (E).

"(J) APPLICABILITY.—This paragraph and paragraphs (6) and (7) shall apply to any alien returned to custody under subparagraph (I) as if the removal period terminated on the day of the redetention.

"(K) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FAIL TO COOPERATE WITH REMOVAL.—The Secretary shall detain an alien until the alien makes all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary's efforts, if the alien—

"(i) has effected an entry into the United States; and

"(ii)(I) and the alien faces a significant likelihood that the alien will be removed in the reasonably foreseeable future, or would have been removed if the alien had not—

"(aa) failed or refused to make all reasonable efforts to comply with a removal order;

"(bb) failed or refused to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including the failure to make timely application in good faith for travel or other documents necessary to the alien's departure; or

"(cc) conspired or acted to prevent removal; or

"(II) the Secretary makes a certification as specified in subparagraph (E), or the renewal of a certification specified in subparagraph (G).

"(L) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE NOT EFFECTED AN ENTRY.—Except as otherwise provided in this subparagraph, the Secretary shall follow the guidelines established in section 241.4 of title 8, Code of Federal Regulations, when detaining aliens who have not effected an entry. The Secretary may decide to apply the review process outlined in this paragraph.

"(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to paragraph (6), (7), or (8) shall be available exclusively in a habeas corpus proceeding brought in a United States district court and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall take effect on the date of the enactment of this Act; and

(B) shall apply to—

(i) any alien subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(ii) any act or condition occurring or existing before, on, or after the date of the enactment of this Act.

(b) CRIMINAL DETENTION OF ALIENS.—Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by inserting "(1)" before "If, after a hearing";

(C) in subparagraphs (B) and (C), as redesignated, by striking "paragraph (1)" and inserting "subparagraph (A)"; and

(D) by adding after subparagraph (C), as redesignated, the following:

"(2) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person—

"(A) is an alien; and

"(B)(i) has no lawful immigration status in the United States;

"(ii) is the subject of a final order of removal; or

"(iii) has committed a felony offense under section 911, 922(g)(5), 1015, 1028, 1425, or 1426 of this title, chapter 75 or 77 of this title, or section 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 2327, and 1328)."; and

(2) in subsection (g)(3)—

(A) in subparagraph (A), by striking "and" at the end; and

(B) by adding at the end the following:

"(C) the person's immigration status; and".

SEC. 203. AGGRAVATED FELONY.

(a) DEFINITION OF AGGRAVATED FELONY.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking "The term 'aggravated felony' means—" and inserting "Notwithstanding any other provision of law (except for the provision providing an effective date for section 203 of the Comprehensive Immigration Reform Act of 2006), the term 'aggravated felony' applies to an offense described in this paragraph, whether in violation of Federal or State law and to such an offense in violation of the law of a foreign country, for which the term of imprisonment was completed within the previous 15 years, even if the length of the term of imprisonment is based on recidivist or other enhancements and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—";

(2) in subparagraph (A), by striking "murder, rape, or sexual abuse of a minor;" and inserting "murder, rape, or sexual abuse of a minor, whether or not the minority of the victim is established by evidence contained in the record of conviction or by evidence extrinsic to the record of conviction;";

(3) in subparagraph (N), by striking "paragraph (1)(A) or (2) of";

(4) in subparagraph (O), by striking "section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph" and inserting "section 275 or 276 for which the term of imprisonment is at least 1 year";

(5) in subparagraph (U), by striking "an attempt or conspiracy to commit an offense described in this paragraph" and inserting "aiding or abetting an offense described in this paragraph, or soliciting, counseling, procuring, commanding, or inducing another, attempting, or conspiring to commit such an offense"; and

(6) by striking the undesignated matter following subparagraph (U).

(b) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by subsection (a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply to any act that occurred on or after the date of the enactment of this Act.

(2) APPLICATION OF IIRAIRA AMENDMENTS.—The amendments to section 101(a)(43) of the Immigration and Nationality Act made by section 321 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–627) shall continue to apply, whether the conviction was entered before, on, or after September 30, 1996.

SEC. 204. TERRORIST BARS.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

"(2) an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or Attorney General based upon any relevant information or evidence, including classified, sensitive, or national security information;";

(2) in paragraph (8), by striking "(as defined in subsection (a)(43))" and inserting the following: ", regardless of whether the crime was defined as an aggravated felony under subsection (a)(43) at the time of the conviction, unless—

"(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and

"(B) the Secretary of Homeland Security or the Attorney General waives the application of this paragraph; or"; and

(3) in the undesignated matter following paragraph (9), by striking "a finding that for other reasons such person is or was not of good moral character" and inserting the following: "a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant's moral character, the Secretary of Homeland Security and the Attorney General may take into consideration the applicant's conduct and acts at any time and are not limited to the period during which good moral character is required.".

(b) PENDING PROCEEDINGS.—Section 204(b) (8 U.S.C. 1154(b)) is amended by adding at the end the following: "A petition may not be approved under this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could directly or indirectly result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.".

(c) CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 216(e) (8 U.S.C. 1186a(e)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(2) CERTAIN ALIEN ENTREPRENEURS.—Section 216A(e) (8 U.S.C. 1186b(e)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(d) JUDICIAL REVIEW OF NATURALIZATION APPLICATIONS.—Section 310(c) (8 U.S.C. 1421(c)) is amended—

(1) by inserting ", not later than 120 days after the Secretary of Homeland Security's final determination," after "may"; and

(2) by adding at the end the following: "Except that in any proceeding, other than a proceeding under section 340, the court shall review for substantial evidence the administrative record and findings of the Secretary of Homeland Security regarding whether an alien is a person of good moral character, understands and is attached to the principles of

the Constitution of the United States, or is well disposed to the good order and happiness of the United States. The petitioner shall have the burden of showing that the Secretary's denial of the application was contrary to law.".

(e) PERSONS ENDANGERING NATIONAL SECURITY.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

"(g) PERSONS ENDANGERING THE NATIONAL SECURITY.—A person may not be naturalized if the Secretary of Homeland Security determines, based upon any relevant information or evidence, including classified, sensitive, or national security information, that the person was once an alien described in section 212(a)(3) or 237(a)(4).".

(f) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 (8 U.S.C. 1429) is amended by striking "the Attorney General if" and all that follows and inserting: "the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General in terminating removal proceedings or canceling the removal of an alien under this Act shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established eligibility for naturalization in accordance with this title.".

(g) DISTRICT COURT JURISDICTION.—Section 336(b) (8 U.S.C. 1447(b)) is amended to read as follows:

"(b) REQUEST FOR HEARING BEFORE DISTRICT COURT.—If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews required under such section, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. The Secretary shall notify the applicant when such examinations and interviews have been completed. Such district court shall only have jurisdiction to review the basis for delay and remand the matter, with appropriate instructions, to the Secretary for the Secretary's determination on the application.".

(h) EFFECTIVE DATE.—The amendments made by this section—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply to any act that occurred on or after such date of enactment.

SEC. 205. INCREASED CRIMINAL PENALTIES RELATED TO GANG VIOLENCE, REMOVAL, AND ALIEN SMUGGLING.

(a) CRIMINAL STREET GANGS.—

(1) INADMISSIBILITY.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (J); and

(B) by inserting after subparagraph (E) the following:

"(F) MEMBERS OF CRIMINAL STREET GANGS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe—

"(i) is, or has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

"(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang,

is inadmissible.".

(2) DEPORTABILITY.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

"(F) MEMBERS OF CRIMINAL STREET GANGS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who the Secretary of Homeland Security or the Attorney General knows or has reason to believe—

"(i) is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

"(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang,

is deportable.".

(3) TEMPORARY PROTECTED STATUS.—Section 244 (8 U.S.C. 1254a) is amended—

(A) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(B) in subsection (b)(3)—

(i) in subparagraph (B), by striking the last sentence and inserting the following: "Notwithstanding any other provision of this section, the Secretary of Homeland Security may, for any reason (including national security), terminate or modify any designation under this section. Such termination or modification is effective upon publication in the Federal Register, or after such time as the Secretary may designate in the Federal Register.";

(ii) in subparagraph (C), by striking "a period of 12 or 18 months" and inserting "any other period not to exceed 18 months";

(C) in subsection (c)—

(i) in paragraph (1)(B), by striking "The amount of any such fee shall not exceed $50.";

(ii) in paragraph (2)(B)—

(I) in clause (i), by striking ", or" at the end;

(II) in clause (ii), by striking the period at the end and inserting "; or"; and

(III) by adding at the end the following:

"(iii) the alien is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code)."; and

(D) in subsection (d)—

(i) by striking paragraph (3); and

(ii) in paragraph (4), by adding at the end the following: "The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision of law.".

(b) PENALTIES RELATED TO REMOVAL.—Section 243 (8 U.S.C. 1253) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by inserting "212(a) or" after "section"; and

(B) in the matter following subparagraph (D)—

(i) by striking "or imprisoned not more than four years" and inserting "and imprisoned for not less than 6 months or more than 5 years"; and

(ii) by striking ", or both";

(2) in subsection (b), by striking "not more than $1000 or imprisoned for not more than one year, or both" and inserting "under title 18, United States Code, and imprisoned for not less than 6 months or more than 5 years (or for not more than 10 years if the alien is a member of any of the classes described in paragraphs (1)(E), (2), (3), and (4) of section 237(a))."; and

(3) by amending subsection (d) to read as follows:

"(d) DENYING VISAS TO NATIONALS OF COUNTRY DENYING OR DELAYING ACCEPTING ALIEN.—The Secretary of Homeland Security, after making a determination that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed, and after consultation with the Secretary of State, may instruct the Secretary of State to deny a visa to any citizen, subject, national, or resident of that country until the country accepts the alien that was ordered removed.".

(c) ALIEN SMUGGLING AND RELATED OFFENSES.—

(1) IN GENERAL.—Section 274 (8 U.S.C. 1324), is amended to read as follows:

"SEC. 274. ALIEN SMUGGLING AND RELATED OFFENSES.

"(a) CRIMINAL OFFENSES AND PENALTIES.—

"(1) PROHIBITED ACTIVITIES.—Except as provided in paragraph (3), a person shall be punished as provided under paragraph (2), if the person—

"(A) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to, enter, or cross the border to the United States;

"(B) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, knowing or in reckless disregard of the fact that such person is an alien and regardless of whether such alien has official permission or lawful authority to be in the United States;

"(C) transports, moves, harbors, conceals, or shields from detection a person outside of the United States knowing or in reckless disregard of the fact that such person is an alien in unlawful transit from 1 country to another or on the high seas, under circumstances in which the alien is seeking to enter the United States without official permission or legal authority;

"(D) encourages or induces a person to reside in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

"(E) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or be in the United States, if the transportation or movement will further the alien's illegal entry into or illegal presence in the United States;

"(F) harbors, conceals, or shields from detection a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to be in the United States; or

"(G) conspires or attempts to commit any of the acts described in subparagraphs (A) through (F).

"(2) CRIMINAL PENALTIES.—A person who violates any provision under paragraph (1)—

"(A) except as provided in subparagraphs (C) through (G), if the offense was not committed for commercial advantage, profit, or private financial gain, shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both;

"(B) except as provided in subparagraphs (C) through (G), if the offense was committed for commercial advantage, profit, or private financial gain—

"(i) if the violation is the offender's first violation under this subparagraph, shall be fined under such title, imprisoned for not more than 20 years, or both; or

"(ii) if the violation is the offender's second or subsequent violation of this subparagraph, shall be fined under such title, imprisoned for not less than 3 years or more than 20 years, or both;

"(C) if the offense furthered or aided the commission of any other offense against the United States or any State that is punishable by imprisonment for more than 1 year, shall be fined under such title, imprisoned for not less than 5 years or more than 20 years, or both;

"(D) shall be fined under such title, imprisoned not less than 5 years or more than 20 years, or both, if the offense created a substantial and foreseeable risk of death, a substantial and foreseeable risk of serious bodily injury (as defined in section 2119(2) of title 18, United States Code), or inhumane conditions to another person, including—

"(i) transporting the person in an engine compartment, storage compartment, or other confined space;

"(ii) transporting the person at an excessive speed or in excess of the rated capacity of the means of transportation; or

"(iii) transporting the person in, harboring the person in, or otherwise subjecting the person to crowded or dangerous conditions;

"(E) if the offense caused serious bodily injury (as defined in section 2119(2) of title 18, United States Code) to any person, shall be fined under such title, imprisoned for not less than 7 years or more than 30 years, or both;

"(F) shall be fined under such title and imprisoned for not less than 10 years or more than 30 years if the offense involved an alien who the offender knew or had reason to believe was—

"(i) engaged in terrorist activity (as defined in section 212(a)(3)(B)); or

"(ii) intending to engage in terrorist activity;

"(G) if the offense caused or resulted in the death of any person, shall be punished by death or imprisoned for a term of years not less than 10 years and up to life, and fined under title 18, United States Code.

"(3) LIMITATION.—It is not a violation of subparagraph (D), (E), or (F) of paragraph (1)—

"(A) for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least 1 year; or

"(B) for an individual or organization, not previously convicted of a violation of this section, to provide an alien who is present in the United States with humanitarian assistance, including medical care, housing, counseling, victim services, and food, or to transport the alien to a location where such assistance can be rendered.

"(4) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over the offenses described in this subsection.

"(b) EMPLOYMENT OF UNAUTHORIZED ALIENS.—

"(1) CRIMINAL OFFENSE AND PENALTIES.—Any person who, during any 12-month period, knowingly employs 10 or more individuals with actual knowledge or in reckless disregard of the fact that the individuals are aliens described in paragraph (2), shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.

"(2) DEFINITION.—An alien described in this paragraph is an alien who—

"(A) is an unauthorized alien (as defined in section 274A(i));

"(B) is present in the United States without lawful authority; and

"(C) has been brought into the United States in violation of this subsection.

"(c) SEIZURE AND FORFEITURE.—

"(1) IN GENERAL.—Any real or personal property used to commit or facilitate the commission of a violation of this section, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

"(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.

"(3) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—In determining whether a violation of subsection (a) has occurred, prima facie evidence that an alien involved in the alleged violation lacks lawful authority to come to, enter, reside in, remain in, or be in the United States or that such alien had come to, entered, resided in, remained in, or been present in the United States in violation of law shall include—

"(A) any order, finding, or determination concerning the alien's status or lack of status made by a Federal judge or administrative adjudicator (including an immigration judge or immigration officer) during any judicial or administrative proceeding authorized under Federal immigration law;

"(B) official records of the Department of Homeland Security, the Department of Justice, or the Department of State concerning the alien's status or lack of status; and

"(C) testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack of status.

"(d) AUTHORITY TO ARREST.—No officer or person shall have authority to make any arrests for a violation of any provision of this section except—

"(1) officers and employees designated by the Secretary of Homeland Security, either individually or as a member of a class; and

"(2) other officers responsible for the enforcement of Federal criminal laws.

"(e) ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped or otherwise audiovisually preserved deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unavailable to testify, may be admitted into evidence in an action brought for that violation if—

"(1) the witness was available for cross examination at the deposition by the party, if any, opposing admission of the testimony; and

"(2) the deposition otherwise complies with the Federal Rules of Evidence.

"(f) OUTREACH PROGRAM.—

"(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, as appropriate, shall—

"(A) develop and implement an outreach program to educate people in and out of the United States about the penalties for bringing in and harboring aliens in violation of this section; and

"(B) establish the American Local and Interior Enforcement Needs (ALIEN) Task Force to identify and respond to the use of Federal, State, and local transportation infrastructure to further the trafficking of unlawful aliens within the United States.

"(2) FIELD OFFICES.—The Secretary of Homeland Security, after consulting with State and local government officials, shall establish such field offices as may be necessary to carry out this subsection.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums are necessary for the fiscal years 2007 through 2011 to carry out this subsection.

"(g) DEFINITIONS.—In this section:

"(1) CROSSED THE BORDER INTO THE UNITED STATES.—An alien is deemed to have crossed the border into the United States regardless of whether the alien is free from official restraint.

"(2) LAWFUL AUTHORITY.—The term 'lawful authority' means permission, authorization, or license that is expressly provided for in the immigration laws of the United States or accompanying regulations. The term does not include any such authority secured by fraud or otherwise obtained in violation of law or authority sought, but not approved. No alien shall be deemed to have lawful authority to come to, enter, reside in, remain in, or be in the United States if such coming to, entry, residence, remaining, or presence was, is, or would be in violation of law.

"(3) PROCEEDS.—The term 'proceeds' includes any property or interest in property obtained or retained as a consequence of an act or omission in violation of this section.

"(4) UNLAWFUL TRANSIT.—The term 'unlawful transit' means travel, movement, or temporary presence that violates the laws of any country in which the alien is present or any country from which the alien is traveling or moving.".

(2) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 274 and inserting the following:

"Sec. 274. Alien smuggling and related offenses".

(d) PROHIBITING CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting ", alien smuggling crime," after "any crime of violence";

(B) in subparagraph (A), by inserting ", alien smuggling crime," after "such crime of violence";

(C) in subparagraph (D)(ii), by inserting ", alien smuggling crime," after "crime of violence"; and

(2) by adding at the end the following:

"(6) For purposes of this subsection, the term 'alien smuggling crime' means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).".

SEC. 206. ILLEGAL ENTRY.

(a) In General.—Section 275 (8 U.S.C. 1325) is amended to read as follows:

"SEC. 275. ILLEGAL ENTRY.

"(a) In General.—

"(1) Criminal offenses.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

"(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

"(B) knowingly eludes examination or inspection by an immigration officer (including failing to stop at the command of such officer), or a customs or agriculture inspection at a port of entry; or

"(C) knowingly enters or crosses the border to the United States by means of a knowingly false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of arrival, reporting, entry, or clearance requirements of the customs laws, immigration laws, agriculture laws, or shipping laws).

"(2) Criminal penalties.—Any alien who violates any provision under paragraph (1)—

"(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

"(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

"(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

"(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

"(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

"(3) Prior convictions.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

"(A) alleged in the indictment or information; and

"(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

"(4) Duration of offense.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

"(5) Attempt.—Whoever attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense.

"(b) Improper Time or Place; Civil Penalties.—

"(1) In general.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

"(A) not less than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

"(B) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.

"(2) Crossed the border defined.—In this section, an alien is deemed to have crossed the border if the act was voluntary, regardless of whether the alien was under observation at the time of the crossing.".

(b) Clerical Amendment.—The table of contents is amended by striking the item relating to section 275 and inserting the following:

"Sec. 275. Illegal entry".

SEC. 207. ILLEGAL REENTRY.

Section 276 (8 U.S.C. 1326) is amended to read as follows:

"SEC. 276. REENTRY OF REMOVED ALIEN.

"(a) Reentry After Removal.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

"(b) Reentry of Criminal Offenders.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection—

"(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

"(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

"(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 20 years, or both;

"(4) was convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, imprisoned not more than 20 years, or both; or

"(5) was convicted, before such removal or departure, for murder, rape, kidnaping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, the alien shall be fined under such title, imprisoned not more than 20 years, or both.

"(c) Reentry After Repeated Removal.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

"(d) Proof of Prior Convictions.—The prior convictions described in subsection (b) are elements of the crimes described in that subsection, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

"(1) alleged in the indictment or information; and

"(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

"(e) Affirmative Defenses.—It shall be an affirmative defense to a violation of this section that—

"(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reapply for admission into the United States; or

"(2) with respect to an alien previously denied admission and removed, the alien—

"(A) was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act; and

"(B) had complied with all other laws and regulations governing the alien's admission into the United States.

"(f) Limitation on Collateral Attack on Underlying Removal Order.—In a criminal proceeding under this section, an alien may not challenge the validity of any prior removal order concerning the alien unless the alien demonstrates by clear and convincing evidence that—

"(1) the alien exhausted all administrative remedies that may have been available to seek relief against the order;

"(2) the removal proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

"(3) the entry of the order was fundamentally unfair.

"(g) Reentry of Alien Removed Prior to Completion of Term of Imprisonment.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien's reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

"(h) Limitation.—It is not aiding and abetting a violation of this section for an individual to provide an alien with emergency humanitarian assistance, including emergency medical care and food, or to transport the alien to a location where such assistance can be rendered without compensation or the expectation of compensation.

"(i) Definitions.—In this section:

"(1) Crosses the border.—The term 'crosses the border' applies if an alien acts voluntarily, regardless of whether the alien was under observation at the time of the crossing.

"(2) Felony.—Term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

"(3) Misdemeanor.—The term 'misdemeanor' means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

"(4) Removal.—The term 'removal' includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

"(5) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

SEC. 208. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.

(a) PASSPORT, VISA, AND IMMIGRATION FRAUD.—

(1) IN GENERAL.—Chapter 75 of title 18, United States Code, is amended to read as follows:

"CHAPTER 75—PASSPORT, VISA, AND IMMIGRATION FRAUD

"Sec

"1541. Trafficking in passports

"1542. False statement in an application for a passport

"1543. Forgery and unlawful production of a passport

"1544. Misuse of a passport

"1545. Schemes to defraud aliens

"1546. Immigration and visa fraud

"1547. Marriage fraud

"1548. Attempts and conspiracies

"1549. Alternative penalties for certain offenses

"1550. Seizure and forfeiture

"1551. Additional jurisdiction

"1552. Additional venue

"1553. Definitions

"1554. Authorized law enforcement activities

"1555. Exception for refugees and asylees

"§ 1541. Trafficking in passports

"(a) MULTIPLE PASSPORTS.—Any person who, during any 3-year period, knowingly—

"(1) and without lawful authority produces, issues, or transfers 10 or more passports;

"(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

"(3) secures, possesses, uses, receives, buys, sells, or distributes 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

"(4) completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport (including any supporting documentation), knowing the applications to contain any false statement or representation,

shall be fined under this title, imprisoned not more than 20 years; or both.

"(b) PASSPORT MATERIALS.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material used to make a passport shall be fined under this title, imprisoned not more than 20 years, or both.

"§ 1542. False statement in an application for a passport

"Any person who knowingly—

"(1) makes any false statement or representation in an application for a United States passport (including any supporting documentation);

"(2) completes, mails, prepares, presents, signs, or submits an application for a United States passport (including any supporting documentation) knowing the application to contain any false statement or representation; or

"(3) causes or attempts to cause the production of a passport by means of any fraud or false application for a United States passport (including any supporting documentation), if such production occurs or would occur at a facility authorized by the Secretary of State for the production of passports,

shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1543. Forgery and unlawful production of a passport

"(a) FORGERY.—Any person who—

"(1) knowingly forges, counterfeits, alters, or falsely makes any passport; or

"(2) knowingly transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) UNLAWFUL PRODUCTION.—Any person who knowingly and without lawful authority—

"(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport;

"(2) produces, issues, authorizes, or verifies a United States passport for or to any person not owing allegiance to the United States; or

"(3) transfers or furnishes a passport to a person for use when such person is not the person for whom the passport was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1544. Misuse of a passport

"(a) IN GENERAL.—Any person who—

"(1) knowingly uses any passport issued or designed for the use of another;

"(2) knowingly uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

"(3) knowingly secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

"(4) knowingly violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) ENTRY; FRAUD.—Any person who knowingly uses any passport, knowing the passport to be forged, counterfeited, altered, falsely made, procured by fraud, produced or issued without lawful authority, or issued or designed for the use of another—

"(1) to enter or to attempt to enter the United States; or

"(2) to defraud the United States, a State, or a political subdivision of a State,

shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1545. Schemes to defraud aliens

"(a) IN GENERAL.—Any person who knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws, or any matter the offender claims or represents is authorized by or arises under Federal immigration laws—

"(1) to defraud any person, or

"(2) to obtain or receive from any person, by means of false or fraudulent pretenses, representations, promises, money or anything else of value,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) MISREPRESENTATION.—Any person who knowingly and falsely represents himself to be an attorney in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1546. Immigration and visa fraud

"(a) IN GENERAL.—Any person who knowingly—

"(1) uses any immigration document issued or designed for the use of another;

"(2) forges, counterfeits, alters, or falsely makes any immigration document;

"(3) completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation;

"(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

"(5) adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

"(6) transfers or furnishes an immigration document to a person without lawful authority for use if such person is not the person for whom the immigration document was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) MULTIPLE VIOLATIONS.—Any person who, during any 3-year period, knowingly—

"(1) and without lawful authority produces, issues, or transfers 10 or more immigration documents;

"(2) forges, counterfeits, alters, or falsely makes 10 or more immigration documents;

"(3) secures, possesses, uses, buys, sells, or distributes 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or produced or issued without lawful authority; or

"(4) completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

"(c) IMMIGRATION DOCUMENT MATERIALS.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material, used to make an immigration document shall be fined under this title, imprisoned not more than 20 years, or both.

"§ 1547. Marriage fraud

"(a) EVASION OR MISREPRESENTATION.—Any person who—

"(1) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

"(2) knowingly misrepresents the existence or circumstances of a marriage—

"(A) in an application or document authorized by the immigration laws; or

"(B) during any immigration proceeding conducted by an administrative adjudicator (including an immigration officer or examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals),

shall be fined under this title, imprisoned not more than 10 years, or both.

"(b) MULTIPLE MARRIAGES.—Any person who—

"(1) knowingly enters into 2 or more marriages for the purpose of evading any immigration law; or

"(2) knowingly arranges, supports, or facilitates 2 or more marriages designed or intended to evade any immigration law,

shall be fined under this title, imprisoned not more than 20 years, or both.

“(c) Commercial Enterprise.—Any person who knowingly establishes a commercial enterprise for the purpose of evading any provision of the immigration laws shall be fined under this title, imprisoned for not more than 10 years, or both.

“(d) Duration of Offense.—

“(1) In general.—An offense under subsection (a) or (b) continues until the fraudulent nature of the marriage or marriages is discovered by an immigration officer.

“(2) Commercial enterprise.—An offense under subsection (c) continues until the fraudulent nature of commercial enterprise is discovered by an immigration officer or other law enforcement officer.

“§ 1548. Attempts and conspiracies

“Any person who attempts or conspires to violate any section of this chapter shall be punished in the same manner as a person who completed a violation of that section.

“§ 1549. Alternative penalties for certain offenses

“(a) Terrorism.—Any person who violates any section of this chapter—

“(1) knowing that such violation will facilitate an act of international terrorism or domestic terrorism (as those terms are defined in section 2331); or

“(2) with the intent to facilitate an act of international terrorism or domestic terrorism,

shall be fined under this title, imprisoned not more than 25 years, or both.

“(b) Offense Against Government.—Any person who violates any section of this chapter—

“(1) knowing that such violation will facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year; or

“(2) with the intent to facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year,

shall be fined under this title, imprisoned not more than 20 years, or both.

“§ 1550. Seizure and forfeiture

“(a) Forfeiture.—Any property, real or personal, used to commit or facilitate the commission of a violation of any section of this chapter, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

“(b) Applicable Law.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Secretary of State, or the Attorney General.

“§ 1551. Additional jurisdiction

“(a) In General.—Any person who commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided under this chapter.

“(b) Extraterritorial Jurisdiction.—Any person who commits an offense under this chapter outside the United States shall be punished as provided under this chapter if—

“(1) the offense involves a United States immigration document (or any document purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws;

“(2) the offense is in or affects foreign commerce;

“(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of Federal immigration laws, or the national security of the United States;

“(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 929(a)(2)) that affects or would affect the national security of the United States;

“(5) the offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act); or

“(6) the offender is a stateless person whose habitual residence is in the United States.

“§ 1552. Additional venue

“(a) In General.—An offense under section 1542 may be prosecuted in—

“(1) any district in which the false statement or representation was made;

“(2) any district in which the passport application was prepared, submitted, mailed, received, processed, or adjudicated; or

“(3) in the case of an application prepared and adjudicated outside the United States, in the district in which the resultant passport was produced.

“(b) Savings Clause.—Nothing in this section limits the venue otherwise available under sections 3237 and 3238.

“§ 1553. Definitions

“As used in this chapter:

“(1) The term ‘falsely make’ means to prepare or complete an immigration document with knowledge or in reckless disregard of the fact that the document—

“(A) contains a statement or representation that is false, fictitious, or fraudulent;

“(B) has no basis in fact or law; or

“(C) otherwise fails to state a fact which is material to the purpose for which the document was created, designed, or submitted.

“(2) The term a ‘false statement or representation’ includes a personation or an omission.

“(3) The term ‘felony’ means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

“(4) The term ‘immigration document’—

“(A) means—

“(i) any passport or visa; or

“(ii) any application, petition, affidavit, declaration, attestation, form, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other evidentiary document, arising under or authorized by the immigration laws of the United States; and

“(B) includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document.

“(5) The term ‘immigration laws’ includes—

“(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

“(B) the laws relating to the issuance and use of passports; and

“(C) the regulations prescribed under the authority of any law described in paragraphs (1) and (2).

“(6) The term ‘immigration proceeding’ includes an adjudication, interview, hearing, or review.

“(7) A person does not exercise ‘lawful authority’ if the person abuses or improperly exercises lawful authority the person otherwise holds.

“(8) The term ‘passport’ means a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or any instrument purporting to be the same.

“(9) The term ‘produce’ means to make, prepare, assemble, issue, print, authenticate, or alter.

“(10) The term ‘State’ means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

“§ 1554. Authorized law enforcement activities

“Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (84 Stat. 933).

“§ 1555. Exception for refugees, asylees, and other vulnerable persons

“(a) In General.—If a person believed to have violated section 1542, 1544, 1546, or 1548 while attempting to enter the United States, without delay, indicates an intention to apply for asylum under section 208 or 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158 and 1231), or for relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (in accordance with section 208.17 of title 8, Code of Federal Regulations), or under section 101(a)(15)(T), 101(a)(15)(U), 101(a)(27)(J), 101(a)(51), 216(c)(4)(C), 240A(b)(2), or 244(a)(3) (as in effect prior to March 31, 1997) of such Act, or a credible fear of persecution or torture—

“(1) the person shall be referred to an appropriate Federal immigration official to review such claim and make a determination if such claim is warranted;

“(2) if the Federal immigration official determines that the person qualifies for the claimed relief, the person shall not be considered to have violated any such section; and

“(3) if the Federal immigration official determines that the person does not qualify for the claimed relief, the person shall be referred to an appropriate Federal official for prosecution under this chapter.

“(b) Savings Provision.—Nothing in this section shall be construed to diminish, increase, or alter the obligations of refugees or the United States under article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).”.

(2) Clerical amendment.—The table of chapters in title 18, United States Code, is amended by striking the item relating to chapter 75 and inserting the following:

“75. Passport, visa, and immigration fraud .... 1541”.

(b) Protection for Legitimate Refugees and Asylum Seekers.—Section 208 (8 U.S.C.

1158) is amended by adding at the end the following:

"(e) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—The Attorney General, in consultation with the Secretary of Homeland Security, shall develop binding prosecution guidelines for federal prosecutors to ensure that any prosecution of an alien seeking entry into the United States by fraud is consistent with the written terms and limitations of Article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223))."

SEC. 209. INADMISSIBILITY AND REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD OFFENSES.

(a) INADMISSIBILITY.—Section 212(a)(2)(A)(i) (8 U.S.C. 1182(a)(2)(A)(i)) is amended—

(1) in subclause (I), by striking ", or" at the end and inserting a semicolon;

(2) in subclause (II), by striking the comma at the end and inserting "; or"; and

(3) by inserting after subclause (II) the following:

"(III) a violation of (or a conspiracy or attempt to violate) any proyision of chapter 75 of title 18, United States Code,".

(b) REMOVAL.—Section 237(a)(3)(B)(iii) (8 U.S.C. 1227(a)(3)(B)(iii)) is amended to read as follows:

"(iii) of a violation of any provision of chapter 75 of title 18, United States Code,".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to proceedings pending on or after the date of the enactment of this Act, with respect to conduct occurring on or after that date.

SEC. 210. INCARCERATION OF CRIMINAL ALIENS.

(a) INSTITUTIONAL REMOVAL PROGRAM.—

(1) CONTINUATION.—The Secretary shall continue to operate the Institutional Removal Program (referred to in this section as the "Program") or shall develop and implement another program to—

(A) identify removable criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and

(C) remove such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The Secretary may extend the scope of the Program to all States.

(b) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State may—

(1) hold an illegal alien for a period not to exceed 14 days after the completion of the alien's State prison sentence to effectuate the transfer of the alien to Federal custody if the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until authorized employees of the Bureau of Immigration and Customs Enforcement can take the alien into custody.

(c) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the maximum extent practicable to make the Program available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable to make these resources available to State and local law enforcement agencies in remote locations.

(d) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the participation of States in the Program and in any other program authorized under subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary in each of the fiscal years 2007 through 2011 to carry out the Program.

SEC. 211. ENCOURAGING ALIENS TO DEPART VOLUNTARILY.

(a) IN GENERAL.—Section 240B (8 U.S.C. 1229c) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

"(1) INSTEAD OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Secretary of Homeland Security may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection instead of being subject to proceedings under section 240.";

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3);

(D) by adding after paragraph (1) the following:

"(2) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Attorney General may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection after the initiation of removal proceedings under section 240 and before the conclusion of such proceedings before an immigration judge.";

(E) in paragraph (3), as redesignated—

(i) by amending subparagraph (A) to read as follows:

"(A) INSTEAD OF REMOVAL.—Subject to subparagraph (C), permission to voluntarily depart under paragraph (1) shall not be valid for any period in excess of 120 days. The Secretary may require an alien permitted to voluntarily depart under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.";

(ii) by redesignating subparagraphs (B), (C), and (D) as paragraphs (C), (D), and (E), respectively;

(iii) by adding after subparagraph (A) the following:

"(B) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—Permission to voluntarily depart under paragraph (2) shall not be valid for any period in excess of 60 days, and may be granted only after a finding that the alien has the means to depart the United States and intends to do so. An alien permitted to voluntarily depart under paragraph (2) shall post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified. An immigration judge may waive the requirement to post a voluntary departure bond in individual cases upon a finding that the alien has presented compelling evidence that the posting of a bond will pose a serious financial hardship and the alien has presented credible evidence that such a bond is unnecessary to guarantee timely departure.";

(iv) in subparagraph (C), as redesignated, by striking "subparagraphs (C) and(D)(ii)" and inserting "subparagraphs (D) and (E)(ii)";

(v) in subparagraph (D), as redesignated, by striking "subparagraph (B)" each place that term appears and inserting "subparagraph (C)"; and

(vi) in subparagraph (E), as redesignated, by striking "subparagraph (B)" each place that term appears and inserting "subparagraph (C)"; and

(F) in paragraph (4), by striking "paragraph (1)" and inserting "paragraphs (1) and (2)";

(2) in subsection (b)(2), by striking "a period exceeding 60 days" and inserting "any period in excess of 45 days";

(3) by amending subsection (c) to read as follows:

"(c) CONDITIONS ON VOLUNTARY DEPARTURE.—

"(1) VOLUNTARY DEPARTURE AGREEMENT.—Voluntary departure may only be granted as part of an affirmative agreement by the alien. A voluntary departure agreement under subsection (b) shall include a waiver of the right to any further motion, appeal, application, petition, or petition for review relating to removal or relief or protection from removal.

"(2) CONCESSIONS BY THE SECRETARY.—In connection with the alien's agreement to depart voluntarily under paragraph (1), the Secretary of Homeland Security may agree to a reduction in the period of inadmissibility under subparagraph (A) or (B)(i) of section 212(a)(9).

"(3) ADVISALS.—Agreements relating to voluntary departure granted during removal proceedings under section 240, or at the conclusion of such proceedings, shall be presented on the record before the immigration judge. The immigration judge shall advise the alien of the consequences of a voluntary departure agreement before accepting such agreement.

"(4) FAILURE TO COMPLY WITH AGREEMENT.—

"(A) IN GENERAL.—If an alien agrees to voluntary departure under this section and fails to depart the United States within the time allowed for voluntary departure or fails to comply with any other terms of the agreement (including failure to timely post any required bond), the alien is—

"(i) ineligible for the benefits of the agreement;

"(ii) subject to the penalties described in subsection (d); and

"(iii) subject to an alternate order of removal if voluntary departure was granted under subsection (a)(2) or (b).

"(B) EFFECT OF FILING TIMELY APPEAL.—If, after agreeing to voluntary departure, the alien files a timely appeal of the immigration judge's decision granting voluntary departure, the alien may pursue the appeal instead of the voluntary departure agreement. Such appeal operates to void the alien's voluntary departure agreement and the consequences of such agreement, but precludes the alien from another grant of voluntary departure while the alien remains in the United States.

"(5) VOLUNTARY DEPARTURE PERIOD NOT AFFECTED.—Except as expressly agreed to by the Secretary in writing in the exercise of the Secretary's discretion before the expiration of the period allowed for voluntary departure, no motion, appeal, application, petition, or petition for review shall affect, reinstate, enjoin, delay, stay, or toll the alien's obligation to depart from the United States during the period agreed to by the alien and the Secretary.";

(4) by amending subsection (d) to read as follows:

"(d) PENALTIES FOR FAILURE TO DEPART.—If an alien is permitted to voluntarily depart under this section and fails to voluntarily depart from the United States within the time period specified or otherwise violates the terms of a voluntary departure agreement, the alien will be subject to the following penalties:

"(1) CIVIL PENALTY.—The alien shall be liable for a civil penalty of $3,000. The order allowing voluntary departure shall specify the amount of the penalty, which shall be acknowledged by the alien on the record. If the Secretary thereafter establishes that the alien failed to depart voluntarily within the time allowed, no further procedure will be necessary to establish the amount of the penalty, and the Secretary may collect the civil penalty at any time thereafter and by whatever means provided by law. An alien will be ineligible for any benefits under this chapter until this civil penalty is paid.

"(2) INELIGIBILITY FOR RELIEF.—The alien shall be ineligible during the time the alien remains in the United States and for a period of 10 years after the alien's departure for any further relief under this section and sections 240A, 245, 248, and 249. The order permitting the alien to depart voluntarily shall inform the alien of the penalties under this subsection.

"(3) REOPENING.—The alien shall be ineligible to reopen the final order of removal that took effect upon the alien's failure to depart, or upon the alien's other violations of the conditions for voluntary departure, during the period described in paragraph (2). This paragraph does not preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the order granting voluntary departure in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection."; and

(5) by amending subsection (e) to read as follows:

"(e) ELIGIBILITY.—

"(1) PRIOR GRANT OF VOLUNTARY DEPARTURE.—An alien shall not be permitted to voluntarily depart under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart voluntarily.

"(2) RULEMAKING.—The Secretary may promulgate regulations to limit eligibility or impose additional conditions for voluntary departure under subsection (a)(1) for any class of aliens. The Secretary or Attorney General may by regulation limit eligibility or impose additional conditions for voluntary departure under subsections (a)(2) or (b) of this section for any class or classes of aliens."; and

(6) in subsection (f), by adding at the end the following: "Notwithstanding section 242(a)(2)(D) of this Act, sections 1361, 1651, and 2241 of title 28, United States Code, any other habeas corpus provision, and any other provision of law (statutory or nonstatutory), no court shall have jurisdiction to affect, reinstate, enjoin, delay, stay, or toll the period allowed for voluntary departure under this section.".

(b) RULEMAKING.—The Secretary shall promulgate regulations to provide for the imposition and collection of penalties for failure to depart under section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)).

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to all orders granting voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date that is 180 days after the enactment of this Act.

(2) EXCEPTION.—The amendment made by subsection (a)(6) shall take effect on the date of the enactment of this Act and shall apply with respect to any petition for review which is filed on or after such date.

SEC. 212. DETERRING ALIENS ORDERED REMOVED FROM REMAINING IN THE UNITED STATES UNLAWFULLY.

(a) INADMISSIBLE ALIENS.—Section 212(a)(9)(A) (8 U.S.C. 1182(a)(9)(A)) is amended—

(1) in clause (i), by striking "seeks admission within 5 years of the date of such removal (or within 20 years" and inserting "seeks admission not later than 5 years after the date of the alien's removal (or not later than 20 years after the alien's removal"; and

(2) in clause (ii), by striking "seeks admission within 10 years of the date of such alien's departure or removal (or within 20 years of" and inserting "seeks admission not later than 10 years after the date of the alien's departure or removal (or not later than 20 years after".

(b) BAR ON DISCRETIONARY RELIEF.—Section 274D (9 U.S.C. 324d) is amended—

(1) in subsection (a), by striking "Commissioner" and inserting "Secretary of Homeland Security"; and

(2) by adding at the end the following:

"(c) INELIGIBILITY FOR RELIEF.—

"(1) IN GENERAL.—Unless a timely motion to reopen is granted under section 240(c)(6), an alien described in subsection (a) shall be ineligible for any discretionary relief from removal (including cancellation of removal and adjustment of status) during the time the alien remains in the United States and for a period of 10 years after the alien's departure from the United States.

"(2) SAVINGS PROVISION.—Nothing in paragraph (1) shall preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the final order of removal in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.".

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on the date of the enactment of this Act with respect to aliens who are subject to a final order of removal entered on or after such date.

SEC. 213. PROHIBITION OF THE SALE OF FIREARMS TO, OR THE POSSESSION OF FIREARMS BY CERTAIN ALIENS.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)(5)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking "(y)(2)" and all that follows and inserting "(y), is in a nonimmigrant classification; or"; and

(C) by adding at the end the following:

"(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));";

(2) in subsection (g)(5)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking "(y)(2)" and all that follows and inserting "(y), is in a nonimmigrant classification; or"; and

(C) by adding at the end the following:

"(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));"; and

(3) in subsection (y)—

(A) in the header, by striking "**ADMITTED UNDER NONIMMIGRANT VISAS**" and inserting "**IN A NONIMMIGRANT CLASSIFICATION**";

(B) in paragraph (1), by amending subparagraph (B) to read as follows:

"(B) the term 'nonimmigrant classification' includes all classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), or otherwise described in the immigration laws (as defined in section 101(a)(17) of such Act).";

(C) in paragraph (2), by striking "has been lawfully admitted to the United States under a nonimmigrant visa" and inserting "is in a nonimmigrant classification"; and

(D) in paragraph (3)(A), by striking "Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5)" and inserting "Any alien in a nonimmigrant classification may receive a waiver from the requirements of subsection (g)(5)(B)".

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

(a) IN GENERAL.—Section 3291 of title 18, United States Code, is amended to read as follows:

"§ 3291. Immigration, naturalization, and peonage offenses

"No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses), 75 (relating to passport, visa, and immigration offenses), or 77 (relating to peonage, slavery, and trafficking in persons), for an attempt or conspiracy to violate any such section, for a violation of any criminal provision under section 243, 266, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1306, 1324, 1325, 1326, 1327, and 1328), or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information filed not later than 10 years after the commission of the offense.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

"3291. Immigration, naturalization, and peonage offenses".

SEC. 215. DIPLOMATIC SECURITY SERVICE.

Section 2709(a)(1) of title 22, United States Code, is amended to read as follows:

"(1) conduct investigations concerning—

"(A) illegal passport or visa issuance or use;

"(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State;

"(C) violations of chapter 77 of title 18, United States Code; and

"(D) Federal offenses committed within the special maritime and territorial jurisdiction of the United States (as defined in section 7(9) of title 18, United States Code);".

SEC. 216. FIELD AGENT ALLOCATION AND BACKGROUND CHECKS.

(a) In General.—Section 103 (8 U.S.C. 1103) is amended—

(1) by amending subsection (f) to read as follows:

"(f) Minimum Number of Agents in States.—

"(1) In general.—The Secretary of Homeland Security shall allocate to each State—

"(A) not fewer than 40 full-time active duty agents of the Bureau of Immigration and Customs Enforcement to—

"(i) investigate immigration violations; and

"(ii) ensure the departure of all removable aliens; and

"(B) not fewer than 15 full-time active duty agents of the Bureau of Citizenship and Immigration Services to carry out immigration and naturalization adjudication functions.

"(2) Waiver.—The Secretary may waive the application of paragraph (1) for any State with a population of less than 2,000,000, as most recently reported by the Bureau of the Census"; and

(2) by adding at the end the following:

"(i) Notwithstanding any other provision of law, appropriate background and security checks, as determined by the Secretary of Homeland Security, shall be completed and assessed and any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this Act shall be investigated and resolved before the Secretary or the Attorney General may—

"(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;

"(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

"(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.".

(b) Effective Date.—The amendment made by subsection (a)(1) shall take effect on the date that is 90 days after the date of the enactment of this Act.

(c) Authorization of Appropriations.—There is authorized to be appropriated to the Director of the Federal Bureau of Investigations $3,125,000 for each of fiscal years 2007 through 2011 for improving the speed and accuracy of background and security checks conducted by the Federal Bureau of Investigations on behalf of the Bureau of Citizenship and Immigrations Services.

(d) Report on Background and Security Checks.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigations shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the background and security checks conducted by the Federal Bureau of Investigations on behalf of the Bureau of Citizenship and Immigrations Services

(2) Content.—The report required under paragraph (1) shall include—

(A) a description of the background and security check program;

(B) a statistical breakdown of the background and security check delays associated with different types of immigration applications;

(C) a statistical breakdown of the background and security check delays by applicant country of origin; and

(D) the steps the Federal Bureau of Investigations is taking to expedite background and security checks that have been pending for more than 60 days.

SEC. 217. CONSTRUCTION.

(a) In General.—Chapter 4 of title III (8 U.S.C. 1501 et seq.) is amended by adding at the end the following:

"SEC. 362. CONSTRUCTION.

"(a) In General.—Nothing in this Act or in any other provision of law shall be construed to require the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or any other authorized head of any Federal agency to grant any application, approve any petition, or grant or continue any status or benefit under the immigration laws by, to, or on behalf of—

"(1) any alien described in subparagraph (A)(i), (A)(iii), (B), or (F) of section 212(a)(3) or subparagraph (A)(i), (A)(iii), or (B) of section 237(a)(4);

"(2) any alien with respect to whom a criminal or other investigation or case is pending that is material to the alien's inadmissibility, deportability, or eligibility for the status or benefit sought; or

"(3) any alien for whom all law enforcement checks, as deemed appropriate by such authorized official, have not been conducted and resolved.

"(b) Denial; Withholding.—An official described in subsection (a) may deny or withhold (with respect to an alien described in subsection (a)(1)) or withhold pending resolution of the investigation, case, or law enforcement checks (with respect to an alien described in paragraph (2) or (3) of subsection (a)) any such application, petition, status, or benefit on such basis.".

(b) Clerical Amendment.—The table of contents is amended by inserting after the item relating to section 361 the following:

"Sec. 362. Construction".

SEC. 218. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) Reimbursement for Costs Associated With Processing Criminal Illegal Aliens.—The Secretary shall reimburse States and units of local government for costs associated with processing undocumented criminal aliens through the criminal justice system, including—

(1) indigent defense;

(2) criminal prosecution;

(3) autopsies;

(4) translators and interpreters; and

(5) courts costs.

(b) Authorization of Appropriations.—

(1) Processing criminal illegal aliens.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2012 to carry out subsection (a).

(2) Compensation upon request.—Section 241(i)(5) (8 U.S.C. 1231(i)) is amended to read as follows:

"(5) There are authorized to be appropriated to carry this subsection—

"(A) such sums as may be necessary for fiscal year 2007;

"(B) $750,000,000 for fiscal year 2008;

"(C) $850,000,000 for fiscal year 2009; and

"(D) $950,000,000 for each of the fiscal years 2010 through 2012.".

(c) Technical Amendment.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

SEC. 219. TRANSPORTATION AND PROCESSING OF ILLEGAL ALIENS APPREHENDED BY STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) In General.—The Secretary shall provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a detention facility operated by the Department.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 220. REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.

(a) Grants Authorized.—The Secretary may award grants to Indian tribes with lands adjacent to an international border of the United States that have been adversely affected by illegal immigration.

(b) Use of Funds.—Grants awarded under subsection (a) may be used for—

(1) law enforcement activities;

(2) health care services;

(3) environmental restoration; and

(4) the preservation of cultural resources.

(c) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that—

(1) describes the level of access of Border Patrol agents on tribal lands;

(2) describes the extent to which enforcement of immigration laws may be improved by enhanced access to tribal lands;

(3) contains a strategy for improving such access through cooperation with tribal authorities; and

(4) identifies grants provided by the Department for Indian tribes, either directly or through State or local grants, relating to border security expenses.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

SEC. 221. ALTERNATIVES TO DETENTION.

The Secretary shall conduct a study of—

(1) the effectiveness of alternatives to detention, including electronic monitoring devices and intensive supervision programs, in ensuring alien appearance at court and compliance with removal orders;

(2) the effectiveness of the Intensive Supervision Appearance Program and the costs and benefits of expanding that program to all States; and

(3) other alternatives to detention, including—

(A) release on an order of recognizance;

(B) appearance bonds; and

(C) electronic monitoring devices.

SEC. 222. CONFORMING AMENDMENT.

Section 101(a)(43)(P) (8 U.S.C. 1101(a)(43)(P)) is amended—

(1) by striking "(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii)" and inserting "which is described in chapter 75 of title 18, United States Code, and"; and

(2) by inserting the following: "that is not described in section 1548 of such title (relating to increased penalties), and" after "first offense".

SEC. 223. REPORTING REQUIREMENTS.

(a) CLARIFYING ADDRESS REPORTING REQUIREMENTS.—Section 265 (8 U.S.C. 1305) is amended—

(1) in subsection (a)—

(A) by striking "notify the Attorney General in writing" and inserting "submit written or electronic notification to the Secretary of Homeland Security, in a manner approved by the Secretary,";

(B) by striking "the Attorney General may require by regulation" and inserting "the Secretary may require"; and

(C) by adding at the end the following: "If the alien is involved in proceedings before an immigration judge or in an administrative appeal of such proceedings, the alien shall submit to the Attorney General the alien's current address and a telephone number, if any, at which the alien may be contacted.";

(2) in subsection (b), by striking "Attorney General" each place such term appears and inserting "Secretary of Homeland Security";

(3) in subsection (c), by striking "given to such parent" and inserting "given by such parent"; and

(4) by adding at the end the following:

"(d) ADDRESS TO BE PROVIDED.—

"(1) IN GENERAL.—Except as otherwise provided by the Secretary under paragraph (2), an address provided by an alien under this section shall be the alien's current residential mailing address, and shall not be a post office box or other non-residential mailing address or the address of an attorney, representative, labor organization, or employer.

"(2) SPECIFIC REQUIREMENTS.—The Secretary may provide specific requirements with respect to—

"(A) designated classes of aliens and special circumstances, including aliens who are employed at a remote location; and

"(B) the reporting of address information by aliens who are incarcerated in a Federal, State, or local correctional facility.

"(3) DETENTION.—An alien who is being detained by the Secretary under this Act is not required to report the alien's current address under this section during the time the alien remains in detention, but shall be required to notify the Secretary of the alien's address under this section at the time of the alien's release from detention.

"(e) USE OF MOST RECENT ADDRESS PROVIDED BY THE ALIEN.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may provide for the appropriate coordination and cross referencing of address information provided by an alien under this section with other information relating to the alien's address under other Federal programs, including—

"(A) any information pertaining to the alien, which is submitted in any application, petition, or motion filed under this Act with the Secretary of Homeland Security, the Secretary of State, or the Secretary of Labor;

"(B) any information available to the Attorney General with respect to an alien in a proceeding before an immigration judge or an administrative appeal or judicial review of such proceeding;

"(C) any information collected with respect to nonimmigrant foreign students or exchange program participants under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372); and

"(D) any information collected from State or local correctional agencies pursuant to the State Criminal Alien Assistance Program.

"(2) RELIANCE.—The Secretary may rely on the most recent address provided by the alien under this section or section 264 to send to the alien any notice, form, document, or other matter pertaining to Federal immigration laws, including service of a notice to appear. The Attorney General and the Secretary may rely on the most recent address provided by the alien under section 239(a)(1)(F) to contact the alien about pending removal proceedings.

"(3) OBLIGATION.—The alien's provision of an address for any other purpose under the Federal immigration laws does not excuse the alien's obligation to submit timely notice of the alien's address to the Secretary under this section (or to the Attorney General under section 239(a)(1)(F) with respect to an alien in a proceeding before an immigration judge or an administrative appeal of such proceeding).".

(b) CONFORMING CHANGES WITH RESPECT TO REGISTRATION REQUIREMENTS.—Chapter 7 of title II (8 U.S.C. 1301 et seq.) is amended—

(1) in section 262(c), by striking "Attorney General" and inserting "Secretary of Homeland Security";

(2) in section 263(a), by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(3) in section 264—

(A) in subsections (a), (b), (c), and (d), by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(B) in subsection (f)—

(i) by striking "Attorney General is authorized" and inserting "Secretary of Homeland Security and Attorney General are authorized"; and

(ii) by striking "Attorney General or the Service" and inserting "Secretary or the Attorney General".

(c) PENALTIES.—Section 266 (8 U.S.C. 1306) is amended—

(1) by amending subsection (b) to read as follows:

"(b) FAILURE TO PROVIDE NOTICE OF ALIEN'S CURRENT ADDRESS.—

"(1) CRIMINAL PENALTIES.—Any alien or any parent or legal guardian in the United States of any minor alien who fails to notify the Secretary of Homeland Security of the alien's current address in accordance with section 265 shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both.

"(2) EFFECT ON IMMIGRATION STATUS.—Any alien who violates section 265 (regardless of whether the alien is punished under paragraph (1)) and does not establish to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful shall be taken into custody in connection with removal of the alien. If the alien has not been inspected or admitted, or if the alien has failed on more than 1 occasion to submit notice of the alien's current address as required under section 265, the alien may be presumed to be a flight risk. The Secretary or the Attorney General, in considering any form of relief from removal which may be granted in the discretion of the Secretary or the Attorney General, may take into consideration the alien's failure to comply with section 265 as a separate negative factor. If the alien failed to comply with the requirements of section 265 after becoming subject to a final order of removal, deportation, or exclusion, the alien's failure shall be considered as a strongly negative factor with respect to any discretionary motion for reopening or reconsideration filed by the alien.";

(2) in subsection (c), by inserting "or a notice of current address" before "containing statements"; and

(3) in subsections (c) and (d), by striking "Attorney General" each place it appears and inserting "Secretary".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to proceedings initiated on or after the date of the enactment of this Act.

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The amendments made by paragraphs (1)(A), (1)(B), (2) and (3) of subsection (a) are effective as if enacted on March 1, 2003.

SEC. 224. STATE AND LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAWS.

(a) IN GENERAL.—Section 287(g) (8 U.S.C. 1357(g)) is amended—

(1) in paragraph (2), by adding at the end the following: "If such training is provided by a State or political subdivision of a State to an officer or employee of such State or political subdivision of a State, the cost of such training (including applicable overtime costs) shall be reimbursed by the Secretary of Homeland Security."; and

(2) in paragraph (4), by adding at the end the following: "The cost of any equipment required to be purchased under such written agreement and necessary to perform the functions under this subsection shall be reimbursed by the Secretary of Homeland Security.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 225. REMOVAL OF DRUNK DRIVERS.

(a) IN GENERAL.—Section 101(a)(43)(F) (8 U.S.C. 1101(a)(43)(F)) is amended by inserting ", including a third drunk driving conviction, regardless of the States in which the convictions occurred or whether the offenses are classified as misdemeanors or felonies under State law," after "offense)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to convictions entered on or after such date.

SEC. 226. MEDICAL SERVICES IN UNDERSERVED AREAS.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking "and before June 1, 2006.".

SEC. 227. EXPEDITED REMOVAL.

(a) IN GENERAL.—Section 238 (8 U.S.C. 1228) is amended—

(1) by striking the section heading and inserting "expedited removal of criminal aliens";

(2) in subsection (a), by striking the subsection heading and inserting: "EXPEDITED REMOVAL FROM CORRECTIONAL FACILITIES.—";

(3) in subsection (b), by striking the subsection heading and inserting: "REMOVAL OF CRIMINAL ALIENS.—";

(4) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the deportability of such alien and issue an order of removal pursuant to the procedures set forth in this subsection or section 240.

"(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

"(A) has not been lawfully admitted to the United States for permanent residence; and

"(B) was convicted of any criminal offense described in subparagraph (A)(iii), (C), or (D) of section 237(a)(2).";

(5) in the subsection (c) that relates to presumption of deportability, by striking "convicted of an aggravated felony" and inserting "described in subsection (b)(2)";

(6) by redesignating the subsection (c) that relates to judicial removal as subsection (d); and

(7) in subsection (d)(5) (as so redesignated), by striking ", who is deportable under this Act,".

(b) APPLICATION TO CERTAIN ALIENS.—

(1) IN GENERAL.—Section 235(b)(1)(A)(iii) (8 U.S.C. 1225(b)(1)(A)(iii)) is amended—

(A) in subclause (I), by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears; and

(B) by adding at the end the following new subclause:

"(III) EXCEPTION.—Notwithstanding subclauses (I) and (II), the Secretary of Homeland Security shall apply clauses (i) and (ii) of this subparagraph to any alien (other than an alien described in subparagraph (F)) who is not a national of a country contiguous to the United States, who has not been admitted or paroled into the United States, and who is apprehended within 100 miles of an international land border of the United States and within 14 days of entry.".

(2) EXCEPTIONS.—Section 235(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(F)) is amended—

(A) by striking "and who arrives by aircraft at a port of entry" and inserting "and—"; and

(B) by adding at the end the following:

"(i) who arrives by aircraft at a port of entry; or

"(ii) who is present in the United States and arrived in any manner at or between a port of entry.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens apprehended or convicted on or after such date.

SEC. 228. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) IMMIGRANTS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A)(i), by striking "Any" and inserting "Except as provided in clause (vii), any";

(2) in subparagraph (A), by inserting after clause (vi) the following:

"(vii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed."; and

(3) in subparagraph (B)(i)—

(A) by striking "Any alien" and inserting the following: "(I) Except as provided in subclause (II), any alien"; and

(B) by adding at the end the following:

"(II) Subclause (I) shall not apply in the case of an alien admitted for permanent residence who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.".

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), is amended by inserting "(other than a citizen described in section 204(a)(1)(A)(vii))" after "citizen of the United States" each place that phrase appears.

SEC. 229. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et. seq.) is amended by adding after section 240C the following new section:

"SEC. 240D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER OF ALIENS TO FEDERAL CUSTODY.

"(a) AUTHORITY.—Notwithstanding any other provision of law, law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the criminal provisions of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

"(b) CONSTRUCTION.—Nothing in this section shall be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

"(c) TRANSFER.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

"(1) shall—

"(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States; and

"(B) if the individual is an alien who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States—

"(i) take the illegal alien into the custody of the Federal Government not later than 72 hours after—

"(I) the conclusion of the State charging process or dismissal process; or

"(II) the illegal alien is apprehended, if no State charging or dismissal process is required; or

"(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

"(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

"(d) REIMBURSEMENT.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State, or a political subdivision of a State, for expenses, as verified by the Secretary, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c)(1).

"(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (c)(1) shall be—

"(A) the product of—

"(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

"(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

"(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

"(C) the cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (c) and the time of transfer into Federal custody.

"(e) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that—

"(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

"(2) if practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

"(f) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit requests described in subsection (c), into Federal custody.

"(g) AUTHORITY FOR CONTRACTS.—

"(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

"(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or if appropriate, the political subdivision in which the agencies are located, has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.".

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There are authorized to be appropriated $850,000,000 for fiscal year 2007 and each subsequent fiscal year for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.).

SEC. 230. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting "section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor)," after "section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),"; and

(2) by inserting "section 274(a) of the Immigration and Nationality Act (8

U.S.C.1324(a)) (relating to bringing in and harboring certain aliens)." after "section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling),".

SEC. 231. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) Provision of Information to the National Crime Information Center.—

(1) In general.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) (as amended by section 211(a)(1)(C)), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(D) whose visa has been revoked.

(2) Removal of information.—The head of the National Crime Information Center should promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

(3) Procedure for removal of erroneous information.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous. Notwithstanding the 180-day time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.

(b) Inclusion of Information in the National Crime Information Center Database.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and".

SEC. 232. COOPERATIVE ENFORCEMENT PROGRAMS.

Not later than 2 years after the date of the enactment of this Act, the Secretary shall negotiate and execute, where practicable, a cooperative enforcement agreement described in section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) with at least 1 law enforcement agency in each State, to train law enforcement officers in the detection and apprehension of individuals engaged in transporting, harboring, sheltering, or encouraging aliens in violation of section 274 of such Act (8 U.S.C. 1324).

SEC. 233. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURES AS A RESULT OF THE DEFENSE BASE CLOSURE REALIGNMENT ACT OF 1990.

(a) Construction or Acquisition of Detention Facilities.—

(1) In general.—The Secretary shall construct or acquire, in addition to existing facilities for the detention of aliens, at least 20 detention facilities in the United States that have the capacity to detain a combined total of not less than 20,000 individuals at any time for aliens detained pending removal or a decision on removal of such aliens from the United States subject to available appropriations.

(b) Construction of or Acquisition of Detention Facilities.—

(1) Requirement to construct or acquire.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required by section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a), subject to available appropriations.

(2) Use of alternate detention facilities.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(3) Use of installations under base closure laws.—In acquiring additional detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) for use in accordance with subsection (a).

(4) Determination of location.—The location of any detention facility constructed or acquired in accordance with this subsection shall be determined, with the concurrence of the Secretary, by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(c) Annual Report to Congress.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at the United States ports of entry or along the international land borders of the United States.

(d) Technical and Conforming Amendment.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking "may expend" and inserting "shall expend".

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 234. DETERMINATION OF IMMIGRATION STATUS OF INDIVIDUALS CHARGED WITH FEDERAL OFFENSES.

(a) Responsibility of United States Attorneys.—Beginning not later than 2 years after the date of the enactment of this Act, the office of the United States Attorney that is prosecuting a criminal case in a Federal court—

(1) shall determine, not later than 30 days after filing the initial pleadings in the case, whether each defendant in the case is lawfully present in the United States (subject to subsequent legal proceedings to determine otherwise);

(2)(A) if the defendant is determined to be an alien lawfully present in the United States, shall notify the court in writing of the determination and the current status of the alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) if the defendant is determined not to be lawfully present in the United States, shall notify the court in writing of the determination, the defendant's alien status, and, to the extent possible, the country of origin or legal residence of the defendant; and

(3) ensure that the information described in paragraph (2) is included in the case file and the criminal records system of the office of the United States attorney.

(b) Guidelines.—A determination made under subsection (a)(1) shall be made in accordance with guidelines of the Executive Office for Immigration Review of the Department of Justice.

(c) Responsibilities of Federal Courts.—

(1) Modifications of records and case managements systems.—Not later than 2 years after the date of the enactment of this Act, all Federal courts that hear criminal cases, or appeals of criminal cases, shall modify their criminal records and case management systems, in accordance with guidelines which the Director of the Administrative Office of the United States Courts shall establish, so as to enable accurate reporting of information described in subsection (a)(2).

(2) Data entries.—Beginning not later than 2 years after the date of the enactment of this Act, each Federal court described in paragraph (1) shall enter into its electronic records the information contained in each notification to the court under subsection (a)(2).

(d) Construction.—Nothing in this section may be construed to provide a basis for admitting evidence to a jury or releasing information to the public regarding an alien's immigration status.

(e) Annual Report to Congress.—The Director of the Administrative Office of the United States Courts shall include, in the annual report filed with Congress under section 604 of title 28, United States Code—

(1) statistical information on criminal trials of aliens in the courts and criminal convictions of aliens in the lower courts and upheld on appeal, including the type of crime in each case and including information on the legal status of the aliens; and

(2) recommendations on whether additional court resources are needed to accommodate the volume of criminal cases brought against aliens in the Federal courts.

(f) Authorization of Appropriations.—There are authorized to be appropriated for each of fiscal years 2007 through 2011, such sums as may be necessary to carry out this Act. Funds appropriated pursuant to this subsection in any fiscal year shall remain available until expended.

SEC. 235. EXPANSION OF THE JUSTICE PRISONER AND ALIEN TRANSFER SYSTEM.

Not later than 60 days after the date of enactment of this Act, the Attorney General shall issue a directive to expand the Justice Prisoner and Alien Transfer System (JPATS) so that such System provides additional services with respect to aliens who are illegally present in the United States. Such expansion should include—

(1) increasing the daily operations of such System with buses and air hubs in 3 geographic regions;

(2) allocating a set number of seats for such aliens for each metropolitan area;

(3) allowing metropolitan areas to trade or give some of seats allocated to them under the System for such aliens to other areas in their region based on the transportation needs of each area; and

(4) requiring an annual report that analyzes of the number of seats that each metropolitan area is allocated under this System for such aliens and modifies such allocation if necessary.

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) In General.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

"SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

"(a) Making Employment of Unauthorized Aliens Unlawful.—

"(1) In general.—It is unlawful for an employer—

"(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reckless disregard, that the alien is an unauthorized alien with respect to such employment; or

"(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

"(2) Continuing employment.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing that the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) Use of labor through contract.—

"(A) In general.—An employer who uses a contract, subcontract, or exchange to obtain the labor of an alien in the United States knowing, or with reckless disregard—

"(i) that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien in violation of paragraph (1)(A); or

"(ii) that the person hiring such alien failed to comply with the requirements of subsections (c) and (d) shall be considered to have hired the alien in violation of paragraph (1)(B).

"(B) Information sharing.—The person hiring the alien shall provide to the employer, who obtains the labor of the alien, the employer identification number assigned to such person by the Commissioner of Internal Revenue. Failure to provide such number shall be considered a recordkeeping violation under subsection (e)(4)(B).

"(C) Reporting requirement.—The employer shall submit to the Electronic Verification System established under subsection (d), in a manner prescribed by the Secretary, the employer identification number provided by the person hiring the alien. Failure to submit such number shall be considered a recordkeeping violation under subsection (e)(4)(B).

"(D) Enforcement.—The Secretary shall implement procedures to utilize the information obtained under subparagraphs (B) and (C) to identify employers who use a contract, subcontract, or exchange to obtain the labor of an alien from another person, where such person hiring such alien fails to comply with the requirements of subsections (c) and (d).

"(4) Defense.—

"(A) In general.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(B) Exception.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is participating in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) by complying with the requirements of subsection (c).

"(b) Order of Internal Review and Certification of Compliance.—

"(1) Authority to require certification.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

"(2) Content of certification.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the employer shall certify under penalty of perjury that—

"(A) the employer is in compliance with the requirements of subsections (c) and (d); or

"(B) that the employer has instituted a program to come into compliance with such requirements.

"(3) Extension.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

"(4) Publication.—The Secretary is authorized to publish in the Federal Register standards or methods for certification under paragraph (1) and for specific recordkeeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

"(c) Document Verification Requirements.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States shall verify that the individual is eligible for such employment by meeting the following requirements:

"(1) Attestation by employer.—

"(A) Requirements.—

"(i) In general.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining a document described in subparagraph (B).

"(ii) Signature requirements.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(iii) Standards for examination.—The employer has complied with the requirement of this paragraph with respect to examination of documentation if a reasonable person would conclude that the document examined is genuine and relates to the individual whose identity and eligibility for employment in the United States is being verified. If the individual provides a document sufficient to meet the requirements of this paragraph, nothing in this paragraph shall be construed as requiring an employer to solicit any other document or as requiring the individual to produce any other document.

"(B) Identification documents.—A document described in this subparagraph is—

"(i) in the case of an individual who is a national of the United States—

"(I) a United States passport; or

"(II) a driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that satisfies the requirements of division B of Public Law 109–13 (119 Stat. 302);

"(ii) in the case of an alien lawfully admitted for permanent residence in the United States, a permanent resident card, as specified by the Secretary;

"(iii) in the case of an alien who is authorized under this Act or by the Secretary to be employed in the United States, an employment authorization card, as specified by the Secretary that—

"(I) contains a photograph of the individual or other identifying information, including name, date of birth, gender, and address; and

"(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use;

"(iv) in the case of an individual who is unable to obtain a document described in clause (i), (ii), or (iii), a document designated by the Secretary that—

"(I) contains a photograph of the individual or other identifying information, including name, date of birth, gender, and address; and

"(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use; or

"(v) until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is participating in such System on a voluntary basis, a document, or a combination of documents, of such type that, as of the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary had established by regulation were sufficient for purposes of this section.

"(C) Authority to prohibit use of certain documents.—

"(i) Authority.—If the Secretary finds that a document or class of documents described in subparagraph (B) is not reliable to establish identity or is being used fraudulently to an unacceptable degree, the Secretary shall prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

"(ii) Requirement for publication.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

"(2) Attestation of employee.—

"(A) Requirements.—

"(i) In general.—The individual shall attest, under penalty of perjury on the form described in paragraph (1)(A)(i), that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, or to be recruited or referred for a fee, in the United States.

"(ii) Signature for examination.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(B) Penalties.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

"(3) Retention of attestation.—The employer shall retain a paper, microfiche, microfilm, or electronic version of the attestations made under paragraph (1) and (2) and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

“(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, 5 years after the date of the recruiting or referral; or

“(B) in the case of the hiring of an individual the later of—

“(i) 5 years after the date of such hiring;

“(ii) 1 year after the date the individual's employment is terminated; or

“(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

“(4) DOCUMENT RETENTION AND RECORDKEEPING REQUIREMENTS.—

“(A) RETENTION OF DOCUMENTS.—Notwithstanding any other provision of law, an employer shall retain, for the applicable period described in paragraph (3), the following documents:

“(i) IN GENERAL.—The employer shall copy all documents presented by an individual described in paragraph (1)(B) and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall be designated as copied documents.

“(ii) OTHER DOCUMENTS.—The employer shall maintain records of any action taken and copies of any correspondence written or received with respect to the verification of an individual's identity or eligibility for employment in the United States.

“(B) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) or (ii) of subparagraph (A) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

“(5) PENALTIES.—An employer that fails to comply with the recordkeeping requirements of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

“(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

“(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

“(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the ‘System’) to determine whether—

“(A) the identifying information submitted by an individual is consistent with the information maintained by the Secretary or the Commissioner of Social Security; and

“(B) such individual is eligible for employment in the United States.

“(2) REQUIREMENT FOR PARTICIPATION.—The Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by the employer on or after the date that is 18 months after the date that not less than $400,000,000 have been appropriated and made available to implement this subsection.

“(3) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (2), the Secretary has the authority—

“(A) to permit any employer that is not required to participate in the System under paragraph (2) to participate in the System on a voluntary basis; and

“(B) to require any employer or class of employers to participate on a priority basis in the System with respect to individuals employed as of, or hired after, the date of enactment of the Comprehensive Immigration Reform Act of 2006—

“(i) if the Secretary designates such employer or class of employers as a critical employer based on an assessment of homeland security or national security needs; or

“(ii) if the Secretary has reasonable cause to believe that the employer has engaged in material violations of paragraph (1), (2), or (3) of subsection (a).

“(4) REQUIREMENT TO NOTIFY.—The Secretary shall notify the employer or class of employers in writing regarding the requirement for participation in the System under paragraph (3)(B) not less than 60 days prior to the effective date of such requirement. Such notice shall include the training materials described in paragraph (8)(E)(v).

“(5) REGISTRATION OF EMPLOYERS.—An employer shall register the employer's participation in the System in the manner prescribed by the Secretary prior to the date the employer is required or permitted to submit information with respect to an employee under this subsection.

“(6) ADDITIONAL GUIDANCE.—A registered employer shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to facilitate compliance with—

“(A) the attestation requirement in subsection (c); and

“(B) the employment eligibility verification requirements in this subsection.

“(7) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an employee—

“(A) such failure shall be treated as a violation of subsection (a)(1)(B); and

“(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A), however, such presumption may not apply to a prosecution under subsection (f)(1).

“(8) DESIGN AND OPERATION OF SYSTEM.—

“(A) IN GENERAL.—The Secretary shall, through the System—

“(i) respond to each inquiry made by a registered employer through the Internet or other electronic media, or over a toll-free telephone line regarding an individual's identity and eligibility for employment in the United States; and

“(ii) maintain a record of each such inquiry and the information provided in response to such inquiry.

“(B) INITIAL INQUIRY.—

“(i) INFORMATION REQUIRED.—A registered employer shall, with respect to the hiring, or recruiting or referring for a fee, any individual for employment in the United States, obtain from the individual and record on the form described in subsection (c)(1)(A)(i)—

“(I) the individual's name and date of birth and, if the individual was born in the United States, the State in which such individual was born;

“(II) the individual's social security account number;

“(III) the employment identification number of the individual's employer during any one of the 5 most recently completed calendar years; and

“(IV) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), such alien identification or authorization number that the Secretary shall require.

“(ii) SUBMISSION TO SYSTEM.—A registered employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

“(I) not later than 3 days after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be); or

“(II) in the case of an employee hired by a critical employer designated by the Secretary under paragraph (3)(B) at such time as the Secretary shall specify.

“(iii) EIN REQUIREMENTS.—

“(I) REQUIREMENT TO PROVIDE.—An employer shall provide the employer identification number issued to such employer to the individual, upon request, for purposes of providing the information under clause (i)(III).

“(II) REQUIREMENT TO AFFIRMATIVELY STATE A LACK OF RECENT EMPLOYMENT.—An individual providing information under clause (i)(III) who was not employed in the United States during any of the 5 most recently completed calendar years shall affirmatively state on the form described in subsection (c)(1)(A)(i) that no employer identification number is provided because the individual was not employed in the United States during such period.

“(C) INITIAL RESPONSE.—Not later than 10 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

“(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

“(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, and after a secondary manual verification has been conducted, a tentative nonconfirmation notice, including the appropriate codes on such tentative nonconfirmation notice.

“(D) CONFIRMATION OR NONCONFIRMATION.—

“(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (C)(i) for an individual, the employer shall record, on the form described in subsection (c)(1)(A)(i), the appropriate code provided in such notice.

“(ii) TENTATIVE NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under paragraph (C)(ii) for an individual, the employer shall inform such individual of the issuance of such notice in writing, on a form prescribed by the Secretary not later than 3 days after receiving such notice. Such individual shall acknowledge receipt of such notice in writing on the form described in subsection (c)(1)(A)(i).

“(iii) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form described in subsection (1)(A)(i), the appropriate code provided through the System to indicate the individual did not contest the tentative nonconfirmation. An individual's failure to contest a tentative nonconfirmation shall not be considered an admission of guilt with respect to any violation of this Act or any other provision of law.

"(iv) CONTEST.—If the individual contests the tentative nonconfirmation notice, the individual shall submit appropriate information to contest such notice under the procedures established in subparagraph (E)(iii) not later than 10 days after receiving the notice from the individual's employer.

"(v) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION NOTICE.—A tentative nonconfirmation notice shall remain in effect until such notice becomes final under clause (iii), or the earlier of—

"(I) a final confirmation notice or final nonconfirmation notice is issued through the System; or

"(II) 30 days after the individual contests a tentative nonconfirmation under clause (iv).

"(vi) AUTOMATIC FINAL NOTICE.—

"(I) IN GENERAL.—If a final notice is not issued within the 30-day period described in clause (v)(II), the Secretary shall automatically provide to the employer, through the System, the appropriate code indicating a final notice.

"(II) PERIOD PRIOR TO INITIAL CERTIFICATION.—During the period beginning on the date of the enactment of the Comprehensive Immigration Reform Act of 2006 and ending on the date the Secretary submits the initial report described in subparagraph (E)(ii), an automatic notice issued under subclause (I) shall be a final confirmation notice.

"(III) PERIOD AFTER INITIAL CERTIFICATION.—After the date that the Secretary submits the initial report described in subparagraph (E)(ii), an automatic notice issued under subclause (I) shall be a final confirmation notice unless the most recent such report includes a certification that the System is able to correctly issue, within the period beginning on the date an employer submits an inquiry to the System and ending on the date an automatic default notice would be issued by the System, a final notice in at least 99 percent of the cases in which the notice relates to an individual who is eligible for employment in the United States. If the most recent such report includes such a certification, the automatic notice issued under subclause (I) shall be a final nonconfirmation notice.

"(IV) ADDITIONAL AUTHORITY.—Notwithstanding the second sentence of subclause (III), the Secretary shall have the authority to issue a final confirmation notice for an individual who would be subject to a final nonconfirmation notice under such sentence. In such a case, the Secretary shall determine the individual's eligibility for employment in the United States and record the results of such determination in the System within 12 months.

"(vii) EFFECTIVE PERIOD OF FINAL NOTICE.—A final confirmation notice issued under this paragraph for an individual shall remain in effect—

"(I) during any continuous period of employment of such individual by such employer, unless the Secretary determines the final confirmation was the result of identity fraud; or

"(II) in the case of an alien authorized to be employed in the United States for a temporary period, during such period.

"(viii) PROHIBITION ON TERMINATION.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (iii) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall prohibit the termination of employment for any reason other than such tentative nonconfirmation.

"(ix) RECORDING OF CONTEST RESOLUTION.—The employer shall record on the form described in subsection (c)(1)(A)(i) the appropriate code that is provided through the System to indicate a final confirmation notice or final nonconfirmation notice.

"(x) CONSEQUENCES OF NONCONFIRMATION.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

"(E) RESPONSIBILITIES OF THE SECRETARY.—

"(i) IN GENERAL.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by this subsection—

"(I) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer is consistent with such information maintained by the Secretary in order to confirm the validity of the information provided; and

"(II) a determination of whether the individual is authorized to be employed in the United States.

"(ii) ANNUAL REPORT AND CERTIFICATION.—Not later than the date that is 24 months after the date that not less than $400,000,000 have been appropriated and made available to the Secretary to implement this subsection, and annually thereafter, the Secretary shall submit to Congress a report that includes—

"(I) an assessment of whether the System is able to correctly issue, within the period described in subparagraph (D)(v)(II), a final notice in at least 99 percent of the cases in which the final notice relates to an individual who is eligible for employment in the United States (excluding an individual who fails to contest a tentative nonconfirmation notice); and

"(II) if the assessment under subclause (I) is that the System is able to correctly issue within the specified time period a final notice in at least 99 percent of the cases described in such subclause, a certification of such assessment.

"(iii) CONTEST AND SELF-VERIFICATION.—The Secretary in consultation with the Commissioner of Social Security, shall establish procedures to permit an individual who contests a tentative or final nonconfirmation notice, or seeks to verify the individual's own employment eligibility prior to obtaining or changing employment, to contact the appropriate agency and, in a timely manner, correct or update the information used by the System.

"(iv) INFORMATION TO EMPLOYEE.—The Secretary shall develop a written form for employers to provide to individuals who receive a tentative or final nonconfirmation notice. Such form shall be made available in a language other than English, as necessary and reasonable, and shall include—

"(I) information about the reason for such notice;

"(II) the right to contest such notice;

"(III) contact information for the appropriate agency and instructions for initiating such contest; and

"(IV) a 24-hour toll-free telephone number to respond to inquiries related to such notice.

"(v) TRAINING MATERIALS.—The Secretary shall make available or provide to the employer, upon request, not later than 60 days prior to such employer's participation in the System, appropriate training materials to facilitate compliance with this subsection, and sections 274B(a)(7) and 274C(a).

"(F) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The responsibilities of the Commissioner of Social Security with respect to the System are set out in section 205(c)(2) of the Social Security Act.

"(9) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

"(10) ADMINISTRATIVE REVIEW.—

"(A) IN GENERAL.—An individual who is terminated from employment as a result of a final nonconfirmation notice may, not later than 60 days after the date of such termination, file an appeal of such notice.

"(B) PROCEDURES.—The Secretary and Commissioner of Social Security shall develop procedures to review appeals filed under subparagraph (A) and to make final determinations on such appeals.

"(C) REVIEW FOR ERRORS.—If a final determination on an appeal filed under subparagraph (A) results in a confirmation of an individual's eligibility to work in the United States, the administrative review process shall require the Secretary to determine if the final nonconfirmation notice issued for the individual was the result of—

"(i) an error or negligence on the part of an employee or official operating or responsible for the System;

"(ii) the decision rules, processes, or procedures utilized by the System; or

"(iii) erroneous system information that was not the result of acts or omissions of the individual.

"(D) COMPENSATION FOR ERROR.—

"(i) IN GENERAL.—If the Secretary makes a determination under subparagraph (C) that the final nonconfirmation notice issued for an individual was not caused by an act or omission of the individual, the Secretary shall compensate the individual for lost wages.

"(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work schedule that prevailed prior to termination. The individual shall be compensated for wages lost beginning on the first scheduled work day after employment was terminated and ending 180 days after completion of the administrative review process described in this paragraph or the day after the individual is reinstated or obtains employment elsewhere, whichever occurs first.

"(E) LIMITATION ON COMPENSATION.—For purposes of determining an individual's compensation for the loss of employment, such compensation shall not include any period in which the individual was ineligible for employment in the United States.

"(F) SOURCE OF FUNDS.—Compensation or reimbursement provided under this paragraph shall not be provided from funds appropriated in annual appropriations Acts to the Secretary for the Department of Homeland Security.

"(11) JUDICIAL REVIEW.—

"(A) IN GENERAL.—After the Secretary makes a final determination on an appeal filed by an individual under the administrative review process described in paragraph

(10), the individual may obtain judicial review of such determination by a civil action commenced not later than 60 days after the date of such decision, or such further time as the Secretary may allow.

"(B) JURISDICTION.—A civil action for such judicial review shall be brought in the district court of the United States for the judicial district in which the plaintiff resides, or has a principal place of business, or, if the plaintiff does not reside or have a principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia.

"(C) ANSWER.—As part of the Secretary's answer to a complaint for such judicial review, the Secretary shall file a certified copy of the administrative record compiled during the administrative review under paragraph (10), including the evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming or reversing the result of that administrative review, with or without remanding the cause for a rehearing.

"(D) COMPENSATION FOR ERROR.—

"(i) IN GENERAL.—In cases in which such judicial review reverses the final determination of the Secretary made under paragraph (10), the court shall compensate the individual for lost wages.

"(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work scheduled that prevailed prior to termination. The individual shall be compensated for wages lost beginning on the first scheduled work day after employment was terminated and ending 180 days after completion of the judicial review described in this paragraph or the day after the individual is reinstated or obtains employment elsewhere, whichever occurs first.

"(12) LIMITATION ON COLLECTION AND USE OF DATA.—

"(A) LIMITATION ON COLLECTION OF DATA.—

"(i) IN GENERAL.—The System shall collect and maintain only the minimum data necessary to facilitate the successful operation of the System, and in no case shall the data be other than—

"(I) information necessary to register employers under paragraph (5);

"(II) information necessary to initiate and respond to inquiries or contests under paragraph (8);

"(III) information necessary to establish and enforce compliance with paragraphs (5) and (8);

"(IV) information necessary to detect and prevent employment related identity fraud; and

"(V) such other information the Secretary determines is necessary, subject to a 180 day notice and comment period in the Federal Register.

"(ii) PENALTIES.—Any officer, employee, or contractor who willfully and knowingly collects and maintains data in the System other than data described in clause (i) shall be guilty of a misdemeanor and fined not more than $1,000 for each violation.

"(B) LIMITATION ON USE OF DATA.—Whoever willfully and knowingly accesses, discloses, or uses any information obtained or maintained by the System—

"(i) for the purpose of committing identity fraud, or assisting another person in committing identity fraud, as defined in section 1028 of title 18, United States Code;

"(ii) for the purpose of unlawfully obtaining employment in the United States or unlawfully obtaining employment in the United States for any other person; or

"(iii) for any purpose other than as provided for under any provision of law;

shall be guilty of a felony and upon conviction shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

"(C) EXCEPTIONS.—Nothing in subparagraph (A) or (B) may be construed to limit the collection, maintenance, or use of data by the Commissioner of Internal Revenue or the Commissioner of Social Security as provided by law.

"(13) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

"(14) ANNUAL GAO STUDY AND REPORT.—

"(A) REQUIREMENT.—The Comptroller General of the United States shall conduct an annual study of the System.

"(B) PURPOSE.—The study shall evaluate the accuracy, efficiency, integrity, and impact of the System.

"(C) REPORT.—Not later than the date that is 24 months after the date that not less than $400,000,000 have been appropriated and made available to the Secretary to implement this subsection, and annually thereafter, the Comptroller General shall submit to Congress a report containing the findings of the study carried out under this paragraph. Each such report shall include, at a minimum, the following:

"(i) An assessment of the annual report and certification described in paragraph (8)(E)(ii).

"(ii) An assessment of System performance with respect to the rate at which individuals who are eligible for employment in the United States are correctly approved within each of the periods specified in paragraph (8), including a separate assessment of such rate for nationals and aliens.

"(iii) An assessment of the privacy and security of the System and its effects on identity fraud or the misuse of personal data.

"(iv) An assessment of the effects of the System on the employment of unauthorized aliens.

"(v) An assessment of the effects of the System, including the effects of tentative confirmations, on unfair immigration-related employment practices and employment discrimination based on national origin or citizenship status.

"(vi) An assessment of whether the Secretary and the Commissioner of Social Security have adequate resources to carry out the duties and responsibilities of this section.

"(e) COMPLIANCE.—

"(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

"(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

"(B) for the investigation of such complaints that the Secretary determines are appropriate to investigate; and

"(C) for the investigation of other violations of subsection (a) that the Secretary determines is appropriate.

"(2) AUTHORITY IN INVESTIGATIONS.—

"(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

"(i) shall have reasonable access to examine evidence regarding any employer being investigated; and

"(ii) if designated by the Secretary, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

"(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

"(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this section.

"(3) COMPLIANCE PROCEDURES.—

"(A) PREPENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

"(i) describe the violation;

"(ii) specify the laws and regulations allegedly violated;

"(iii) specify the amount of fines or other penalties to be imposed;

"(iv) disclose the material facts which establish the alleged violation; and

"(v) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

"(B) REMISSION OR MITIGATION OF PENALTIES.—

"(i) REVIEW BY SECRETARY.—If the Secretary determines that such fine or other penalty was incurred erroneously, or determines the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice.

"(ii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1), (2), or (3) of subsection (a) or of any other requirements of this section.

"(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer, the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

"(4) CIVIL PENALTIES.—

"(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1), (2), or (3) of subsection (a) shall pay civil penalties as follows:

"(i) Pay a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

"(ii) If the employer has previously been fined 1 time during the 12-month period preceding the violation under this subparagraph, pay a civil penalty of not less than

$4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

"(iii) If the employer has previously been fined more than 1 time during the 24-month period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

"(B) RECORDKEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the recordkeeping requirements of subsections (a), (c), and (d), shall pay a civil penalty as follows:

"(i) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

"(ii) If the employer has previously been fined 1 time during the 12-month period preceding the violation under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

"(iii) If the employer has previously been fined more than 1 time during the 24-month period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to such requirements, pay a civil penalty of not less than $600 and not more than $6,000 for each such violation.

"(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including violations of cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the criminal penalty described in subsection (f).

"(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in any appropriate district court of the United States. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

"(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination, not earlier than 46 days and not later than 180 days after the date the final determination is issued, in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

"(7) RECOVERY OF COSTS AND ATTORNEY'S FEES.—In any appeal brought under paragraph (5) or suit brought under paragraph (6) of this section the employer shall be entitled to recover from the Secretary reasonable costs and attorney's fees if such employer substantially prevails on the merits of the case. Such an award of attorney's fees may not exceed $25,000. Any such costs and attorney's fees assessed against the Secretary shall be charged against the operating expenses of the Department for the fiscal year in which the assessment is made, and may not be reimbursed from any other source.

"(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

"(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $20,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 3 years for the entire pattern or practice, or both.

"(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

"(g) ADJUSTMENT FOR INFLATION.—All penalties and limitations on the recovery of costs and attorney's fees in this section shall be increased every 4 years beginning January 2010 to reflect the percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) for the 48 month period ending with September of the year preceding the year such adjustment is made. Any adjustment under this subparagraph shall be rounded to the nearest dollar.

"(h) PROHIBITION OF INDEMNITY BONDS.—

"(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring for a fee, of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

"(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the Employer Compliance Fund established under section 286(w).

"(i) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

"(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

"(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 5 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 5 years.

"(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

"(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

"(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

"(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

"(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternate action under this subparagraph shall not be judicially reviewed.

"(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

"(j) MISCELLANEOUS PROVISIONS.—

"(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement (other than aliens lawfully admitted for permanent residence).

"(2) PREEMPTION.—The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.

"(k) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Employer Compliance Fund established under section 286(w).

"(l) DEFINITIONS.—In this section:

"(1) EMPLOYER.—The term 'employer' means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

"(2) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(3) UNAUTHORIZED ALIEN.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

"(A) an alien lawfully admitted for permanent residence; or

"(B) authorized to be so employed by this Act or by the Secretary.".

(b) Conforming Amendments.—

(1) Amendments.—

(A) Repeal of basic pilot.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) are repealed.

(B) Repeal of reporting requirements.—

(i) Report on earnings of aliens not authorized to work.—Subsection (c) of section 290 (8 U.S.C. 1360) is repealed.

(ii) Report on fraudulent use of social security account numbers.—Subsection (b) of section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1360 note) is repealed.

(2) Construction.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) Technical Amendments.—

(1) Definition of unauthorized alien.—Sections 218(i)(1) (8 U.S.C. 1188(i)(1)), 245(c)(8) (8 U.S.C. 1255(c)(8)), 274(a)(3)(B)(i) (8 U.S.C. 1324(a)(3)(B)(i)), and 274B(a)(1) (8 U.S.C. 1324b(a)(1)) are amended by striking "274A(h)(3)" and inserting "274A".

(2) Document requirements.—Section 274B (8 U.S.C. 1324b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking "274A(b)" and inserting "274A(c) and (d)"; and

(B) in subsection (g)(2)(B)(ii), by striking "274A(b)(5)" and inserting "274A(c)".

(d) Amendments to the Social Security Act.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraphs:

"(I)(i) The Commissioner of Social Security shall, subject to the provisions of section 301(f)(2) of the Comprehensive Immigration Reform Act of 2006, establish a reliable, secure method to provide through the Electronic Employment Verification System established pursuant to subsection (d) of section 274A of the Immigration and Nationality Act (referred to in this subparagraph as the 'System'), within the time periods required by paragraph (8) of such subsection—

"(I) a determination of whether the name, date of birth, employer identification number, and social security account number of an individual provided in an inquiry made to the System by an employer is consistent with such information maintained by the Commissioner in order to confirm the validity of the information provided;

"(II) a determination of the citizenship status associated with such name and social security account number, according to the records maintained by the Commissioner;

"(III) a determination of whether the name and number belongs to an individual who is deceased, according to the records maintained by the Commissioner;

"(IV) a determination of whether the name and number is blocked in accordance with clause (ii); and

"(V) a confirmation notice or a nonconfirmation notice described in such paragraph (8), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

"(ii) The Commissioner of Social Security shall prevent the fraudulent or other misuse of a social security account number by establishing procedures under which an individual who has been assigned a social security account number may block the use of such number under the System and remove such block.

"(J) In assigning social security account numbers to aliens who are authorized to work in the United States under section 218A of the Immigration and Nationality Act, the Commissioner of Social Security shall, to the maximum extent practicable, assign such numbers by employing the enumeration procedure administered jointly by the Commissioner, the Secretary of State, and the Secretary.".

(e) Disclosure of Certain Taxpayer Identity Information.—

(1) In general.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(21) Disclosure of certain taxpayer identity information by social security administration to department of homeland security.—

"(A) In general.—From taxpayer identity information which has been disclosed to the Social Security Administration and upon written request by the Secretary of Homeland Security, the Commissioner of Social Security shall disclose directly to officers, employees, and contractors of the Department of Homeland Security the following information:

"(i) Disclosure of employer no-match notices.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 during calendar year 2006, 2007, or 2008 which contains—

"(I) more than 100 names and taxpayer identifying numbers of employees (within the meaning of such section) that did not match the records maintained by the Commissioner of Social Security, or

"(II) more than 10 names of employees (within the meaning of such section) with the same taxpayer identifying number.

"(ii) Disclosure of information regarding use of duplicate employee taxpayer identifying information.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 which the Commissioner of Social Security has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of identity fraud due to the multiple use of the same taxpayer identifying number (assigned under section 6109) of an employee (within the meaning of section 6051).

"(iii) Disclosure of information regarding nonparticipating employers.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 which the Commissioner of Social Security has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of such person's failure to register and participate in the Electronic Employment Verification System authorized under section 274A(d) of the Immigration and Nationality Act (hereafter in this paragraph referred to as the 'System').

"(iv) Disclosure of information regarding new employees of nonparticipating employers.—Taxpayer identity information of all employees (within the meaning of section 6051) hired after the date a person identified in clause (iii) is required to participate in the System under section 274A(d)(2) or section 274A(d)(3)(B) of the Immigration and Nationality Act.

"(v) Disclosure of information regarding employees of certain designated employers.—Taxpayer identity information of all employees (within the meaning of section 6051) of each person who is required to participate in the System under section 274A(d)(3)(B) of the Immigration and Nationality Act.

"(vi) Disclosure of new hire taxpayer identity information.—Taxpayer identity information of each person participating in the System and taxpayer identity information of all employees (within the meaning of section 6051) of such person hired during the period beginning with the later of—

"(I) the date such person begins to participate in the System, or

"(II) the date of the request immediately preceding the most recent request under this clause,

ending with the date of the most recent request under this clause.

"(B) Restriction on disclosure.—The Commissioner of Social Security shall disclose taxpayer identity information under subparagraph (A) only for purposes of, and to the extent necessary in—

"(i) establishing and enforcing employer participation in the System,

"(ii) carrying out, including through civil administrative and civil judicial proceedings, of sections 212, 217, 235, 237, 238, 274A, 274B, and 274C of the Immigration and Nationality Act, and

"(iii) the civil operation of the Alien Terrorist Removal Court.

"(C) Reimbursement.—The Commissioner of Social Security shall prescribe a reasonable fee schedule for furnishing taxpayer identity information under this paragraph and collect such fees in advance from the Secretary of Homeland Security.

"(D) Termination.—This paragraph shall not apply to any request made after the date which is 3 years after the date of the enactment of this paragraph.".

(2) Compliance by DHS contractors with confidentiality safeguards.—

(A) In general.—Section 6103(p) of such Code is amended by adding at the end the following new paragraph:

"(9) Disclosure to DHS contractors.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor of the Department of Homeland Security unless such Department, to the satisfaction of the Secretary—

"(A) has requirements in effect which require each such contractor which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

"(B) agrees to conduct an on-site review every 3 years (mid-point review in the case of contracts or agreements of less than 1 year in duration) of each contractor to determine compliance with such requirements,

"(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

"(D) certifies to the Secretary for the most recent annual period that such contractor is in compliance with all such requirements.

"The certification required by subparagraph (D) shall include the name and address of each contractor, a description of the contract or agreement with such contractor, and the duration of such contract or agreement.".

(3) Conforming amendments.—

(A) Section 6103(a)(3) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(B) Section 6103(p)(3)(A) of such Code is amended by adding at the end the following new sentence: "The Commissioner of Social Security shall provide to the Secretary such information as the Secretary may require in carrying out this paragraph with respect to return information inspected or disclosed under the authority of subsection (l)(21).".

(C) Section 6103(p)(4) of such Code is amended—

(i) by striking "or (17)" both places it appears and inserting "(17), or (21)", and

(ii) by striking "or (20)" each place it appears and inserting "(20), or (21)".

(D) Section 6103(p)(8)(B) of such Code is amended by inserting "or paragraph (9)" after "subparagraph (A)".

(E) Section 7213(a)(2) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(f) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out the amendments made by this section.

(2) Limitation on verification responsibilities of commissioner of social security.—The Commissioner of Social Security is authorized to perform activities with respect to carrying out the Commissioner's responsibilities in this title or the amendments made by this title, but only to the extent the Secretary has provided, in advance, funds to cover the Commissioner's full costs in carrying out such responsibilities. In no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

(g) Effective Dates.—

(1) In general.—The amendments made by subsections (a), (b), (c), and (d) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(2) Subsection (e).—

(A) In general.—The amendments made by subsection (e) shall apply to disclosures made after the date of the enactment of this Act.

(B) Certifications.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (e)(2), shall be made with respect to calendar year 2007.

SEC. 302. EMPLOYER COMPLIANCE FUND.

Section 286 (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

"(w) Employer Compliance Fund.—

"(1) In general.—There is established in the general fund of the Treasury, a separate account, which shall be known as the 'Employer Compliance Fund' (referred to in this subsection as the 'Fund').

"(2) Deposits.—There shall be deposited as offsetting receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

"(3) Purpose.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

"(4) Availability of funds.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.".

SEC. 303. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) Increase in Number of Personnel.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,200, the number of personnel of the Bureau of Immigration and Customs Enforcement during the 5-year period beginning on the date of the enactment of this Act.

(b) Use of Personnel.—The Secretary shall ensure that not less than 25 percent of all the hours expended by personnel of the Bureau of Immigration and Customs Enforcement shall be used to enforce compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c).

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking "citizen" and inserting "national".

SEC. 305. ANTIDISCRIMINATION PROTECTIONS.

(a) Application of Prohibition of Discrimination to Verification System.—Section 274B(a)(1) (8 U.S.C. 1324b(a)(1)) is amended by inserting ", the verification of the individual's work authorization through the Electronic Employment Verification System described in section 274A(d)," after "the individual for employment".

(b) Classes of Aliens as Protected Individuals.—Section 274B(a)(3)(B) (8 U.S.C. 1324b(a)(3)(B)) is amended to read as follows:

"(B) is an alien who is—

"(i) lawfully admitted for permanent residence;

"(ii) granted the status of an alien lawfully admitted for temporary residence under section 210(a) or 245(a)(1);

"(iii) admitted as a refugee under section 207;

"(iv) granted asylum under section 208;

"(v) granted the status of a nonimmigrant under section 101(a)(15)(H)(ii)(c);

"(vi) granted temporary protected status under section 244; or

"(vii) granted parole under section 212(d)(5).".

(c) Requirements for Electronic Employment Verification.—Section 274B(a) (8 U.S.C. 1324b(a)) is amended by adding at the end the following:

"(7) Antidiscrimination requirements of the electronic employment verification system.—It is an unfair immigration-related employment practice for a person or other entity, in the course of the electronic verification process described in section 274A(d)—

"(A) to terminate or undertake any adverse employment action due to a tentative nonconfirmation;

"(B) to use the verification system for screening of an applicant prior to an offer of employment;

"(C) except as described in section 274A(d)(3)(B), to use the verification system for a current employee after the first 3 days of employment, or for the reverification of an employee after the employee has satisfied the process described in section 274A(d); or

"(D) to require an individual to make an inquiry under the self-verification procedures established in section 274A(d)(8)(E)(iii).".

(d) Increase in Civil Money Penalties.—Section 274B(g)(2) (8 U.S.C. 1324b(g)(2)) is amended—

(1) in subparagraph (B)(iv)—

(A) in subclause (I), by striking "$250 and not more than $2,000" and inserting "$1,000 and not more than $4,000";

(B) in subclause (II), by striking "$2,000 and not more than $5,000" and inserting "$4,000 and not more than $10,000";

(C) in subclause (III), by striking "$3,000 and not more than $10,000" and inserting "$6,000 and not more than $20,000"; and

(D) in subclause (IV), by striking "$100 and not more than $1,000" and inserting "$500 and not more than $5,000".

(e) Increased Funding of Information Campaign.—Section 274B(l)(3) (8 U.S.C. 1324b(l)(3)) is amended by inserting "and an additional $40,000,000 for each of fiscal years 2007 through 2009" before the period at the end.

(f) Effective Date.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply to violations occurring on or after such date.

TITLE IV—NONIMMIGRANT AND IMMIGRANT VISA REFORM

Subtitle A—Temporary Guest Workers

SEC. 401. IMMIGRATION IMPACT STUDY.

(a) Effective Date.—Any regulation that would increase the number of aliens who are eligible for legal status may not take effect before 90 days after the date on which the Director of the Bureau of the Census submits a report to Congress under subsection (c).

(b) Study.—The Director of the Bureau of the Census, jointly with the Secretary, the Secretary of Agriculture, the Secretary of Education, the Secretary of Energy, the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Secretary of the Interior, the Secretary of Labor, the Secretary of Transportation, the Secretary of the Treasury, the Attorney General, and the Administrator of the Environmental Protection Agency, shall undertake a study examining the impacts of the current and proposed annual grants of legal status, including immigrant and nonimmigrant status, along with the current level of illegal immigration, on the infrastructure of and quality of life in the United States.

(c) Report.—Not later than 90 days after the date of the enactment of this Act, the Director of the Bureau of the Census shall submit to Congress a report on the findings of the study required by subsection (b), including the following information:

(1) An estimate of the total legal and illegal immigrant populations of the United States, as they relate to the total population.

(2) The projected impact of legal and illegal immigration on the size of the population of the United States over the next 50 years, which regions of the country are likely to experience the largest increases, which small towns and rural counties are likely to lose their character as a result of such growth, and how the proposed regulations would affect these projections.

(3) The impact of the current and projected foreign-born populations on the natural environment, including the consumption of nonrenewable resources, waste production and disposal, the emission of pollutants, and the loss of habitat and productive farmland, an estimate of the public expenditures required to maintain current standards in each of these areas, the degree to which current

standards will deteriorate if such expenditures are not forthcoming, and the additional effects the proposed regulations would have.

(4) The impact of the current and projected foreign-born populations on employment and wage rates, particularly in industries such as agriculture and services in which the foreign born are concentrated, an estimate of the associated public costs, and the additional effects the proposed regulations would have.

(5) The impact of the current and projected foreign-born populations on the need for additions and improvements to the transportation infrastructure of the United States, an estimate of the public expenditures required to meet this need, the impact on Americans' mobility if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(6) The impact of the current and projected foreign-born populations on enrollment, class size, teacher-student ratios, and the quality of education in public schools, an estimate of the public expenditures required to maintain current median standards, the degree to those standards will deteriorate if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(7) The impact of the current and projected foreign-born populations on home ownership rates, housing prices, and the demand for low-income and subsidized housing, the public expenditures required to maintain current median standards in these areas, the degree to which those standards will deteriorate if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(8) The impact of the current and projected foreign-born populations on access to quality health care and on the cost of health care and health insurance, an estimate of the public expenditures required to maintain current median standards, the degree to which those standards will deteriorate if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(9) The impact of the current and projected foreign-born populations on the criminal justice system in the United States, an estimate of the associated public costs, and the additional effect the proposed regulations would have.

SEC. 402. NONIMMIGRANT TEMPORARY WORKER.

(a) TEMPORARY WORKER CATEGORY.—Section 101(a)(15)(H) (8 U.S.C. 1101(a)(15)(H)) is amended to read as follows:

"(H) an alien—

"(i)(b) subject to section 212(j)(2)—

"(aa) who is coming temporarily to the United States to perform services (other than services described in clause (ii)(a) or subparagraph (O) or (P)) in a specialty occupation described in section 214(i)(1) or as a fashion model;

"(bb) who meets the requirements for the occupation specified in section 214(i)(2) or, in the case of a fashion model, is of distinguished merit and ability; and

"(cc) with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security that the intending employer has filed an application with the Secretary in accordance with section 212(n)(1);

"(b1)(aa) who is entitled to enter the United States under the provisions of an agreement listed in section 214(g)(8)(A);

"(bb) who is engaged in a specialty occupation described in section 214(i)(3); and

"(cc) with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed an attestation with the Secretary of Labor in accordance with section 212(t)(1); or

"(c)(aa) who is coming temporarily to the United States to perform services as a registered nurse;

"(bb) who meets the qualifications described in section 212(m)(1); and

"(cc) with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security that an unexpired attestation is on file and in effect under section 212(m)(2) for the facility (as defined in section 212(m)(6)) for which the alien will perform the services; or

"(ii)(a) who—

"(aa) has a residence in a foreign country which the alien has no intention of abandoning; and

"(bb) is coming temporarily to the United States to perform agricultural labor or services (as defined by the Secretary of Labor), including agricultural labor (as defined in section 3121(g) of the Internal Revenue Code of 1986), agriculture (as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f))), and the pressing of apples for cider on a farm, of a temporary or seasonal nature;

"(b) who—

"(aa) has a residence in a foreign country which the alien has no intention of abandoning;

"(bb) is coming temporarily to the United States to perform nonagricultural work or services of a temporary or seasonal nature (if unemployed persons capable of performing such work or services cannot be found in the United States), excluding medical school graduates coming to the United States to perform services as members of the medical profession; or

"(c) who—

"(aa) has a residence in a foreign country which the alien has no intention of abandoning;

"(bb) is coming temporarily to the United States to perform temporary labor or services other than the labor or services described in clause (i)(b), (i)(c), (ii)(a), or (iii), or subparagraph (L), (O), (P), or (R) (if unemployed persons capable of performing such labor or services cannot be found in the United States); and

"(cc) meets the requirements of section 218A, including the filing of a petition under such section on behalf of the alien;

"(iii) who—

"(a) has a residence in a foreign country which the alien has no intention of abandoning; and

"(b) is coming temporarily to the United States as a trainee (other than to receive graduate medical education or training) in a training program that is not designed primarily to provide productive employment; or

"(iv) who—

"(a) is the spouse or a minor child of an alien described in this subparagraph; and

"(b) is accompanying or following to join such alien.".

(b) EFFECTIVE DATE AND APPLICATION.—The amendment made by subsection (a) shall take effect on the date that is 18 months after the date that not less than $400,000,000 have been appropriated and made available to the Secretary to implement the Electronic Employment Verification System established under 274A(d) of the Immigration and Nationality Act, as amended by section 301(a), with respect to aliens, who, on such effective date, are outside of the United States.

SEC. 403. ADMISSION OF NONIMMIGRANT TEMPORARY GUEST WORKERS.

(a) TEMPORARY GUEST WORKERS.—

(1) IN GENERAL.—Chapter 2 of title II (8 U.S.C. 1181 et seq.) is amended by inserting after section 218 the following:

"SEC. 218A. ADMISSION OF H-2C NONIMMIGRANTS.

"(a) AUTHORIZATION.—The Secretary of State may grant a temporary visa to an H-2C nonimmigrant who demonstrates an intent to perform labor or services in the United States (other than the labor or services described in clause (i)(b) or (ii)(a) of section 101(a)(15)(H) or subparagraph (L), (O), (P), or (R)) of section 101(a)(15).

"(b) REQUIREMENTS FOR ADMISSION.—An alien shall be eligible for H-2C nonimmigrant status if the alien meets the following requirements:

"(1) ELIGIBILITY TO WORK.—The alien shall establish that the alien is capable of performing the labor or services required for an occupation under section 101(a)(15)(H)(ii)(c).

"(2) EVIDENCE OF EMPLOYMENT.—The alien shall establish that the alien has received a job offer from an employer who has complied with the requirements of 218B.

"(3) FEE.—The alien shall pay a $500 visa issuance fee in addition to the cost of processing and adjudicating such application. Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees.

"(4) MEDICAL EXAMINATION.—The alien shall undergo a medical examination (including a determination of immunization status), at the alien's expense, that conforms to generally accepted standards of medical practice.

"(5) APPLICATION CONTENT AND WAIVER.—

"(A) APPLICATION FORM.—The alien shall submit to the Secretary a completed application, on a form designed by the Secretary of Homeland Security, including proof of evidence of the requirements under paragraphs (1) and (2).

"(B) CONTENT.—In addition to any other information that the Secretary requires to determine an alien's eligibility for H-2C nonimmigrant status, the Secretary shall require an alien to provide information concerning the alien's—

"(i) physical and mental health;

"(ii) criminal history and gang membership;

"(iii) immigration history; and

"(iv) involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States Government.

"(C) KNOWLEDGE.—The alien shall include with the application submitted under this paragraph a signed certification in which the alien certifies that—

"(i) the alien has read and understands all of the questions and statements on the application form;

"(ii) the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct; and

"(iii) the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

"(c) GROUNDS OF INADMISSIBILITY.—

"(1) IN GENERAL.—In determining an alien's admissibility as an H-2C nonimmigrant—

"(A) paragraphs (5), (6)(A), (7), (9)(B), and (9)(C) of section 212(a) may be waived for conduct that occurred before the effective date of the Comprehensive Immigration Reform Act of 2006;

"(B) the Secretary of Homeland Security may not waive the application of—

"(i) subparagraph (A), (B), (C), (E), (G), (H), or (I) of section 212(a)(2) (relating to criminals);

"(ii) section 212(a)(3) (relating to security and related grounds); or

"(iii) subparagraph (A), (C) or (D) of section 212(a)(10) (relating to polygamists and child abductors); and

"(C) for conduct that occurred before the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary of Homeland Security may waive the application of any provision of section 212(a) not listed in subparagraph (B) on behalf of an individual alien—

"(i) for humanitarian purposes;

"(ii) to ensure family unity; or

"(iii) if such a waiver is otherwise in the public interest.

"(2) Renewal of authorized admission and subsequent admissions.—An alien seeking renewal of authorized admission or subsequent admission as an H-2C nonimmigrant shall establish that the alien is not inadmissible under section 212(a).

"(d) Background Checks.—The Secretary of Homeland Security shall not admit, and the Secretary of State shall not issue a visa to, an alien seeking H-2C nonimmigrant status unless all appropriate background checks have been completed.

"(e) Ineligible To Change Nonimmigrant Classification.—An H-2C nonimmigrant may not change nonimmigrant classification under section 248.

"(f) Period of Authorized Admission.—

"(1) Authorized period and renewal.—The initial period of authorized admission as an H-2C nonimmigrant shall be 3 years, and the alien may seek 1 extension for an additional 3-year period.

"(2) International commuters.—An alien who resides outside the United States and commutes into the United States to work as an H-2C nonimmigrant, is not subject to the time limitations under paragraph (1).

"(3) Loss of employment.—

"(A) In general.—

"(i) Period of unemployment.—Subject to clause (ii) and subsection (c), the period of authorized admission of an H-2C nonimmigrant shall terminate if the alien is unemployed for 60 or more consecutive days.

"(ii) Exception.—The period of authorized admission of an H-2C nonimmigrant shall not terminate if the alien is unemployed for 60 or more consecutive days if such unemployment is caused by—

"(I) a period of physical or mental disability of the alien or the spouse, son, daughter, or parent (as defined in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611)) of the alien;

"(II) a period of vacation, medical leave, maternity leave, or similar leave from employment authorized by employer policy, State law, or Federal law; or

"(III) any other period of temporary unemployment caused by circumstances beyond the control of the alien.

"(B) Return to foreign residence.—Any alien whose period of authorized admission terminates under subparagraph (A) shall be required to leave the United States.

"(C) Period of visa validity.—Any alien, whose period of authorized admission terminates under subparagraph (A), who leaves the United States under subparagraph (B), may reenter the United States as an H-2C nonimmigrant to work for an employer, if the alien has complied with the requirements of subsection (b). The Secretary may, in the Secretary's sole and unreviewable discretion, reauthorize such alien for admission as an H-2C nonimmigrant without requiring the alien's departure from the United States.

"(4) Visits outside united states.—

"(A) In general.—Under regulations established by the Secretary of Homeland Security, an H-2C nonimmigrant—

"(i) may travel outside of the United States; and

"(ii) may be readmitted without having to obtain a new visa if the period of authorized admission has not expired.

"(B) Effect on period of authorized admission.—Time spent outside the United States under subparagraph (A) shall not extend the period of authorized admission in the United States.

"(5) Bars to extension or admission.—An alien may not be granted H-2C nonimmigrant status, or an extension of such status, if—

"(A) the alien has violated any material term or condition of such status granted previously, including failure to comply with the change of address reporting requirements under section 265;

"(B) the alien is inadmissible as a nonimmigrant; or

"(C) the granting of such status or extension of such status would allow the alien to exceed 6 years as an H-2C nonimmigrant, unless the alien has resided and been physically present outside the United States for at least 1 year after the expiration of such H-2C nonimmigrant status.

"(g) Evidence of Nonimmigrant Status.—Each H-2C nonimmigrant shall be issued documentary evidence of nonimmigrant status, which—

"(1) shall be machine-readable, tamper-resistant, and allow for biometric authentication;

"(2) shall be designed in consultation with the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement;

"(3) shall, during the alien's authorized period of admission under subsection (f), serve as a valid entry document for the purpose of applying for admission to the United States—

"(A) instead of a passport and visa if the alien—

"(i) is a national of a foreign territory contiguous to the United States; and

"(ii) is applying for admission at a land border port of entry; and

"(B) in conjunction with a valid passport, if the alien is applying for admission at an air or sea port of entry;

"(4) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B); and

"(5) shall be issued to the H-2C nonimmigrant by the Secretary of Homeland Security promptly after the final adjudication of such alien's application for H-2C nonimmigrant status.

"(h) Penalty for Failure To Depart.—If an H-2C nonimmigrant fails to depart the United States before the date which is 10 days after the date that the alien's authorized period of admission as an H-2C nonimmigrant terminates, the H-2C nonimmigrant may not apply for or receive any immigration relief or benefit under this Act or any other law, except for relief under sections 208 and 241(b)(3) and relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, for an alien who indicates either an intention to apply for asylum under section 208 or a fear of persecution or torture.

"(i) Penalty for Illegal Entry or Overstay.—Any alien who enters, attempts to enter, or crosses the border after the date of the enactment of this section, and is physically present in the United States after such date in violation of this Act or of any other Federal law, may not receive, for a period of 10 years—

"(1) any relief under section 240A(a), 240A(b)(1), or 240B; or

"(2) nonimmigrant status under section 101(a)(15) (except subparagraphs (T) and (U)).

"(j) Portability.—A nonimmigrant alien described in this section, who was previously issued a visa or otherwise provided H-2C nonimmigrant status, may accept a new offer of employment with a subsequent employer, if—

"(1) the employer complies with section 218B; and

"(2) the alien, after lawful admission to the United States, did not work without authorization.

"(k) Change of Address.—An H-2C nonimmigrant shall comply with the change of address reporting requirements under section 265 through either electronic or paper notification.

"(l) Collection of Fees.—All fees collected under this section shall be deposited in the Treasury in accordance with section 286(c).

"(m) Issuance of H-4 Nonimmigrant Visas for Spouse and Children.—

"(1) In general.—The alien spouse and children of an H-2C nonimmigrant (referred to in this section as 'dependent aliens') who are accompanying or following to join the H-2C nonimmigrant may be issued nonimmigrant visas under section 101(a)(15)(H)(iv).

"(2) Requirements for admission.—A dependent alien is eligible for nonimmigrant status under 101(a)(15)(H)(iv) if the dependent alien meets the following requirements:

"(A) Eligibility.—The dependent alien is admissible as a nonimmigrant and does not fall within a class of aliens ineligible for H-4A nonimmigrant status listed under subsection (c).

"(B) Medical examination.—Before a nonimmigrant visa is issued to a dependent alien under this subsection, the dependent alien shall submit to a medical examination (including a determination of immunization status) at the alien's expense, that conforms to generally accepted standards of medical practice.

"(C) Background checks.—Before a nonimmigrant visa is issued to a dependent alien under this section, the consular officer shall conduct such background checks as the Secretary of State, in consultation with the Secretary of Homeland Security, considers appropriate.

"(n) Definitions.—In this section and sections 218B, 218C, and 218D:

"(1) Aggrieved person.—term 'aggrieved person' means a person adversely affected by an alleged violation of this section, including—

"(A) a worker whose job, wages, or working conditions are adversely affected by the violation; and

"(B) a representative for workers whose jobs, wages, or working conditions are adversely affected by the violation who brings a complaint on behalf of such worker.

"(2) Area of employment.—The terms 'area of employment' and 'area of intended employment' mean the area within normal commuting distance of the worksite or physical location at which the work of the temporary worker is or will be performed. If such worksite or location is within a Metropolitan Statistical Area, any place within such area is deemed to be within the area of employment.

"(3) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means, with respect to employment, an individual who is not an unauthorized alien (as defined in section 274A) with respect to that employment.

"(4) EMPLOY; EMPLOYEE; EMPLOYER.—The terms 'employ', 'employee', and 'employer' have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

"(5) FOREIGN LABOR CONTRACTOR.—The term 'foreign labor contractor' means any person who for any compensation or other valuable consideration paid or promised to be paid, performs any foreign labor contracting activity.

"(6) FOREIGN LABOR CONTRACTING ACTIVITY.—The term 'foreign labor contracting activity' means recruiting, soliciting, hiring, employing, or furnishing, an individual who resides outside of the United States for employment in the United States as a nonimmigrant alien described in section 101(a)(15)(H)(ii)(c).

"(7) H-2C NONIMMIGRANT.—The term 'H-2C nonimmigrant' means a nonimmigrant described in section 101(a)(15)(H)(ii)(c).

"(8) SEPARATION FROM EMPLOYMENT.—The term 'separation from employment' means the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract. The term does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether the employee accepts the offer. Nothing in this paragraph shall limit an employee's rights under a collective bargaining agreement or other employment contract.

"(9) UNITED STATES WORKER.—The term 'United States worker' means an employee who is—

"(A) a citizen or national of the United States; or

"(B) an alien who is—

"(i) lawfully admitted for permanent residence;

"(ii) admitted as a refugee under section 207;

"(iii) granted asylum under section 208; or

"(iv) otherwise authorized, under this Act or by the Secretary of Homeland Security, to be employed in the United States.".

(2) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 218 the following:

"Sec. 218A. Admission of temporary H-2C workers".

SEC. 404. EMPLOYER OBLIGATIONS.

(a) IN GENERAL.—Title II (8 U.S.C. 1201 et seq.) is amended by inserting after section 218A, as added by section 403, the following:

"SEC. 218B. EMPLOYER OBLIGATIONS.

"(a) GENERAL REQUIREMENTS.—Each employer who employs an H-2C nonimmigrant shall—

"(1) file a petition in accordance with subsection (b); and

"(2) pay the appropriate fee, as determined by the Secretary of Labor.

"(b) REQUIRED PROCEDURE.—Except where the Secretary of Labor has determined that there is a shortage of United States workers in the occupation and area of intended employment to which the H-2C nonimmigrant is sought—

"(1) EFFORTS TO RECRUIT UNITED STATES WORKERS.—During the period beginning not later than 90 days prior to the date on which a petition is filed under subsection (a)(1), and ending on the date that is 14 days prior to the date on which the petition is filed, the employer involved shall take the following steps to recruit United States workers for the position for which the H-2C nonimmigrant is sought under the petition:

"(A) Submit a copy of the job opportunity, including a description of the wages and other terms and conditions of employment and the minimum education, training, experience and other requirements of the job, to the State Employment Service Agency that serves the area of employment in the State in which the employer is located.

"(B) Authorize the State Employment Service Agency to post the job opportunity on the Internet through the website for America's Job Bank, with local job banks, and with unemployment agencies and other labor referral and recruitment sources pertinent to the job involved.

"(C) Authorize the State Employment Service Agency to notify labor organizations in the State in which the job is located, and if applicable, the office of the local union which represents the employees in the same or substantially equivalent job classification of the job opportunity.

"(D) Post the availability of the job opportunity for which the employer is seeking a worker in conspicuous locations at the place of employment for all employees to see.

"(2) EFFORTS TO EMPLOY UNITED STATES WORKERS.—An employer that seeks to employ an H-2C nonimmigrant shall—

"(A) first offer the job to any eligible United States worker who applies, is qualified for the job and is available at the time of need, notwithstanding any other valid employment criteria.

"(c) PETITION.—A petition to hire an H-2C nonimmigrant under this section shall include an attestation by the employer of the following:

"(1) PROTECTION OF UNITED STATES WORKERS.—The employment of an H-2C nonimmigrant—

"(A) will not adversely affect the wages and working conditions of workers in the United States similarly employed; and

"(B) did not and will not cause the separation from employment of a United States worker employed by the employer within the 180-day period beginning 90 days before the date on which the petition is filed.

"(2) WAGES.—

"(A) IN GENERAL.—The H-2C nonimmigrant will be paid not less than the greater of—

"(i) the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question; or

"(ii) the prevailing wage level for the occupational classification in the area of employment, taking into account experience and skill levels of employees.

"(B) CALCULATION.—The wage levels under subparagraph (A) shall be calculated based on the best information available at the time of the filing of the application.

"(C) PREVAILING WAGE LEVEL.—For purposes of subparagraph (A)(ii), the prevailing wage level shall be determined in accordance as follows:

"(i) If the job opportunity is covered by a collective bargaining agreement between a union and the employer, the prevailing wage shall be the wage rate set forth in the collective bargaining agreement.

"(ii) If the job opportunity is not covered by such an agreement and it is in an occupation that is covered by a wage determination under a provision of subchapter IV of chapter 31 of title 40, United States Code, or the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), the prevailing wage level shall be the appropriate statutory wage.

"(iii)(I) If the job opportunity is not covered by such an agreement and it is in an occupation that is not covered by a wage determination under a provision of subchapter IV of chapter 31 of title 40, United States Code, or the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), the prevailing wage level shall be based on published wage data for the occupation from the Bureau of Labor Statistics, including the Occupational Employment Statistics survey, Current Employment Statistics data, National Compensation Survey, and Occupational Employment Projections program. If the Bureau of Labor Statistics does not have wage data applicable to such occupation, the employer may base the prevailing wage level on another wage survey approved by the Secretary of Labor.

"(II) The Secretary shall promulgate regulations applicable to approval of such other wage surveys that require, among other things, that the Bureau of Labor Statistics determine such surveys are statistically viable.

"(3) WORKING CONDITIONS.—All workers in the occupation at the place of employment at which the H-2C nonimmigrant will be employed will be provided the working conditions and benefits that are normal to workers similarly employed in the area of intended employment.

"(4) LABOR DISPUTE.—There is not a strike, lockout, or work stoppage in the course of a labor dispute in the occupation at the place of employment at which the H-2C nonimmigrant will be employed. If such strike, lockout, or work stoppage occurs following submission of the petition, the employer will provide notification in accordance with regulations promulgated by the Secretary of Labor.

"(5) PROVISION OF INSURANCE.—If the position for which the H-2C nonimmigrant is sought is not covered by the State workers' compensation law, the employer will provide, at no cost to the H-2C nonimmigrant, insurance covering injury and disease arising out of, and in the course of, the worker's employment, which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

"(6) NOTICE TO EMPLOYEES.—

"(A) IN GENERAL.—The employer has provided notice of the filing of the petition to the bargaining representative of the employer's employees in the occupational classification and area of employment for which the H-2C nonimmigrant is sought.

"(B) NO BARGAINING REPRESENTATIVE.—If there is no such bargaining representative, the employer has—

"(i) posted a notice of the filing of the petition in a conspicuous location at the place or places of employment for which the H-2C nonimmigrant is sought; or

"(ii) electronically disseminated such a notice to the employer's employees in the occupational classification for which the H-2C nonimmigrant is sought.

“(7) RECRUITMENT.—Except where the Secretary of Labor has determined that there is a shortage of United States workers in the occupation and area of intended employment for which the H–2C nonimmigrant is sought—

“(A) there are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services involved in the petition; and

“(B) good faith efforts have been taken to recruit United States workers, in accordance with regulations promulgated by the Secretary of Labor, which efforts included—

“(i) the completion of recruitment during the period beginning on the date that is 90 days before the date on which the petition was filed with the Department of Homeland Security and ending on the date that is 14 days before such filing date; and

“(ii) the actual wage paid by the employer for the occupation in the areas of intended employment was used in conducting recruitment.

“(8) INELIGIBILITY.—The employer is not currently ineligible from using the H–2C nonimmigrant program described in this section.

“(9) BONAFIDE OFFER OF EMPLOYMENT.—The job for which the H–2C nonimmigrant is sought is a bona fide job—

“(A) for which the employer needs labor or services;

“(B) which has been and is clearly open to any United States worker; and

“(C) for which the employer will be able to place the H–2C nonimmigrant on the payroll.

“(10) PUBLIC AVAILABILITY AND RECORDS RETENTION.—A copy of each petition filed under this section and documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor, will—

“(A) be provided to every H–2C nonimmigrant employed under the petition;

“(B) be made available for public examination at the employer's place of business or work site;

“(C) be made available to the Secretary of Labor during any audit; and

“(D) remain available for examination for 5 years after the date on which the petition is filed.

“(11) NOTIFICATION UPON SEPARATION FROM OR TRANSFER OF EMPLOYMENT.—The employer will notify the Secretary of Labor and the Secretary of Homeland Security of an H–2C nonimmigrant's separation from employment or transfer to another employer not more than 3 business days after the date of such separation or transfer, in accordance with regulations promulgated by the Secretary of Homeland Security.

“(12) ACTUAL NEED FOR LABOR OR SERVICES.—The petition was filed not more than 60 days before the date on which the employer needed labor or services for which the H–2C nonimmigrant is sought.

“(d) AUDIT OF ATTESTATIONS.—

“(1) REFERRALS BY SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall refer all approved petitions for H–2C nonimmigrants to the Secretary of Labor for potential audit.

“(2) AUDITS AUTHORIZED.—The Secretary of Labor may audit any approved petition referred pursuant to paragraph (1), in accordance with regulations promulgated by the Secretary of Labor.

“(e) INELIGIBLE EMPLOYERS.—

“(1) IN GENERAL.—The Secretary of Homeland Security shall not approve an employer's petitions, applications, certifications, or attestations under any immigrant or nonimmigrant program if the Secretary of Labor determines, after notice and an opportunity for a hearing, that the employer submitting such documents—

“(A) has, with respect to the attestations required under subsection (b)—

“(i) misrepresented a material fact;

“(ii) made a fraudulent statement; or

“(iii) failed to comply with the terms of such attestations; or

“(B) failed to cooperate in the audit process in accordance with regulations promulgated by the Secretary of Labor.

“(2) LENGTH OF INELIGIBILITY.—An employer described in paragraph (1) shall be ineligible to participate in the labor certification programs of the Secretary of Labor for not less than the time period determined by the Secretary, not to exceed 3 years.

“(3) EMPLOYERS IN HIGH UNEMPLOYMENT AREAS.—Beginning on the date that is 1 year after the date of the enactment of the Initial Entry, Adjustment, and Citizenship Assistance Grant Act of 2006, the Secretary of Homeland Security may not approve any employer's petition under subsection (b) if the work to be performed by the H–2C nonimmigrant is not agriculture based and is located in a metropolitan or micropolitan statistical area (as defined by the Office of Management and Budget) in which the unemployment rate for workers who have not completed any education beyond a high school diploma during the most recently completed 6-month period averaged more than 9.0 percent.

“(f) REGULATION OF FOREIGN LABOR CONTRACTORS.—

“(1) COVERAGE.—Notwithstanding any other provision of law, an H–2C nonimmigrant may not be treated as an independent contractor.

“(2) APPLICABILITY OF LAWS.—An H–2C nonimmigrant shall not be denied any right or any remedy under Federal, State, or local labor or employment law that would be applicable to a United States worker employed in a similar position with the employer because of the alien's status as a nonimmigrant worker.

“(3) TAX RESPONSIBILITIES.—With respect to each employed H–2C nonimmigrant, an employer shall comply with all applicable Federal, State, and local tax and revenue laws.

“(g) WHISTLEBLOWER PROTECTION.—It shall be unlawful for an employer or a labor contractor of an H–2C nonimmigrant to intimidate, threaten, restrain, coerce, retaliate, discharge, or in any other manner, discriminate against an employee or former employee because the employee or former employee—

“(1) discloses information to the employer or any other person that the employee or former employee reasonably believes demonstrates a violation of this Act; or

“(2) cooperates or seeks to cooperate in an investigation or other proceeding concerning compliance with the requirements of this Act.

“(h) LABOR RECRUITERS.—

“(1) IN GENERAL.—Each employer that engages in foreign labor contracting activity and each foreign labor contractor shall ascertain and disclose, to each such worker who is recruited for employment at the time of the worker's recruitment—

“(A) the place of employment;

“(B) the compensation for the employment;

“(C) a description of employment activities;

“(D) the period of employment;

“(E) any other employee benefit to be provided and any costs to be charged for each benefit;

“(F) any travel or transportation expenses to be assessed;

“(G) the existence of any labor organizing effort, strike, lockout, or other labor dispute at the place of employment;

“(H) the existence of any arrangement with any owner, employer, foreign contractor, or its agent where such person receives a commission from the provision of items or services to workers;

“(I) the extent to which workers will be compensated through workers' compensation, private insurance, or otherwise for injuries or death, including—

“(i) work related injuries and death during the period of employment;

“(ii) the name of the State workers' compensation insurance carrier or the name of the policyholder of the private insurance;

“(iii) the name and the telephone number of each person who must be notified of an injury or death; and

“(iv) the time period within which such notice must be given;

“(J) any education or training to be provided or required, including—

“(i) the nature and cost of such training;

“(ii) the entity that will pay such costs; and

“(iii) whether the training is a condition of employment, continued employment, or future employment; and

“(K) a statement, in a form specified by the Secretary of Labor, describing the protections of this Act for workers recruited abroad.

“(2) FALSE OR MISLEADING INFORMATION.—No foreign labor contractor or employer who engages in foreign labor contracting activity shall knowingly provide material false or misleading information to any worker concerning any matter required to be disclosed in paragraph (1).

“(3) LANGUAGES.—The information required to be disclosed under paragraph (1) shall be provided in writing in English or, as necessary and reasonable, in the language of the worker being recruited. The Secretary of Labor shall make forms available in English, Spanish, and other languages, as necessary, which may be used in providing workers with information required under this section.

“(4) FEES.—A person conducting a foreign labor contracting activity shall not assess any fee to a worker for such foreign labor contracting activity.

“(5) TERMS.—No employer or foreign labor contractor shall, without justification, violate the terms of any agreement made by that contractor or employer regarding employment under this program.

“(6) TRAVEL COSTS.—If the foreign labor contractor or employer charges the employee for transportation such transportation costs shall be reasonable.

“(7) OTHER WORKER PROTECTIONS.—

“(A) NOTIFICATION.—Not less frequently than once every 2 years, each employer shall notify the Secretary of Labor of the identity of any foreign labor contractor engaged by the employer in any foreign labor contractor activity for, or on behalf of, the employer.

“(B) REGISTRATION OF FOREIGN LABOR CONTRACTORS.—

“(i) IN GENERAL.—No person shall engage in foreign labor recruiting activity unless such person has a certificate of registration from the Secretary of Labor specifying the activities that such person is authorized to perform. An employer who retains the services of a foreign labor contractor shall only use those foreign labor contractors who are registered under this subparagraph.

"(ii) ISSUANCE.—The Secretary shall promulgate regulations to establish an efficient electronic process for the investigation and approval of an application for a certificate of registration of foreign labor contractors not later than 14 days after such application is filed, including—

"(I) requirements under paragraphs (1), (4), and (5) of section 102 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1812);

"(II) an expeditious means to update registrations and renew certificates; and

"(III) any other requirements that the Secretary may prescribe.

"(iii) TERM.—Unless suspended or revoked, a certificate under this subparagraph shall be valid for 2 years.

"(iv) REFUSAL TO ISSUE; REVOCATION; SUSPENSION.—In accordance with regulations promulgated by the Secretary of Labor, the Secretary may refuse to issue or renew, or may suspend or revoke, a certificate of registration under this subparagraph if—

"(I) the application or holder of the certification has knowingly made a material misrepresentation in the application for such certificate;

"(II) the applicant for, or holder of, the certification is not the real party in interest in the application or certificate of registration and the real party in interest—

"(aa) is a person who has been refused issuance or renewal of a certificate;

"(bb) has had a certificate suspended or revoked; or

"(cc) does not qualify for a certificate under this paragraph; or

"(III) the applicant for or holder of the certification has failed to comply with this Act.

"(C) REMEDY FOR VIOLATIONS.—An employer engaging in foreign labor contracting activity and a foreign labor contractor that violates the provisions of this subsection shall be subject to remedies for foreign labor contractor violations under subsections (h) and (i). If a foreign labor contractor acting as an agent of an employer violates any provision of this subsection, the employer shall also be subject to remedies under subsections (h) and (i). An employer that violates a provision of this subsection relating to employer obligations shall be subject to remedies under subsections (h) and (i).

"(D) EMPLOYER NOTIFICATION.—An employer shall notify the Secretary of Labor if the employer becomes aware of a violation of this subsection by a foreign labor recruiter.

"(E) WRITTEN AGREEMENTS.—A foreign labor contractor may not violate the terms of any written agreements made with an employer relating to any contracting activity or worker protection under this subsection.

"(F) BONDING REQUIREMENT.—The Secretary of Labor may require a foreign labor contractor to post a bond in an amount sufficient to ensure the protection of individuals recruited by the foreign labor contractor. The Secretary may consider the extent to which the foreign labor contractor has sufficient ties to the United States to adequately enforce this subsection.

"(i) ENFORCEMENT.—

"(1) IN GENERAL.—The Secretary of Labor shall promulgate regulations for the receipt, investigation, and disposition of complaints by an aggrieved person respecting a violation of this section.

"(2) FILING DEADLINE.—No investigation or hearing shall be conducted on a complaint concerning a violation under this section unless the complaint was filed not later than 12 months after the date of such violation.

"(3) REASONABLE CAUSE.—The Secretary of Labor shall conduct an investigation under this subsection if there is reasonable cause to believe that a violation of this section has occurred. The process established under this subsection shall provide that, not later than 30 days after a complaint is filed, the Secretary shall determine if there is reasonable cause to find such a violation.

"(4) NOTICE AND HEARING.—

"(A) IN GENERAL.—Not later than 60 days after the Secretary of Labor makes a determination of reasonable cause under paragraph (4), the Secretary shall issue a notice to the interested parties and offer an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code.

"(B) COMPLAINT.—If the Secretary of Labor, after receiving a complaint under this subsection, does not offer the aggrieved party or organization an opportunity for a hearing under subparagraph (A), the Secretary shall notify the aggrieved party or organization of such determination and the aggrieved party or organization may seek a hearing on the complaint in accordance with such section 556.

"(C) HEARING DEADLINE.—Not later than 60 days after the date of a hearing under this paragraph, the Secretary of Labor shall make a finding on the matter in accordance with paragraph (5).

"(5) ATTORNEYS' FEES.—A complainant who prevails with respect to a claim under this subsection shall be entitled to an award of reasonable attorneys' fees and costs.

"(6) POWER OF THE SECRETARY.—The Secretary may bring an action in any court of competent jurisdiction—

"(A) to seek remedial action, including injunctive relief;

"(B) to recover the damages described in subsection (i); or

"(C) to ensure compliance with terms and conditions described in subsection (g).

"(7) SOLICITOR OF LABOR.—Except as provided in section 518(a) of title 28, United States Code, the Solicitor of Labor may appear for and represent the Secretary of Labor in any civil litigation brought under this subsection. All such litigation shall be subject to the direction and control of the Attorney General.

"(8) PROCEDURES IN ADDITION TO OTHER RIGHTS OF EMPLOYEES.—The rights and remedies provided to workers under this section are in addition to any other contractual or statutory rights and remedies of the workers, and are not intended to alter or affect such rights and remedies.

"(j) PENALTIES.—

"(1) IN GENERAL.—If, after notice and an opportunity for a hearing, the Secretary of Labor finds a violation of subsection (b), (e), (f), or (g), the Secretary may impose administrative remedies and penalties, including—

"(A) back wages;

"(B) benefits; and

"(C) civil monetary penalties.

"(2) CIVIL PENALTIES.—The Secretary of Labor may impose, as a civil penalty—

"(A) for a violation of subsection (e) or (f)—

"(i) a fine in an amount not to exceed $2,000 per violation per affected worker;

"(ii) if the violation was willful violation, a fine in an amount not to exceed $5,000 per violation per affected worker;

"(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not to exceed $25,000 per violation per affected worker; and

"(B) for a violation of subsection (g)—

"(i) a fine in an amount not less than $500 and not more than $4,000 per violation per affected worker;

"(ii) if the violation was willful, a fine in an amount not less than $2,000 and not more than $5,000 per violation per affected worker; and

"(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not less than $6,000 and not more than $35,000 per violation per affected worker.

"(3) USE OF CIVIL PENALTIES.—All penalties collected under this subsection shall be deposited in the Treasury in accordance with section 286(w).

"(4) CRIMINAL PENALTIES.—If a willful and knowing violation of subsection (g) causes extreme physical or financial harm to an individual, the person in violation of such subsection may be imprisoned for not more than 6 months, fined in an amount not more than $35,000, or both.".

(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 218A, as added by section 403, the following:

"Sec. 218B. Employer obligations".

SEC. 405. ALIEN EMPLOYMENT MANAGEMENT SYSTEM.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et seq.) is amended by inserting after section 218B, as added by section 404, the following:

"SEC. 218C. ALIEN EMPLOYMENT MANAGEMENT SYSTEM.

"(a) ESTABLISHMENT.—The Secretary of Homeland Security, in consultation with the Secretary of Labor, the Secretary of State, and the Commission of Social Security, shall develop and implement a program (referred to in this section as the 'alien employment management system') to manage and track the employment of aliens described in sections 218A and 218D.

"(b) REQUIREMENTS.—The alien employment management system shall—

"(1) provide employers who seek employees with an opportunity to recruit and advertise employment opportunities available to United States workers before hiring an H-2C nonimmigrant;

"(2) collect sufficient information from employers to enable the Secretary of Homeland Security to determine—

"(A) if the nonimmigrant is employed;

"(B) which employers have hired an H-2C nonimmigrant;

"(C) the number of H-2C nonimmigrants that an employer is authorized to hire and is currently employing;

"(D) the occupation, industry, and length of time that an H-2C nonimmigrant has been employed in the United States;

"(3) allow employers to request approval of multiple H-2C nonimmigrant workers; and

"(4) permit employers to submit applications under this section in an electronic form.".

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 218B, as added by section 404, the following:

"Sec. 218C. Alien employment management system".

SEC. 406. RULEMAKING; EFFECTIVE DATE.

(a) RULEMAKING.—Not later than 6 months after the date of enactment of this Act, the Secretary of Labor shall promulgate regulations, in accordance with the notice and comment provisions of section 553 of title 5, United States Code, to carry out the provisions of sections 218A, 218B, and 218C, as added by this Act.

(b) EFFECTIVE DATE.—The amendments made by sections 403, 404, and 405 shall take effect on the date that is 1 year after the date of the enactment of this Act with regard to aliens, who, on such effective date, are in the foreign country where they maintain residence.

SEC. 407. RECRUITMENT OF UNITED STATES WORKERS.

(a) ELECTRONIC JOB REGISTRY.—The Secretary of Labor shall establish a publicly accessible Web page on the Internet website of the Department of Labor that provides a single Internet link to each State workforce agency's statewide electronic registry of jobs available throughout the United States to United States workers.

(b) RECRUITMENT OF UNITED STATES WORKERS.—

(1) POSTING.—An employer shall attest that the employer has posted an employment opportunity at a prevailing wage level (as described in section 218B(b)(2)(C) of the Immigration and Nationality Act).

(2) RECORDS.—An employer shall maintain records for not less than 1 year after the date on which an H-2C nonimmigrant is hired that describe the reasons for not hiring any of the United States workers who may have applied for such position.

(c) OVERSIGHT AND MAINTENANCE OF RECORDS.—The Secretary of Labor shall promulgate regulations regarding the maintenance of electronic job registry records for the purpose of audit or investigation.

(d) ACCESS TO ELECTRONIC JOB REGISTRY.—The Secretary of Labor shall ensure that job opportunities advertised on an electronic job registry established under this section are accessible—

(1) by the State workforce agencies, which may further disseminate job opportunity information to other interested parties; and

(2) through the Internet, for access by workers, employers, labor organizations, and other interested parties.

SEC. 408. TEMPORARY GUEST WORKER VISA PROGRAM TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force to be known as the "Temporary Worker Task Force" (referred to in this section as the "Task Force").

(b) PURPOSES.—The purposes of the Task Force are—

(1) to study the impact of the admission of aliens under section 101(a)(15)(ii)(c) on the wages, working conditions, and employment of United States workers; and

(2) to make recommendations to the Secretary of Labor regarding the need for an annual numerical limitation on the number of aliens that may be admitted in any fiscal year under section 101(a)(15)(ii)(c).

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall be composed of 10 members, of whom—

(A) 1 shall be appointed by the President and shall serve as chairman of the Task Force;

(B) 1 shall be appointed by the leader of the minority party in the Senate, in consultation with the leader of the minority party in the House of Representatives, and shall serve as vice chairman of the Task Force;

(C) 2 shall be appointed by the majority leader of the Senate;

(D) 2 shall be appointed by the minority leader of the Senate;

(E) 2 shall be appointed by the Speaker of the House of Representatives; and

(F) 2 shall be appointed by the minority leader of the House of Representatives.

(2) DEADLINE FOR APPOINTMENT.—All members of the Task Force shall be appointed not later than 6 months after the date of the enactment of this Act.

(3) VACANCIES.—Any vacancy in the Task Force shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(4) QUORUM.—Six members of the Task Force shall constitute a quorum.

(d) QUALIFICATIONS.—

(1) IN GENERAL.—Members of the Task Force shall be—

(A) individuals with expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience; and

(B) representative of a broad cross-section of perspectives within the United States, including the public and private sectors and academia.

(2) POLITICAL AFFILIATION.—Not more than 5 members of the Task Force may be members of the same political party.

(3) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Task Force may not be an officer or employee of the Federal Government or of any State or local government.

(e) MEETINGS.—

(1) INITIAL MEETING.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable.

(2) SUBSEQUENT MEETINGS.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

(f) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Task Force shall submit, to Congress, the Secretary of Labor, and the Secretary, a report that contains—

(1) findings with respect to the duties of the Task Force; and

(2) recommendations for imposing a numerical limit.

(g) NUMERICAL LIMITATIONS.—Section 214(g)(1) (8 U.S.C. 1184(g)(1)) is amended—

(1) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(2) by adding at the end the following:

"(C) under section 101(a)(15)(H)(ii)(c) may not exceed 200,000.".

(h) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS.—Section 245 (8 U.S.C. 1255) is amended by adding at the end the following:

"(n)(1) For purposes of adjustment of status under subsection (a), employment-based immigrant visas shall be made available, subject to the numerical limitations set out in sections 201(d) and 203(b), to an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) upon the filing of a petition for such a visa—

"(A) by the alien's employer; or

"(B) by the alien, if—

"(i) the alien has been employed in H-2C status for a cumulative period of not less than 4 years;

"(ii) an employer attests that the employer will employ the alien in the offered job position;

"(iii) the Secretary of Labor determines and certifies that there are not sufficient United States workers who are able, willing, qualified, and available to fill the job position; or

"(iv) the Secretary of Labor determines and certifies that there are not sufficient United States workers who are able, willing, qualified, and available to fill the position in which the alien is, or will be, employed; and

"(v) the alien submits at least 2 documents to establish current employment, as follows:

"(I) Records maintained by the Social Security Administration.

"(II) Records maintained by the alien's employer, such as pay stubs, time sheets, or employment work verification.

"(III) Records maintained by the Internal Revenue Service.

"(IV) Records maintained by any other government agency, such as worker compensation records, disability records, or business licensing records.

"(2) An alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) may not apply for adjustment of status under this section unless the alien—

"(A) is physically present in the United States; and

"(B) establishes that the alien meets the requirements of section 312.

"(3) An alien who demonstrates that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

"(4) Filing a petition under paragraph (1) on behalf of an alien or otherwise seeking permanent residence in the United States for such alien shall not constitute evidence of the alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(c).

"(5) The Secretary of Homeland Security shall extend, in 1-year increments, the stay of an alien for whom a labor certification petition filed under section 203(b) or an immigrant visa petition filed under section 204(b) is pending until a final decision is made on the alien's lawful permanent residence.

"(6) Nothing in this subsection shall be construed to prevent an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) from filing an application for adjustment of status under this section in accordance with any other provision of law.".

SEC. 409. REQUIREMENTS FOR PARTICIPATING COUNTRIES.

(a) IN GENERAL.—The Secretary of State, in cooperation with the Secretary and the Attorney General, shall negotiate with each home country of aliens described in section 101(a)(15)(H)(ii)(c) of the Immigration and Nationality Act, as added by section 402, to enter into a bilateral agreement with the United States that conforms to the requirements under subsection (b).

(b) REQUIREMENTS OF BILATERAL AGREEMENTS.—Each agreement negotiated under subsection (a) shall require the participating home country to—

(1) accept the return of nationals who are ordered removed from the United States within 3 days of such removal;

(2) cooperate with the United States Government to—

(A) identify, track, and reduce gang membership, violence, and human trafficking and smuggling; and

(B) control illegal immigration;

(3) provide the United States Government with—

(A) passport information and criminal records of aliens who are seeking admission to, or are present in, the United States; and

(B) admission and entry data to facilitate United States entry-exit data systems; and

(4) educate nationals of the home country regarding United States temporary worker programs to ensure that such nationals are not exploited; and

(5) evaluate means to provide housing incentives in the alien's home country for returning workers.

SEC. 410. S VISAS.

(a) Expansion of S Visa Classification.—Section 101(a)(15)(S) (8 U.S.C. 1101(a)(15)(S)) is amended—

(1) in clause (i)—

(A) by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security";

(B) in subclause (I), by inserting before the semicolon, ", including a criminal enterprise undertaken by a foreign government, its agents, representatives, or officials";

(C) in subclause (III), by inserting "where the information concerns a criminal enterprise undertaken by an individual or organization that is not a foreign government, its agents, representatives, or officials," before "whose"; and

(D) by striking "or" at the end; and

(2) in clause (ii)—

(A) by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(B) by striking "1956," and all that follows through "the alien;" and inserting the following: "1956; or

"(iii) who the Secretary of Homeland Security and the Secretary of State, in consultation with the Director of Central Intelligence, jointly determine—

"(I) is in possession of critical reliable information concerning the activities of governments or organizations, or their agents, representatives, or officials, with respect to weapons of mass destruction and related delivery systems, if such governments or organizations are at risk of developing, selling, or transferring such weapons or related delivery systems; and

"(II) is willing to supply or has supplied, fully and in good faith, information described in subclause (I) to appropriate persons within the United States Government;

"and, if the Secretary of Homeland Security (or with respect to clause (ii), the Secretary of State and the Secretary of Homeland Security jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i), (ii), or (iii) if accompanying, or following to join, the alien;".

(b) Numerical Limitation.—Section 214(k)(1) (8 U.S.C. 1184(k)(1)) is amended by striking "The number of aliens" and all that follows through the period and inserting the following: "The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S) in any fiscal year may not exceed 1,000.".

(c) Reports.—

(1) Content.—Paragraph (4) of section 214(k) (8 U.S.C. 1184(k)) is amended—

(A) in the matter preceding subparagraph (A)

(i) by striking "The Attorney General" and inserting "The Secretary of Homeland Security"; and

(ii) by striking "concerning—" and inserting "that includes—";

(B) in subparagraph (D), by striking "and";

(C) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(D) by inserting at the end the following:

"(F) in the event that the total number of such nonimmigrants admitted is fewer than 25 percent of the total number provided for under paragraph (1) of this subsection—

"(i) the reasons why the number of such nonimmigrants admitted is fewer than 25 percent of that provided for by law;

"(ii) the efforts made by the Secretary of Homeland Security to admit such nonimmigrants; and

"(iii) any extenuating circumstances that contributed to the admission of a number of such nonimmigrants that is fewer than 25 percent of that provided for by law.".

(2) Form of Report.—Section 214(k) (8 U.S.C. 1184(k)) is amended by adding at the end the following new paragraph:

"(5) To the extent required by law and if it is in the interests of national security or the security of such nonimmigrants that are admitted, as determined by the Secretary of Homeland Security, the information contained in a report described in paragraph (4) may be classified, and the Secretary of Homeland Security shall, to the extent feasible, submit a non-classified version of the report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.".

SEC. 411. L VISA LIMITATIONS.

Section 214(c)(2) (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in subparagraph (E), by striking "In the case" and inserting "Except as provided in subparagraph (H), in the case"; and

(3) by adding at the end the following:

"(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for a period not to exceed 12 months only if the employer operating the new facility has—

"(I) a business plan;

"(II) sufficient physical premises to carry out the proposed business activities; and

"(III) the financial ability to commence doing business immediately upon the approval of the petition.

"(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits to the Secretary of Homeland Security—

"(I) evidence that the importing employer meets the requirements of this subsection;

"(II) evidence that the beneficiary meets the requirements of section 101(a)(15)(L);

"(III) a statement summarizing the original petition;

"(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i);

"(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

"(VI) evidence that the importing employer, during the previous 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

"(VII) a statement of the duties the beneficiary has performed at the new facility during the previous 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

"(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

"(IX) evidence of wages paid to employees if the beneficiary will be employed in a managerial or executive capacity;

"(X) evidence of the financial status of the new facility; and

"(XI) any other evidence or data prescribed by the Secretary.

"(iii) Notwithstanding subclauses (I) through (VI) of clause (ii) and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a subsequently filed petition on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

"(H)(i) The Secretary of Homeland Security may not authorize the spouse of an alien described under section 101(a)(15)(L), who is a dependent of a beneficiary under subparagraph (G), to engage in employment in the United States during the initial 9-month period described in subparagraph (G)(i).

"(ii) A spouse described in clause (i) may be provided employment authorization upon the approval of an extension under subparagraph (G)(ii).

"(I) For purposes of determining the eligibility of an alien for classification under Section 101(a)(15)(L) of this Act, the Secretary of Homeland Security shall establish a program to work cooperatively with the Department of State to verify a company or facility's existence in the United States and abroad.".

SEC. 412. COMPLIANCE INVESTIGATORS.

The Secretary of Labor shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,000, the number of positions for compliance investigators dedicated to enforcing compliance with this title, and the amendments made by this title.

SEC. 413. VISA WAIVER PROGRAM EXPANSION.

Section 217(c) (8 U.S.C. 1187(c)) is amended by adding at the end the following:

"(8) Probationary admission.—

"(A) Definition of material support.—In this paragraph, the term 'material support' means the current provision of the equivalent of, but not less than, a battalion (which consists of 300 to 1,000 military personnel) to Operation Iraqi Freedom or Operation Enduring Freedom to provide training, logistical or tactical support, or a military presence.

"(B) Designation as a program country.—Notwithstanding any other provision of this section, a country may be designated as a program country, on a probationary basis, under this section if—

"(i) the country is a member of the European Union;

"(ii) the country is providing material support to the United States or the multilateral forces in Afghanistan or Iraq, as determined by the Secretary of Defense, in consultation with the Secretary of State; and

"(iii) the Secretary of Homeland Security, in consultation with the Secretary of State, determines that participation of the country in the visa waiver program under this section does not compromise the law enforcement interests of the United States.

"(C) Refusal rates; overstay rates.—The determination under subparagraph (B)(iii) shall only take into account any refusal rates or overstay rates after the expiration of the first full year of the country's admission into the European Union.

"(D) Full compliance.—Not later than 2 years after the date of a country's designation under subparagraph (B), the country—

"(i) shall be in full compliance with all applicable requirements for program country status under this section; or

"(ii) shall have its program country designation terminated.

"(E) Extensions.—The Secretary of State may extend, for a period not to exceed 2 years, the probationary designation granted under subparagraph (B) if the country—

"(i) is making significant progress towards coming into full compliance with all applicable requirements for program country status under this section;

"(ii) is likely to achieve full compliance before the end of such 2-year period; and

"(iii) continues to be an ally of the United States against terrorist states, organizations, and individuals, as determined by the Secretary of Defense, in consultation with the Secretary of State.".

SEC. 414. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subtitle and the amendments made by this subtitle for the first fiscal year beginning before the date of enactment of this Act and each of the subsequent fiscal years beginning not more than 7 years after the effective date of the regulations promulgated by the Secretary to implement this subtitle.

Subtitle B—Immigration Injunction Reform

SEC. 421. SHORT TITLE.

This subtitle may be cited as the "Fairness in Immigration Litigation Act of 2006".

SEC. 422. APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.

(a) Requirements for an Order Granting Prospective Relief Against the Government.—

(1) In general.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(D) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(2) Written explanation.—The requirements described in subsection (1) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(3) Expiration of preliminary injunctive relief.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) makes the findings required under paragraph (1) for the entry of permanent prospective relief; and

(B) makes the order final before expiration of such 90-day period.

(4) Requirements for order denying motion.—This subsection shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(b) Procedure for Motion Affecting Order Granting Prospective Relief Against the Government.—

(1) In general.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) Automatic stays.—

(A) In general.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) Duration of automatic stay.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion.

(C) Postponement.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) Orders blocking automatic stays.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(c) Settlements.—

(1) Consent decrees.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with subsection (a).

(2) Private settlement agreements.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with subsection (a) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(d) Definitions.—In this section:

(1) Consent decree.—The term "consent decree"—

(A) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(B) does not include private settlements.

(2) Good cause.—The term "good cause" does not include discovery or congestion of the court's calendar.

(3) Government.—The term "Government" means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) Permanent relief.—The term "permanent relief" means relief issued in connection with a final decision of a court.

(5) Private settlement agreement.—The term "private settlement agreement" means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(6) Prospective relief.—The term "prospective relief" means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(e) Expedited Proceedings.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

SEC. 423. EFFECTIVE DATE.

(a) In General.—This subtitle shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(b) Pending Motions.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(c) Automatic Stay for Pending Motions.—

(1) In general.—An automatic stay with respect to the prospective relief that is the subject of a motion described in subsection (b) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(A) was pending for 45 days as of the date of the enactment of this Act; and

(B) is still pending on the date which is 10 days after such date of enactment.

(2) Duration of automatic stay.—An automatic stay that takes effect under paragraph (1) shall continue until the court enters an order granting or denying the Government's motion under section 422(b). There shall be no further postponement of the automatic stay with respect to any such pending motion under section 422(b)(2). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to pending motions described in subsection (b) shall be an order blocking an automatic stay subject to immediate appeal under section 422(b)(2)(D).

TITLE V—BACKLOG REDUCTION

SEC. 501. ELIMINATION OF EXISTING BACKLOGS.

(a) Family-Sponsored Immigrants.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

"(c) Worldwide Level of Family-Sponsored Immigrants.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to the sum of—

"(1) 480,000;

"(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year;

"(3) the difference between—

"(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 minus the number of visas issued under this subsection during those fiscal years; and

"(B) the number of visas calculated under subparagraph (A) that were issued after fiscal year 2005.".

(b) Employment-Based Immigrants.—Section 201(d) (8 U.S.C. 1151(d)) is amended to read as follows:

"(d) Worldwide Level of Employment-Based Immigrants.—

"(1) In general.—Subject to paragraph (2), the worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

"(A)(i) 450,000, for each of the fiscal years 2007 through 2016; or

"(ii) 290,000, for fiscal year 2017 and each subsequent fiscal year;

"(B) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

"(C) the difference between—

"(i) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those fiscal years; and

"(ii) the number of visas calculated under clause (i) that were issued after fiscal year 2005.

"(2) VISAS FOR SPOUSES AND CHILDREN.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).

"(B) NUMERICAL LIMITATION.—The total number of visas issued under paragraph (1)(A) and paragraph (2), excluding such visas issued to aliens pursuant to section 245B or section 245C of the Immigration and Nationality Act, may not exceed 650,000 during any fiscal year.

"(C) CONSTRUCTION.—Nothing in this paragraph may be construed to modify the requirement set out in 245B(a)(1)(I) or 245C(i)(2)(A) that prohibit an alien from receiving an adjustment of status to that of a legal permanent resident prior to the consideration of all applications filed under section 201, 202, or 203 before the date of enactment of section 245B and 245C.".

SEC. 502. COUNTRY LIMITS.

Section 202(a) (8 U.S.C. 1152(a)) is amended by striking "7 percent (in the case of a single foreign state) or 2 percent" and inserting "10 percent (in the case of a single foreign state) or 5 percent".

SEC. 503. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Section 203(a) (8 U.S.C. 1153(a)) is amended to read as follows:

"(a) PREFERENCE ALLOCATIONS FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allocated visas as follows:

"(1) UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

"(A) 10 percent of such worldwide level; and

"(B) any visas not required for the class specified in paragraph (4).

"(2) SPOUSES AND UNMARRIED SONS AND DAUGHTERS OF PERMANENT RESIDENT ALIENS.—

"(A) IN GENERAL.—Visas in a quantity not to exceed 50 percent of such worldwide level plus any visas not required for the class specified in paragraph (1) shall be allocated to qualified immigrants who are—

"(i) the spouses or children of an alien lawfully admitted for permanent residence; or

"(ii) the unmarried sons or daughters of an alien lawfully admitted for permanent residence.

"(B) MINIMUM PERCENTAGE.—Visas allocated to individuals described in subparagraph (A)(i) shall constitute not less than 77 percent of the visas allocated under this paragraph.

"(3) MARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons and daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

"(A) 10 percent of such worldwide level; and

"(B) any visas not required for the classes specified in paragraphs (1) and (2).

"(4) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of a citizen of the United States who is at least 21 years of age shall be allocated visas in a quantity not to exceed 30 percent of the worldwide level.".

(b) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b) (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), by striking "28.6 percent" and inserting "15 percent";

(2) in paragraph (2)(A), by striking "28.6 percent" and inserting "15 percent";

(3) in paragraph (3)(A)—

(A) by striking "28.6 percent" and inserting "35 percent"; and

(B) by striking clause (iii);

(4) by striking paragraph (4);

(5) by redesignating paragraph (5) as paragraph (4);

(6) in paragraph (4)(A), as redesignated, by striking "7.1 percent" and inserting "5 percent";

(7) by inserting after paragraph (4), as redesignated, the following:

"(5) OTHER WORKERS.—

"(A) IN GENERAL.—Visas shall be made available, in a number not to exceed 30 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States.

"(B) PRIORITY IN ALLOCATING VISAS.—In allocating visas under subparagraph (A) for each of the fiscal years 2007 through 2017, the Secretary shall reserve 30 percent of such visas for qualified immigrants who were physically present in the United States before January 7, 2004."; and

(8) by striking paragraph (6).

(c) SPECIAL IMMIGRANTS NOT SUBJECT TO NUMERICAL LIMITATIONS.—Section 201(b)(1)(A) (8 U.S.C. 1151(b)(1)(A)) is amended by striking "subparagraph (A) or (B) of".

(d) CONFORMING AMENDMENTS.—

(1) DEFINITION OF SPECIAL IMMIGRANT.—Section 101(a)(27)(M) (8 U.S.C. 1101(a)(27)(M)) is amended by striking "subject to the numerical limitations of section 203(b)(4),".

(2) REPEAL OF TEMPORARY REDUCTION IN WORKERS' VISAS.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act (Public Law 105-100; 8 U.S.C. 1153 note) is repealed.

SEC. 504. RELIEF FOR MINOR CHILDREN AND WIDOWS.

(a) IN GENERAL.—Section 201(b)(2) (8 U.S.C. 1151(b)(2)) is amended to read as follows:

"(2)(A)(i) Aliens admitted under section 211(a) on the basis of a prior issuance of a visa under section 203(a) to their accompanying parent who is an immediate relative.

"(ii) In this subparagraph, the term 'immediate relative' means a child, spouse, or parent of a citizen of the United States (and each child of such child, spouse, or parent who is accompanying or following to join the child, spouse, or parent), except that, in the case of parents, such citizens shall be at least 21 years of age.

"(iii) An alien who was the spouse of a citizen of the United States for not less than 2 years at the time of the citizen's death or, if married for less than 2 years at the time of the citizen's death, proves by a preponderance of the evidence that the marriage was entered into in good faith and not solely for the purpose of obtaining an immigration benefit and was not legally separated from the citizen at the time of the citizen's death, and each child of such alien, shall be considered, for purposes of this subsection, to remain an immediate relative after the date of the citizen's death if the spouse files a petition under section 204(a)(1)(A)(ii) before the earlier of—

"(I) 2 years after such date; or

"(II) the date on which the spouse remarries.

"(iv) In this clause, an alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) remains an immediate relative if the United States citizen spouse or parent loses United States citizenship on account of the abuse.

"(B) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad.".

(b) PETITION.—Section 204(a)(1)(A)(ii) (8 U.S.C. 1154(a)(1)(A)(ii)) is amended by striking "in the second sentence of section 201(b)(2)(A)(i) also" and inserting "in section 201(b)(2)(A)(iii) or an alien child or alien parent described in the 201(b)(2)(A)(iv)".

SEC. 505. SHORTAGE OCCUPATIONS.

(a) EXCEPTION TO DIRECT NUMERICAL LIMITATIONS.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following new subparagraph:

"(F)(i) During the period beginning on the date of the enactment the Comprehensive Immigration Reform Act of 2006 and ending on September 30, 2017, an alien—

"(I) who is otherwise described in section 203(b); and

"(II) who is seeking admission to the United States to perform labor in shortage occupations designated by the Secretary of Labor for blanket certification under section 212(a)(5)(A) due to the lack of sufficient United States workers able, willing, qualified, and available for such occupations and for which the employment of aliens will not adversely affect the terms and conditions of similarly employed United States workers.

"(ii) During the period described in clause (i), the spouse or dependents of an alien described in clause (i), if accompanying or following to join such alien.".

(b) EXCEPTION TO NONDISCRIMINATION REQUIREMENTS.—Section 202(a)(1)(A) (8 U.S.C. 1152(a)(1)(A)) is amended by striking "201(b)(2)(A)(i)" and inserting "201(b)".

(c) EXCEPTION TO PER COUNTRY LEVELS FOR FAMILY-SPONSORED AND EMPLOYMENT-BASED IMMIGRANTS.—Section 202(a)(2) (8 U.S.C. 1152(a)(2)), as amended by section 502(1), is further amended by inserting ", except for aliens described in section 201(b)," after "any fiscal year".

(d) INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS.—Not later than January 1, 2007, the Secretary of Health and Human Services shall—

(1) submit to Congress a report on the source of newly licensed nurses and physical therapists in each State, which report shall—

(A) include the past 3 years for which data are available;

(B) provide separate data for each occupation and for each State;

(C) separately identify those receiving their initial license and those licensed by endorsement from another State;

(D) within those receiving their initial license in each year, identify the number who received their professional education in the United States and those who received such education outside the United States; and

(E) to the extent possible, identify, by State of residence and country of education, the number of nurses and physical therapists who were educated in any of the 5 countries (other than the United States) from which the most nurses and physical therapists arrived;

(F) identify the barriers to increasing the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(G) recommend strategies to be followed by Federal and State governments that would be effective in removing such barriers, including strategies that address barriers to advancement to become registered nurses for other health care workers, such as home health aides and nurses assistants;

(H) recommend amendments to Federal legislation that would increase the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(I) recommend Federal grants, loans, and other incentives that would provide increases in nurse educators, nurse training facilities, and other steps to increase the domestic education of new nurses and physical therapists;

(J) identify the effects of nurse emigration on the health care systems in their countries of origin; and

(K) recommend amendments to Federal law that would minimize the effects of health care shortages in the countries of origin from which immigrant nurses arrived;

(2) enter into a contract with the National Academy of Sciences Institute of Medicine to determine the level of Federal investment under titles VII and VIII of the Public Health Service Act necessary to eliminate the domestic nursing and physical therapist shortage not later than 7 years from the date on which the report is published; and

(3) collaborate with other agencies, as appropriate, in working with ministers of health or other appropriate officials of the 5 countries from which the most nurses and physical therapists arrived, to—

(A) address health worker shortages caused by emigration;

(B) ensure that there is sufficient human resource planning or other technical assistance needed to reduce further health worker shortages in such countries.

SEC. 506. RELIEF FOR WIDOWS AND ORPHANS.

(a) SHORT TITLE.—This section may be cited as the "Widows and Orphans Act of 2006".

(b) NEW SPECIAL IMMIGRANT CATEGORY.—

(1) CERTAIN CHILDREN AND WOMEN AT RISK OF HARM.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended—

(A) in subparagraph (L), by inserting a semicolon at the end;

(B) in subparagraph (M), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(N) subject to subsection (j), an immigrant who is not present in the United States—

"(i) who is—

"(I) referred to a consular, immigration, or other designated official by a United States Government agency, an international organization, or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

"(II) determined by such official to be a minor under 18 years of age (as determined under subsection (j)(5))—

"(aa) for whom no parent or legal guardian is able to provide adequate care;

"(bb) who faces a credible fear of harm related to his or her age;

"(cc) who lacks adequate protection from such harm; and

"(dd) for whom it has been determined to be in his or her best interests to be admitted to the United States; or

"(ii) who is—

"(I) referred to a consular or immigration official by a United States Government agency, an international organization or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

"(II) determined by such official to be a female who has—

"(aa) a credible fear of harm related to her sex; and

"(bb) a lack of adequate protection from such harm.".

(2) STATUTORY CONSTRUCTION.—Section 101 (8 U.S.C. 1101) is amended by adding at the end the following:

"(j)(1) No natural parent or prior adoptive parent of any alien provided special immigrant status under subsection (a)(27)(N)(i) shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

"(2)(A) No alien who qualifies for a special immigrant visa under subsection (a)(27)(N)(ii) may apply for derivative status or petition for any spouse who is represented by the alien as missing, deceased, or the source of harm at the time of the alien's application and admission. The Secretary of Homeland Security may waive this requirement for an alien who demonstrates that the alien's representations regarding the spouse were bona fide.

"(B) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) may apply for derivative status or petition for any sibling under the age of 18 years or children under the age of 18 years of any such alien, if accompanying or following to join the alien. For purposes of this subparagraph, a determination of age shall be made using the age of the alien on the date the petition is filed with the Department of Homeland Security.

"(3) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) shall be treated in the same manner as a refugee solely for purposes of section 412.

"(4) The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) shall not be applicable to any alien seeking admission to the United States under subsection (a)(27)(N), and the Secretary of Homeland Security may waive any other provision of such section (other than paragraph 2(C) or subparagraph (A), (B), (C), or (E) of paragraph (3)) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Secretary of Homeland Security shall be in writing and shall be granted only on an individual basis following an investigation. The Secretary of Homeland Security shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal year and a summary of the reasons for granting such waivers.

"(5) For purposes of subsection (a)(27)(N)(i)(II), a determination of age shall be made using the age of the alien on the date on which the alien was referred to the consular, immigration, or other designated official.

"(6) The Secretary of Homeland Security shall waive any application fee for a special immigrant visa for an alien described in section 101(a)(27)(N).".

(3) EXPEDITED PROCESS.—Not later than 45 days after the date of referral to a consular, immigration, or other designated official (as described in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (1))—

(A) special immigrant status shall be adjudicated; and

(B) if special immigrant status is granted, the alien shall be paroled to the United States pursuant to section 212(d)(5) of that Act (8 U.S.C. 1182(d)(5)) and allowed to apply for adjustment of status to permanent residence under section 245 of that Act (8 U.S.C. 1255) within 1 year after the alien's arrival in the United States.

(4) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the progress of the implementation of this section and the amendments made by this section, including—

(A) data related to the implementation of this section and the amendments made by this section;

(B) data regarding the number of placements of females and children who faces a credible fear of harm as referred to in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (1); and

(C) any other information that the Secretary considers appropriate.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(c) REQUIREMENTS FOR ALIENS.—

(1) REQUIREMENT PRIOR TO ENTRY INTO THE UNITED STATES.—

(A) DATABASE SEARCH.—An alien may not be admitted to the United States unless the Secretary has ensured that a search of each database maintained by an agency or department of the United States has been conducted to determine whether such alien is ineligible to be admitted to the United States on criminal, security, or related grounds.

(B) COOPERATION AND SCHEDULE.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (A) is completed not later than 45 days after the date on which an alien files a petition seeking a special immigration visa under section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (b)(1).

(2) REQUIREMENT AFTER ENTRY INTO THE UNITED STATES.—

(A) REQUIREMENT TO SUBMIT FINGERPRINTS.—

(i) IN GENERAL.—Not later than 30 days after the date that an alien enters the United States, the alien shall be fingerprinted and submit to the Secretary such fingerprints and any other personal biometric data required by the Secretary.

(ii) OTHER REQUIREMENTS.—The Secretary may prescribe regulations that permit fingerprints submitted by an alien under section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or any other provision of law to satisfy the requirement to submit fingerprints of clause (i).

(B) DATABASE SEARCH.—The Secretary shall ensure that a search of each database that contains fingerprints that is maintained by an agency or department of the United States be conducted to determine whether such alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(C) COOPERATION AND SCHEDULE.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (B) is completed not later than 180 days after the date on which the alien enters the United States.

(D) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(i) IN GENERAL.—There may be no review of a determination by the Secretary, after a search required by subparagraph (B), that an alien is ineligible for an adjustment of status, under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds except as provided in this subparagraph.

(ii) ADMINISTRATIVE REVIEW.—An alien may appeal a determination described in clause (i) through the Administrative Appeals Office of the Bureau of Citizenship and Immigration Services. The Secretary shall ensure that a determination on such appeal is made not later than 60 days after the date that the appeal is filed.

(iii) JUDICIAL REVIEW.—There may be no judicial review of a determination described in clause (i).

SEC. 507. STUDENT VISAS.

(a) IN GENERAL.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

(1) in clause (i)—

(A) by striking "he has no intention of abandoning, who is" and inserting the following: "except in the case of an alien described in clause (iv), the alien has no intention of abandoning, who is—

"(I)";

(B) by striking "consistent with section 214(l)" and inserting "(except for a graduate program described in clause (iv)) consistent with section 214(m)";

(C) by striking the comma at the end and inserting the following: "; or

"(II) engaged in temporary employment for optional practical training related to the alien's area of study, which practical training shall be authorized for a period or periods of up to 24 months;";

(2) in clause (ii)—

(A) by inserting "or (iv)" after "clause (i)"; and

(B) by striking ", and" and inserting a semicolon; and

(3) by adding at the end the following:

"(iv) an alien described in clause (i) who has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the sciences in the United States for the purpose of obtaining an advanced degree; and

"(v) an alien who maintains actual residence and place of abode in the alien's country of nationality, who is described in clause (i), except that the alien's actual course of study may involve a distance learning program, for which the alien is temporarily visiting the United States for a period not to exceed 30 days."

(b) CREATION OF J-STEM VISA CATEGORY.—Section 101(a)(15)(J) (8 U.S.C. 1101(a)(15)(J)) is amended to read as follows:

"(J) an alien with a residence in a foreign country that (except in the case of an alien described in clause (ii)) the alien has no intention of abandoning, who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, and who—

"(i) is coming temporarily to the United States as a participant in a program (other than a graduate program described in clause (ii)) designated by the Secretary of State, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training and who, if coming to the United States to participate in a program under which the alien will receive graduate medical education or training, also meets the requirements of section 212(j), and the alien spouse and minor children of any such alien if accompanying the alien or following to join the alien; or

"(ii) has been accepted and plans to attend an accredited graduate program in the sciences, technology, engineering, or mathematics in the United States for the purpose of obtaining an advanced degree.

"(c) ADMISSION OF NONIMMIGRANTS.—Section 214(b) (8 U.S.C. 1184(b)) is amended by striking 'subparagraph (L) or (V)' and inserting 'subparagraph (F)(iv), (J)(ii), (L), or (V)'.

"(d) REQUIREMENTS FOR F-4 OR J-STEM VISA.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

"(1) by inserting before paragraph (1) the following:

"(m) NONIMMIGRANT ELEMENTARY, SECONDARY, AND POST-SECONDARY SCHOOL STUDENTS.—";.and

(2) by adding at the end the following:

"(3) A visa issued to an alien under subparagraph (F)(iv) or (J)(ii) of section 101(a)(15) shall be valid—

"(A) during the intended period of study in a graduate program described in such section;

"(B) for an additional period, not to exceed 1 year after the completion of the graduate program, if the alien is actively pursuing an offer of employment related to the knowledge and skills obtained through the graduate program; and

"(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and application under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence, if such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program."

(e) WAIVER OF FOREIGN RESIDENCE REQUIREMENT.—Section 212(e) (8 U.S.C. 1182(e)) is amended—

(1) by inserting "(1)" before "No person";

(2) by striking "admission (i) whose" and inserting the following: "admission—

"(A) whose

"(3) by striking "residence, (ii) who" and inserting the following: "residence;

"(B) who

"(4) by striking "engaged, or (iii) who" and inserting the following: "engaged; or

"(C) who

"(5) by striking "training, shall" and inserting the following: "training,

shall

"(6) by striking "United States: *Provided*, That upon" and inserting the following: "United States.

"(2) Upon";

(7) by striking "section 214(l): And provided further, That, except" and inserting the following: "section 214(l).

"(3) Except"; and

(8) by adding at the end the following:

"(4) An alien who has been issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(J)(ii), or who would have qualified for such nonimmigrant status if section 101(a)(15)(J)(ii) had been enacted before the completion of such alien's graduate studies, shall not be subject to the 2-year foreign residency requirement under this subsection."

(f) OFF CAMPUS WORK AUTHORIZATION FOR FOREIGN STUDENTS.—

(1) IN GENERAL.—Aliens admitted as nonimmigrant students described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) may be employed in an off-campus position unrelated to the alien's field of study if—

(A) the alien has enrolled full-time at the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(i) has spent at least 21 days recruiting United States citizens to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(I) the actual wage level for the occupation at the place of employment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(i) 20 hours per week during the academic term; or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) DISQUALIFICATION.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under paragraph (1).

(g) ADJUSTMENT OF STATUS.—Section 245(a) (8 U.S.C. 1255(a)) is amended to read as follows:

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—The status of an alien, who was inspected and admitted or paroled into the United States, or who has an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1), may be adjusted by the Secretary of Homeland Security or the Attorney General, under such regulations as the Secretary or the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

"(A) the alien makes an application for such adjustment;

"(B) the alien is eligible to receive an immigrant visa;

"(C) the alien is admissible to the United States for permanent residence; and

"(D) an immigrant visa is immediately available to the alien at the time the application is filed.

"(2) STUDENT VISAS.—Notwithstanding the requirement under paragraph (1)(D), an alien may file an application for adjustment of status under this section if—

"(A) the alien has been issued a visa or otherwise provided nonimmigrant status under subparagraph (J)(ii) or (F)(iv) of section 101(a)(15), or would have qualified for such nonimmigrant status if subparagraph (J)(ii) or (F)(iv) of section 101(a)(15) had been enacted before the completion of such alien's graduate studies;

"(B) the alien has earned an advanced degree in the sciences, technology, engineering, or mathematics;

"(C) the alien is the beneficiary of a petition filed under subparagraph (E) or (F) of section 204(a)(1); and

"(D) a fee of $2,000 is remitted to the Secretary on behalf of the alien.

"(3) Limitation.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.

"(4) Filing in cases of unavailable visa numbers.—Subject to the limitation described in paragraph (3), if a supplemental petition fee is paid for a petition under subparagraph (E) or (F) of section 204(a)(1), an application under paragraph (1) on behalf of an alien that is a beneficiary of the petition (including a spouse or child who is accompanying or following to join the beneficiary) may be filed without regard to the requirement under paragraph (1)(D).

"(5) Pending applications.—Subject to the limitation described in paragraph (3), if a petition under subparagraph (E) or (F) of section 204(a)(1) is pending or approved as of the date of enactment of this paragraph, on payment of the supplemental petition fee under that section, the alien that is the beneficiary of the petition may submit an application for adjustment of status under this subsection without regard to the requirement under paragraph (1)(D).

"(6) Employment authorizations and advanced parole travel · documentation.—The Attorney General shall—

"(A) provide to any immigrant who has submitted an application for adjustment of status under this subsection not less than 3 increments, the duration of each of which shall be not less than 3 years, for any applicable employment authorization or advanced parole travel document of the immigrant; and

"(B) adjust each applicable fee payment schedule in accordance with the increments provided under subparagraph (A) so that 1 fee for each authorization or document is required for each 3-year increment."

(h) Use of Fees.—

(1) Job training; scholarships.—Section 286(s)(1) (8 U.S.C. 1356(s)(1)) is amended by inserting "and 80 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

(2) Fraud prevention and detection.—Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting "and 20 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

SEC. 508. VISAS FOR INDIVIDUALS WITH ADVANCED DEGREES.

(a) Aliens With Certain Advanced Degrees Not Subject to Numerical Limitations on Employment Based Immigrants.—

(1) In general.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by section 505, is amended by adding at the end the following:

"(G) Aliens who have earned an advanced degree in science, technology, engineering, or math and have been working in a related field in the United States under a nonimmigrant visa during the 3-year period preceding their application for an immigrant visa under section 203(b).

"(H) Aliens described in subparagraph (A) or (B) of section 203(b)(1)(A) or who have received a national interest waiver under section 203(b)(2)(B).

"(I) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 203(b).".

(2) Applicability.—The amendment made by paragraph (1) shall apply to any visa application—

(A) pending on the date of the enactment of this Act; or

(B) filed on or after such date of enactment.

(b) Labor Certification.—Section 212(a)(5)(A)(ii) (8 U.S.C. 1182(a)(5)(A)(ii)) is amended—

(1) in subclause (I), by striking "or" at the end;

(2) in subclause (II), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(III) has an advanced degree in the sciences, technology, engineering, or mathematics from an accredited university in the United States and is employed in a field related to such degree.".

(c) Temporary Workers.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking "(beginning with fiscal year 1992)"; and

(B) in subparagraph (A)—

(i) in clause (vii), by striking "each succeeding fiscal year; or" and inserting "each of fiscal years 2004, 2005, and 2006;"; and

(ii) by adding after clause (vii) the following:

"(viii) 115,000 in the first fiscal year beginning after the date of the enactment of this clause; and

"(ix) the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii); or";

(2) in paragraph (5)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(D) has earned an advanced degree in science, technology, engineering, or math.";

(3) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(4) by inserting after paragraph (8) the following:

"(9) If the numerical limitation in paragraph (1)(A)—

"(A) is reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the given fiscal year; or

"(B) is not reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the given fiscal year.".

(d) Applicability.—The amendment made by subsection (c)(2) shall apply to any visa application—

(1) pending on the date of the enactment of this Act; or

(2) filed on or after such date of enactment.

(e) Worldwide Level of Immigrants With Advanced Degrees.—Section 201 (8 U.S.C. 1151) is amended—

(1) in subsection (a)(3), by inserting "and immigrants with advanced degrees" after "diversity immigrants"; and

(2) by amending subsection (e) to read as follows:

"(e) Worldwide Level of Diversity Immigrants and Immigrants With Advanced Degrees.—

"(1) Diversity immigrants.—The worldwide level of diversity immigrants described in section 203(c)(1) is equal to 18,333 for each fiscal year.

"(2) Immigrants with advanced degrees.—The worldwide level of immigrants with advanced degrees described in section 203(c)(2) is equal to 36,667 for each fiscal year.".

(f) Immigrants With Advanced Degrees.—Section 203 (8 U.S.C. 1153(c)) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking "paragraph (2), aliens subject to the worldwide level specified in section 201(e)" and inserting "paragraphs (2) and (3), aliens subject to the worldwide level specified in section 201(e)(1)";

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

"(2) Aliens who hold an advanced degree in science, mathematics, technology, or engineering.—

"(A) In general.—Qualified immigrants who hold a master's or doctorate degree in the life sciences, the physical sciences, mathematics, technology, or engineering from an accredited university in the United States, or an equivalent foreign degree, shall be allotted visas each fiscal year in a number not to exceed the worldwide level specified in section 201(e)(2).

"(B) Economic considerations.—Beginning on the date which is 1 year after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Labor, and after notice and public hearing, shall determine which of the degrees described in subparagraph (A) will provide immigrants with the knowledge and skills that are most needed to meet anticipated workforce needs and protect the economic security of the United States.";

(D) in paragraph (3), as redesignated, by striking "this subsection" each place it appears and inserting "paragraph (1)"; and

(E) by amending paragraph (4), as redesignated, to read as follows:

"(4) Maintenance of information.—

"(A) Diversity immigrants.—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under paragraph (1).

"(B) Immigrants with advanced degrees.—The Secretary of State shall maintain information on the age, degree (including field of study), occupation, work experience, and other relevant characteristics of immigrants issued visas under paragraph (2)."; and

(2) in subsection (e)—

(A) in paragraph (2), by striking "(c)" and inserting "(c)(1)";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) Immigrant visas made available under subsection (c)(2) shall be issued as follows:

"(A) If the Secretary of State has not made a determination under subsection (c)(2)(B), immigrant visas shall be issued in a strictly random order established by the Secretary for the fiscal year involved.

"(B) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have a degree selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is greater than the worldwide level specified in section 201(e)(2), the Secretary shall issue immigrant visas only to such immigrants and in a strictly random order established by the Secretary for the fiscal year involved.

"(C) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have degrees selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is not greater than the worldwide level specified in section 201(e)(2), the Secretary shall—

"(i) issue immigrant visas to eligible qualified immigrants with degrees selected in subsection (c)(2)(B); and

"(ii) issue any immigrant visas remaining thereafter to other eligible qualified immigrants with degrees described in subsection (c)(2)(A) in a strictly random order established by the Secretary for the fiscal year involved.".

(g) EFFECTIVE DATE.—The amendments made by subsections (e) and (f) shall take effect on October 1, 2006.

SEC. 509. CHILDREN OF FILIPINO WORLD WAR II VETERANS.

Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by sections 505 and 508, is further amended by adding at the end the following:

"(J) Aliens who are eligible for a visa under paragraph (1) or (3) of section 203(a) and are the children of a citizen of the United States who was naturalized pursuant to section 405 of the Immigration Act of 1990 (8 U.S.C. 1440 note).".

SEC. 510. EXPEDITED ADJUDICATION OF EMPLOYER PETITIONS FOR ALIENS OF EXTRAORDINARY ARTISTIC ABILITY.

Section 214(c) (8 U.S.C. 1184(c)) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(2) in paragraph (6)(D)—

(A) by striking "Any person" and inserting "(i) Except as provided in clause (ii), any person"; and

(B) adding at the end the following:

"(ii) The Secretary of Homeland Security shall adjudicate each petition for an alien with extraordinary ability in the arts (as described in section 101(a)(15)(O)(i)), an alien accompanying such an alien (as described in clauses (ii) and (iii) of section 101(a)(15)(O)), or an alien described in section 101(a)(15)(P) not later than 30 days after—

"(I) the date on which the petitioner submits the petition with a written advisory opinion, letter of no objection, or request for a waiver; or

"(II) the date on which the 15-day period described in clause (i) has expired, if the petitioner has had an opportunity, as appropriate, to supply rebuttal evidence.

"(iii) If a petition described in clause (ii) is not adjudicated before the end of the 30-day period described in clause (ii) and the petitioner is a qualified nonprofit organization or an individual or entity petitioning primarily on behalf of a qualified nonprofit organization, the Secretary of Homeland Security shall provide the petitioner with the premium-processing services referred to in section 286(u), without a fee.".

SEC. 511. POWERLINE WORKERS.

Section 214(e) (8 U.S.C. 1184(e)) is amended by adding at the end the following new paragraph:

"(7) A citizen of Canada who is a powerline worker, who has received significant training, and who seeks admission to the United States to perform powerline repair and maintenance services shall be admitted in the same manner and under the same authority as a citizen of Canada described in paragraph (2).".

SEC. 512. DETERMINATIONS WITH RESPECT TO CHILDREN UNDER THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

(a) IN GENERAL.—Section 902(d) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended by adding at the end the following:

"(3) DETERMINATIONS WITH RESPECT TO CHILDREN.—

"(A) USE OF APPLICATION FILING DATE.—Determinations made under this subsection as to whether an individual is a child of a parent shall be made using the age and status of the individual on October 21, 1998.

"(B) APPLICATION SUBMISSION BY PARENT.—Notwithstanding paragraph (1)(C), an application under this subsection filed based on status as a child may be filed for the benefit of such child by a parent or guardian of the child, if the child is physically present in the United States on such filing date.".

(b) NEW APPLICATIONS AND MOTIONS TO REOPEN.—

(1) NEW APPLICATIONS.—Notwithstanding section 902(a)(1)(A) of the Haitian Refugee Immigration Fairness Act of 1998, an alien who is eligible for adjustment of status under such Act, as amended by subsection (a), may submit an application for adjustment of status under such Act not later than the later of—

(A) 2 years after the date of the enactment of this Act; or

(B) 1 year after the date on which final regulations implementing this section, and the amendment made by subsection (a), are promulgated.

(2) MOTIONS TO REOPEN.—The Secretary shall establish procedures for the reopening and reconsideration of applications for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998 that are affected by the amendment made by subsection (a).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—Section 902(a)(3) of the Haitian Refugee Immigration Fairness Act of 1998 shall apply to an alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily, and who files an application under paragraph (1) or a motion under paragraph (2), in the same manner as such section 902(a)(3) applied to aliens filing applications for adjustment of status under such Act prior to April 1, 2000.

(c) INADMISSIBILITY DETERMINATION.—Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended in subsections (a)(1)(B) and (d)(1)(D) by inserting "(6)(C)(i)," after "(6)(A),".

Subtitle B—SKIL Act

SEC. 521. SHORT TITLE.

This subtitle may be cited as the "Securing Knowledge, Innovation, and Leadership Act of 2006" or the "SKIL Act of 2006"

SEC. 522. H-1B VISA HOLDERS.

(a) IN GENERAL.—Section 214(g)(5) (8 U.S.C. 1184(g)(5)) is amended—

(1) in subparagraph (B)—

(A) by striking "nonprofit research" and inserting "nonprofit";

(B) by inserting "Federal, State, or local" before "governmental"; and

(C) by striking "or" at the end;

(2) in subparagraph (C)—

(A) by striking "a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)))," and inserting "an institution of higher education in a foreign country,"; and

(B) by striking the period at the end and inserting a semicolon;

(3) by adding at the end, the following new subparagraphs:

"(D) has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))):

"(E) has been awarded medical specialty certification based on post-doctoral training and experience in the United States; or".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date.

SEC. 523. MARKET-BASED VISA LIMITS.

Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "(beginning with fiscal year 1992)"; and

(B) in subparagraph (A)—

(i) in clause (vi) by striking "and";

(ii) in clause (vii), by striking "each succeeding fiscal year; or" and inserting "each of fiscal years 2004, 2005, and 2006;"; and

(iii) by adding after clause (vii) the following:

"(viii) 115,000 in the first fiscal year beginning after the date of the enactment of the Securing Knowledge, Innovation, and Leadership Act of 2006; and

"(ix) the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii); or";

(2) in paragraph (8), by striking subparagraphs (B)(iv) and (D);

(3) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(4) by inserting after paragraph (8) the following:

"(9) If the numerical limitation in paragraph (1)(A)—

"(A) is reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the given fiscal year; or

"(B) is not reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the given fiscal year.".

SEC. 524. UNITED STATES EDUCATED IMMIGRANTS.

(a) IN GENERAL.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

"(F) Aliens who have earned a master's or higher degree from an accredited United States university.

"(G) Aliens who have been awarded medical specialty certification based on post-doctoral training and experience in the United States preceding their application for an immigrant visa under section 203(b).

"(H) Aliens who will perform labor in shortage occupations designated by the Secretary of Labor for blanket certification under section 212(a)(5)(A) as lacking sufficient United States workers able, willing, qualified, and available for such occupations and for which the employment of aliens will not adversely affect the terms and conditions of similarly employed United States workers.

"(I) Aliens who have earned a master's degree or higher in science, technology, engineering, or math and have been working in a related field in the United States in a nonimmigrant status during the 3-year period preceding their application for an immigrant visa under section 203(b).

"(J) Aliens described in subparagraph (A) or (B) of section 203(b)(1) or who have received a national interest waiver under section 203(b)(2)(B).

"(K) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 203(b).".

(b) Labor Certifications.—Section 212(a)(5)(A)(ii) (8 U.S.C. 1182(a)(5)(A)(ii)) is amended—

(1) by striking "or" at the end of subclause (I);

(2) by striking the period at the end of subclause (II) and inserting "; or"; and

(3) by adding at the end the following:

"(III) is a member of the professions and has a master's degree or higher from an accredited United States university or has been awarded medical specialty certification based on post-doctoral training and experience in the United States.".

SEC. 525. STUDENT VISA REFORM.

(a) In General.—

(1) Nonimmigrant classification.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended to read as follows:

"(F) an alien—

"(i) who—

"(I) is a bona fide student qualified to pursue a full course of study in mathematics, engineering, technology, or the sciences leading to a bachelors or graduate degree and who seeks to enter the United States for the purpose of pursuing such a course of study consistent with section 214(m) at an institution of higher education (as defined by section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security, after consultation with the Secretary of Education, which institution or place of study shall have agreed to report to the Secretary the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn; or

"(II) is engaged in temporary employment for optional practical training related to such alien's area of study following completion of the course of study described in subclause (I) for a period or periods of not more than 24 months;

"(ii) who—

"(I) has a residence in a foreign country which the alien has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study, and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study consistent with section 214(m) at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security, after consultation with the Secretary of Education, which institution or place of study shall have agreed to report to the Secretary the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn; or

"(II) is engaged in temporary employment for optional practical training related to such alien's area of study following completion of the course of study described in subclause (I) for a period or periods of not more than 24 months;

"(iii) who is the spouse or minor child of an alien described in clause (i) or (ii) if accompanying or following to join such an alien; or

"(iv) who—

"(I) is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) or (ii) except that the alien's qualifications for and actual course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico; or

"(II) is engaged in temporary employment for optional practical training related to such the student's area of study following completion of the course of study described in subclause (I) for a period or periods of not more than 24 months;".

(2) Admission.—Section 214(b) (8 U.S.C. 1184(b)) is amended by inserting "(F)(i)," before "(L) or (V)".

(3) Conforming amendment.—Section 214(m)(1) (8 U.S.C. 1184(m)(1)) is amended, in the matter preceding subparagraph (A), by striking "(i) or (iii)" and inserting "(i), (ii), or (iv)".

(b) Off Campus Work Authorization for Foreign Students.—

(1) In general.—Aliens admitted as nonimmigrant students described in section 101(a)(15)(F), as amended by subsection (a), (8 U.S.C. 1101(a)(15)(F)) may be employed in an off-campus position unrelated to the alien's field of study if—

(A) the alien has enrolled full-time at the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(i) has spent at least 21 days recruiting United States citizens to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(I) the actual wage level for the occupation at the place of employment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(i) 20 hours per week during the academic term; or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) Disqualification.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under paragraph (1).

SEC. 526. L-1 VISA HOLDERS SUBJECT TO VISA BACKLOG.

Section 214(c)(2) (8 U.S.C. 1184(c)(2)) is amended by adding at the end the following new subparagraph:

"(G) The limitations contained in subparagraph (D) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(L) on whose behalf a petition under section 204(b) to accord the alien immigrant status under section 203(b), or an application for labor certification (if such certification is required for the alien to obtain status under such section 203(b)) has been filed, if 365 days or more have elapsed since such filing. The Secretary of Homeland Security shall extend the stay of an alien who qualifies for an exemption under this subparagraph until such time as a final decision is made on the alien's lawful permanent residence.".

SEC. 527. RETAINING WORKERS SUBJECT TO GREEN CARD BACKLOG.

(a) Adjustment of Status.—

(1) In general.—Section 245(a) (8 U.S.C. 1255(a)) is amended to read as follows:

"(a) Eligibility.—

"(1) In general.—The status of an alien who was inspected and admitted or paroled into the United States or the status of any other alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) may be adjusted by the Secretary of Homeland Security or the Attorney General, in the discretion of the Secretary or the Attorney General under such regulations as the Secretary or Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

"(A) the alien makes an application for such adjustment;

"(B) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence; and

"(C) an immigrant visa is immediately available to the alien at the time the application is filed.

"(2) Supplemental fee.—An application under paragraph (1) that is based on a petition approved or approvable under subparagraph (E) or (F) of section 204(a)(1) may be filed without regard to the limitation set forth in paragraph (1)(C) if a supplemental fee of $500 is paid by the principal alien at the time the application is filed. A supplemental fee may not be required for any dependent alien accompanying or following to join the principal alien.

"(3) Visa availability.—An application for adjustment filed under this paragraph may not be approved until such time as an immigrant visa become available.".

(b) Use of Fees.—Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting before the period at the end "and the fees collected under section 245(a)(2).".

SEC. 528. STREAMLINING THE ADJUDICATION PROCESS FOR ESTABLISHED EMPLOYERS.

Section 214(c) (8. U.S.C. 1184) is amended by adding at the end the following new paragraph:

"(1) Not later than 180 days after the date of the enactment of the Securing Knowledge, Innovation, and Leadership Act of 2006, the Secretary of Homeland Security shall establish a pre-certification procedure for employers who file multiple petitions described in this subsection or section 203(b). Such precertification procedure shall enable an employer to avoid repeatedly submitting documentation that is common to multiple petitions and establish through a single filing criteria relating to the employer and the offered employment opportunity.".

SEC. 529. PROVIDING PREMIUM PROCESSING OF EMPLOYMENT-BASED VISA PETITIONS.

(a) In General.—Pursuant to section 286(u) of the Immigration and Nationality Act (8 U.S.C. 1356(u)), the Secretary of Homeland Security shall establish and collect a fee for premium processing of employment-based immigrant petitions.

(b) Appeals.—Pursuant to such section 286(u), the Secretary of Homeland Security shall establish and collect a fee for premium processing of an administrative appeal of any decision on a permanent employment-based immigrant petition.

SEC. 530. ELIMINATING PROCEDURAL DELAYS IN LABOR CERTIFICATION PROCESS.

(a) Prevailing Wage Rate.—

(1) Requirement to provide.—The Secretary of Labor shall provide prevailing wage determinations to employers seeking a labor certification for aliens pursuant to part 656 of title 20, Code of Federal Regulation (or any successor regulation). The Secretary of

Labor may not delegate this function to any agency of a State.

(2) SCHEDULE FOR DETERMINATION.—Except as provided in paragraph (3), the Secretary of Labor shall provide a response to an employer's request for a prevailing wage determination in no more than 20 calendar days from the date of receipt of such request. If the Secretary of Labor fails to reply during such 20-day period, then the wage proposed by the employer shall be the valid prevailing wage rate.

(3) USE OF SURVEYS.—The Secretary of Labor shall accept an alternative wage survey provided by the employer unless the Secretary of Labor determines that the wage component of the Occupational Employment Statistics Survey is more accurate for the occupation in the labor market area.

(b) PLACEMENT OF JOB ORDER.—The Secretary of Labor shall maintain a website with links to the official website of each workforce agency of a State, and such official website shall contain instructions on the filing of a job order in order to satisfy the job order requirements of section 656.17(e)(1) of title 20, Code of Federal Regulation (or any successor regulation).

(c) TECHNICAL CORRECTIONS.—The Secretary of Labor shall establish a process by which employers seeking certification under section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)), as amended by section 524(b), may make technical corrections to applications in order to avoid requiring employers to conduct additional recruitment to correct an initial technical error. A technical error shall include any error that would not have a material effect on the validity of the employer's recruitment of able, willing, and qualified United States workers.

(d) ADMINISTRATIVE APPEALS.—Motions to reconsider, and administrative appeals of, a denial of a permanent labor certification application, shall be decided by the Secretary of Labor not later than 60 days after the date of the filing of such motion or such appeal.

(e) APPLICATIONS UNDER PREVIOUS SYSTEM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall process and issue decisions on all applications for permanent alien labor certification that were filed prior to March 28, 2005.

(f) EFFECTIVE DATE.—The provisions of this section shall take effect 90 days after the date of enactment of this Act, whether or not the Secretary of Labor has amended the regulations at part 656 of title 20, Code of Federal Regulation to implement such changes.

SEC. 531. COMPLETION OF BACKGROUND AND SECURITY CHECKS.

Section 103 (8 U.S.C. 1103) is amended by adding at the end the following new subsection:

"(i) REQUIREMENT FOR BACKGROUND CHECKS.—Notwithstanding any other provision of law, until appropriate background and security checks, as determined by the Secretary of Homeland Security, have been completed, and the information provided to and assessed by the official with jurisdiction to grant or issue the benefit or documentation, on an in camera basis as may be necessary with respect to classified, law enforcement, or other information that cannot be disclosed publicly, the Secretary of Homeland Security, the Attorney General, or any court may not—

"(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;

"(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

"(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.

"(j) REQUIREMENT TO RESOLVE FRAUD ALLEGATIONS.—Notwithstanding any other provision of law, until any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this Act has been investigated and resolved, the Secretary of Homeland Security and the Attorney General may not be required to—

"(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;

"(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

"(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.

"(k) PROHIBITION OF JUDICIAL ENFORCEMENT.—Notwithstanding any other provision of law, no court may require any act described in subsection (i) or (j) to be completed by a certain time or award any relief for the failure to complete such acts.".

SEC. 532. VISA REVALIDATION.

(a) IN GENERAL.—Section 222 (8 U.S.C. 1202) is amended by adding at the end the following:

"(i) The Secretary of State shall permit an alien granted a nonimmigrant visa under subparagraph E, H, I, L, O, or P of section 101(a)(15) to apply for a renewal of such visa within the United States if—

"(1) such visa expired during the 12-month period ending on the date of such application;

"(2) the alien is seeking a nonimmigrant visa under the same subparagraph under which the alien had previously received a visa; and

"(3) the alien has complied with the immigration laws and regulations of the United States.".

(b) CONFORMING AMENDMENT.—Section 222(h) of such Act is amended, in the matter preceding subparagraph (1), by inserting "and except as provided under subsection (i)," after "Act".

Subtitle C—Preservation of Immigration Benefits for Hurricane Katrina Victims

SEC. 541. SHORT TITLE.

This subtitle may be cited as the "Hurricane Katrina Victims Immigration Benefits Preservation Act".

SEC. 542. DEFINITIONS.

In this subtitle:

(1) APPLICATION OF DEFINITIONS FROM THE IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this subtitle, the definitions in the Immigration and Nationality Act shall apply in the administration of this subtitle.

(2) DIRECT RESULT OF A SPECIFIED HURRICANE DISASTER.—The term "direct result of a specified hurricane disaster"—

(A) means physical damage, disruption of communications or transportation, forced or voluntary evacuation, business closures, or other circumstances directly caused by Hurricane Katrina (on or after August 26, 2005) or Hurricane Rita (on or after September 21, 2005); and

(B) does not include collateral or consequential economic effects in or on the United States or global economies.

SEC. 543. SPECIAL IMMIGRANT STATUS.

(a) PROVISION OF STATUS.—

(1) IN GENERAL.—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the alien—

(A) files with the Secretary a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(B) is otherwise eligible to receive an immigrant visa; and

(C) is otherwise admissible to the United States for permanent residence.

(2) INAPPLICABLE PROVISION.—In determining admissibility under paragraph (1)(C), the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if—

(A) the alien was the beneficiary of—

(i) a petition that was filed with the Secretary on or before August 26, 2005—

(I) under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) to classify the alien as a family-sponsored immigrant under section 203(a) of such Act (8 U.S.C. 1153(a)) or as an employment-based immigrant under section 203(b) of such Act (8 U.S.C. 1153(b)); or

(II) under section 214(d) of such Act (8 U.S.C. 1184(d)) to authorize the issuance of a nonimmigrant visa to the alien under section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)); or

(ii) an application for labor certification under section 212(a)(5)(A) of such Act (8 U.S.C. 1182(a)(5)(A)) that was filed under regulations of the Secretary of Labor on or before such date; and

(B) such petition or application was revoked or terminated (or otherwise rendered null), before or after its approval, solely due to—

(i) the death or disability of the petitioner, applicant, or alien beneficiary as a direct result of a specified hurricane disaster; or

(ii) loss of employment as a direct result of a specified hurricane disaster.

(2) SPOUSES AND CHILDREN.—

(A) IN GENERAL.—An alien is described in this subsection if—

(i) the alien, as of August 26, 2005, was the spouse or child of a principal alien described in paragraph (1); and

(ii) the alien—

(I) is accompanying such principal alien; or

(II) is following to join such principal alien not later than August 26, 2007.

(B) CONSTRUCTION.—In construing the terms "accompanying" and "following to join" in subparagraph (A)(ii), the death of a principal alien described in paragraph (1)(B)(i) shall be disregarded.

(3) GRANDPARENTS OR LEGAL GUARDIANS OF ORPHANS.—An alien is described in this subsection if the alien is a grandparent or legal guardian of a child whose parents died as a direct result of a specified hurricane disaster, if either of the deceased parents was, as of August 26, 2005, a citizen or national of the United States or an alien lawfully admitted for permanent residence in the United States.

(c) PRIORITY DATE.—Immigrant visas made available under this section shall be issued to aliens in the order in which a petition on behalf of each such alien is filed with the Secretary under subsection (a)(1), except that if an alien was assigned a priority date with respect to a petition described in subsection (b)(1)(A)(i), the alien may maintain that priority date.

(d) Numerical Limitations.—In applying sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants who are not described in subparagraph (A), (B), (C), or (K) of section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)).

SEC. 544. EXTENSION OF FILING OR REENTRY DEADLINES.

(a) Automatic Extension of Nonimmigrant Status.—

(1) In general.—Notwithstanding section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), an alien described in paragraph (2) who was lawfully present in the United States as a nonimmigrant on August 26, 2005, may, unless otherwise determined by the Secretary in the Secretary's discretion, lawfully remain in the United States in the same nonimmigrant status until the later of—

(A) the date on which such lawful nonimmigrant status would have otherwise terminated absent the enactment of this subsection; or

(B) 1 year after the death or onset of disability described in paragraph (2).

(2) Aliens described.—

(A) Principal aliens.—An alien is described in this paragraph if the alien was disabled as a direct result of a specified hurricane disaster.

(B) Spouses and children.—An alien is described in this paragraph if the alien, as of August 26, 2005, was the spouse or child of—

(i) a principal alien described in subparagraph (A); or

(ii) an alien who died as a direct result of a specified hurricane disaster.

(3) Authorized employment.—During the period in which a principal alien or alien spouse is in lawful nonimmigrant status under paragraph (1), the alien may be provided an "employment authorized" endorsement or other appropriate document signifying authorization of employment.

(b) New Deadlines for Extension or Change of Nonimmigrant Status.—

(1) Filing delays.—

(A) In general.—If an alien, who was lawfully present in the United States as a nonimmigrant on August 26, 2005, was prevented from filing a timely application for an extension or change of nonimmigrant status as a direct result of a specified hurricane disaster, the alien's application may be considered timely filed if it is filed not later 1 year after the application would have otherwise been due.

(B) Circumstances preventing timely action.—For purposes of subparagraph (A), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) mail or courier service cessations or delays;

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(iv) mandatory evacuation and relocation; or

(v) other circumstances, including medical problems or financial hardship.

(2) Departure delays.—

(A) In general.—If an alien, who was lawfully present in the United States as a nonimmigrant on August 26, 2005, is unable to timely depart the United States as a direct result of a specified hurricane disaster, the alien shall not be considered to have been unlawfully present in the United States during the period beginning on August 26, 2005, and ending on the date of the alien's departure, if such departure occurred on or before February 28, 2006.

(B) Circumstances preventing timely action.—For purposes of subparagraph (A), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) transportation cessations or delays;

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(iv) mandatory evacuation and relocation; or

(v) other circumstances, including medical problems or financial hardship.

(c) Diversity Immigrants.—Section 204(a)(1)(I)(ii)(II) (8 U.S.C. 1154(a)(1)(I)(ii)(II)), is amended to read as follows:

"(II) An immigrant visa made available under subsection 203(c) for fiscal year 1998, or for a subsequent fiscal year, may be issued, or adjustment of status under section 245(a) based upon the availability of such visa may be granted, to an eligible qualified alien who has properly applied for such visa or adjustment in the fiscal year for which the alien was selected notwithstanding the end of such fiscal year. Such visa or adjustment of status shall be counted against the worldwide level set forth in subsection 201(e) for the fiscal year for which the alien was selected.".

(d) Extension of Filing Period.—If an alien is unable to timely file an application to register or reregister for Temporary Protected Status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) as a direct result of a specified hurricane disaster, the alien's application may be considered timely filed if it is filed not later than 90 days after it otherwise would have been due.

(e) Voluntary Departure.—

(1) In general.—Notwithstanding section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), if a period for voluntary departure under such section expired during the period beginning on August 26, 2005, and ending on December 31, 2005, and the alien was unable to voluntarily depart before the expiration date as a direct result of a specified hurricane disaster, such voluntary departure period is deemed extended for an additional 60 days.

(2) Circumstances preventing departure.—For purposes of this subsection, circumstances preventing an alien from voluntarily departing the United States are—

(A) office closures;

(B) transportation cessations or delays;

(C) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(D) mandatory evacuation and removal; and

(E) other circumstances, including medical problems or financial hardship.

(f) Current Nonimmigrant Visa Holders.—

(1) In general.—An alien, who was lawfully present in the United States on August 26, 2005, as a nonimmigrant under section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) and lost employment as a direct result of a specified hurricane disaster may accept new employment upon the filing by a prospective employer of a new petition on behalf of such nonimmigrant not later than August 26, 2006.

(2) Continuation of employment authorization.—Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such employment shall cease.

(3) Savings provision.—Nothing in this subsection shall be construed to limit eligibility for portability under section 214(n) of the Immigration and Nationality Act (8 U.S.C. 1184(n)).

SEC. 545. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING SPOUSES AND CHILDREN.

(a) Treatment as Immediate Relatives.—

(1) Spouses.—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, if the citizen died as a direct result of a specified hurricane disaster, the alien (and each child of the alien) may be considered, for purposes of section 201(b) of such Act, to remain an immediate relative after the date of the citizen's death if the alien files a petition under section 204(a)(1)(A)(ii) of such Act not later than 2 years after such date and only until the date on which the alien remarries. For purposes of such section 204(a)(1)(A)(ii), an alien granted relief under this paragraph shall be considered an alien spouse described in the second sentence of section 201(b)(2)(A)(i) of such Act.

(2) Children.—

(A) In general.—In the case of an alien who was the child of a citizen of the United States at the time of the citizen's death, if the citizen died as a direct result of a specified hurricane disaster, the alien may be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)), to remain an immediate relative after the date of the citizen's death (regardless of subsequent changes in age or marital status), but only if the alien files a petition under subparagraph (B) not later than 2 years after such date.

(B) Petitions.—An alien described in subparagraph (A) may file a petition with the Secretary for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), which shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(b) Spouses, Children, Unmarried Sons and Daughters of Lawful Permanent Resident Aliens.—

(1) In general.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien before August 26, 2005, may be considered (if the spouse, child, son, or daughter has not been admitted or approved for lawful permanent residence by such date) a valid petitioner for preference status under such section with the same priority date as that assigned before the death described in paragraph (3)(A). No new petition shall be required to be filed. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(2) Self-petitions.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act may file a petition for such classification with the Secretary, if the spouse, child, son, or daughter was present in the United States on August 26, 2005. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(3) Aliens described.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day of such death, was lawfully admitted for permanent residence in the United States.

(c) Applications for Adjustment of Status by Surviving Spouses and Children of Employment-Based Immigrants.—

(1) In general.—Any alien who was, on August 26, 2005, the spouse or child of an alien described in paragraph (2), and who applied for adjustment of status before the death described in paragraph (2)(A), may have such application adjudicated as if such death had not occurred.

(2) Aliens described.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day before such death, was—

(i) an alien lawfully admitted for permanent residence in the United States by reason of having been allotted a visa under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)); or

(ii) an applicant for adjustment of status to that of an alien described in clause (i), and admissible to the United States for permanent residence.

(d) Applications by Surviving Spouses and Children of Refugees and Asylees.—

(1) In general.—Any alien who, on August 26, 2005, was the spouse or child of an alien described in paragraph (2), may have his or her eligibility to be admitted under section 207(c)(2)(A) or 208(b)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)(A), 1158(b)(3)(A)) considered as if the alien's death had not occurred.

(2) Aliens described.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day before such death, was—

(i) an alien admitted as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157); or

(ii) granted asylum under section 208 of such Act (8 U.S.C. 1158).

(e) Waiver of Public Charge Grounds.—In determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) shall not apply.

SEC. 546. RECIPIENT OF PUBLIC BENEFITS.

An alien shall not be inadmissible under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) or deportable under section 237(a)(5) of such Act (8 U.S.C. 1227(a)(5)) on the basis that the alien received any public benefit as a direct result of a specified hurricane disaster.

SEC. 547. AGE-OUT PROTECTION.

In administering the immigration laws, the Secretary and the Attorney General may grant any application or benefit notwithstanding the applicant or beneficiary (including a derivative beneficiary of the applicant or beneficiary) reaching an age that would render the alien ineligible for the benefit sought, if the alien's failure to meet the age requirement occurred as a direct result of a specified hurricane disaster.

SEC. 548. EMPLOYMENT ELIGIBILITY VERIFICATION.

(a) In General.—The Secretary may suspend or modify any requirement under section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) or subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), either generally or with respect to particular persons, class of persons, geographic areas, or economic sectors, to the extent to which the Secretary determines necessary or appropriate to respond to national emergencies or disasters.

(b) Notification.—If the Secretary suspends or modifies any requirement under section 274A(b) of the Immigration and Nationality Act pursuant to subsection (a), the Secretary shall send notice of such decision, including the reasons for the suspension or modification, to—

(1) the Committee on the Judiciary of the Senate; and

(2) the Committee of the Judiciary of the House of Representatives.

(c) Sunset Date.—The authority under subsection (a) shall expire on August 26, 2008.

SEC. 549. NATURALIZATION.

The Secretary may, with respect to applicants for naturalization in any district of the United States Citizenship and Immigration Services affected by a specified hurricane disaster, administer the provisions of Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) notwithstanding any provision of such title relating to the jurisdiction of an eligible court to administer the oath of allegiance, or requiring residence to be maintained or any action to be taken in any specific district or State within the United States.

SEC. 550. DISCRETIONARY AUTHORITY.

The Secretary or the Attorney General may waive violations of the immigration laws committed, on or before March 1, 2006, by an alien—

(1) who was in lawful status on August 26, 2005; and

(2) whose failure to comply with the immigration laws was a direct result of a specified hurricane disaster.

SEC. 551. EVIDENTIARY STANDARDS AND REGULATIONS.

The Secretary shall establish appropriate evidentiary standards for demonstrating, for purposes of this subtitle, that a specified hurricane disaster directly resulted in—

(1) death;

(2) disability; or

(3) loss of employment due to physical damage to, or destruction of, a business.

SEC. 552. IDENTIFICATION DOCUMENTS.

(a) Temporary Identification.—The Secretary shall have the authority to instruct any Federal agency to issue temporary identification documents to individuals affected by a specified hurricane disaster. Such documents shall be acceptable for purposes of identification under any Federal law or regulation until August 26, 2006.

(b) Issuance.—An agency may not issue identity documents under this section after January 1, 2006.

(c) No Compulsion To Accept or Carry Identification Documents.—Nationals of the United States shall not be compelled to accept or carry documents issued under this section.

(d) No Proof of Citizenship.—Identity documents issued under this section shall not constitute proof of citizenship or immigration status.

SEC. 553. WAIVER OF REGULATIONS.

The Secretary shall carry out the provisions of this subtitle as expeditiously as possible. The Secretary is not required to promulgate regulations before implementing this subtitle. The requirements of chapter 5 of title 5, United States Code (commonly referred to as the "Administrative Procedure Act") or any other law relating to rule making, information collection, or publication in the Federal Register, shall not apply to any action to implement this subtitle to the extent the Secretary of Homeland Security, the Secretary of Labor, or the Secretary of State determine that compliance with such requirement would impede the expeditious implementation of such Act.

SEC. 554. NOTICES OF CHANGE OF ADDRESS.

(a) In General.—If a notice of change of address otherwise required to be submitted to the Secretary by an alien described in subsection (b) relates to a change of address occurring during the period beginning on August 26, 2005, and ending on the date of the enactment of this Act, the alien may submit such notice.

(b) Aliens Described.—An alien is described in this subsection if the alien—

(1) resided, on August 26, 2005, within a district of the United States that was declared by the President to be affected by a specified hurricane disaster; and

(2) is required, under section 265 of the Immigration and Nationality Act (8 U.S.C. 1305) or any other provision of law, to notify the Secretary in writing of a change of address.

SEC. 555. FOREIGN STUDENTS AND EXCHANGE PROGRAM PARTICIPANTS.

(a) In General.—The nonimmigrant status of an alien described in subsection (b) shall be deemed to have been maintained during the period beginning on August 26, 2005, and ending on September 15, 2006, if, on September 15, 2006, the alien is enrolled in a course of study, or participating in a designated exchange visitor program, sufficient to satisfy the terms and conditions of the alien's nonimmigrant status on August 26, 2005.

(b) Aliens Described.—An alien is described in this subsection if the alien—

(1) was, on August 26, 2005, lawfully present in the United States in the status of a nonimmigrant described in subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

(2) fails to satisfy a term or condition of such status as a direct result of a specified hurricane disaster.

TITLE VI—WORK AUTHORIZATION AND LEGALIZATION OF UNDOCUMENTED INDIVIDUALS

Subtitle A—Access to Earned Adjustment and Mandatory Departure and Reentry

SEC. 601. ACCESS TO EARNED ADJUSTMENT AND MANDATORY DEPARTURE AND REENTRY.

(a) Short Title.—This section may be cited as the "Immigrant Accountability Act of 2006".

(b) Adjustment of Status.—

(1) In general.—Chapter 5 of title II (8 U.S.C. 1255 et seq.) is amended by inserting after section 245A the following:

"SEC. 245B. ACCESS TO EARNED ADJUSTMENT.

"(a) Adjustment of Status.—

"(1) Principal aliens.—Notwithstanding any other provision of law, including section 244(h) of this Act, the Secretary of Homeland Security shall adjust to the status of an alien lawfully admitted for permanent residence, an alien who satisfies the following requirements:

"(A) Application.—The alien shall file an application establishing eligibility for adjustment of status and pay the fine required under subsection (m) and any additional amounts owed under that subsection.

"(B) Continuous physical presence.—

"(i) In general.—The alien shall establish that the alien—

"(I) was physically present in the United States on or before the date that is 5 years before April 5, 2006;

"(II) was not legally present in the United States on April 5, 2006, under any classification set forth in section 101(a)(15); and

"(III) did not depart from the United States during the 5-year period ending on April 5, 2006, except for brief, casual, and innocent departures.

"(ii) LEGALLY PRESENT.—For purposes of this subparagraph, an alien who has violated any conditions of his or her visa shall be considered not to be legally present in the United States.

"(C) ADMISSIBLE UNDER IMMIGRATION LAWS.—The alien shall establish that the alien is not inadmissible under section 212(a) except for any provision of that section that is waived under subsection (b) of this section.

"(D) EMPLOYMENT IN UNITED STATES.—

"(i) IN GENERAL.—The alien shall have been employed in the United States, in the aggregate, for—

"(I) at least 3 years during the 5-year period ending on April 5, 2006; and

"(II) at least 6 years after the date of enactment of the Immigrant Accountability Act of 2006.

"(ii) EXCEPTIONS.—

"(I) The employment requirement in clause (i)(I) shall not apply to an individual who is under 20 years of age on the date of enactment of the Immigrant Accountability Act of 2006.

"(II) The employment requirement in clause (i)(II) shall be reduced for an individual who cannot demonstrate employment based on a physical or mental disability or as a result of pregnancy.

"(III) The employment requirement in clause (i)(II) shall be reduced for an individual who is under 20 years of age on the date of enactment of the Immigrant Accountability Act of 2006 by a period of time equal to the time period beginning on such date of enactment and ending on the date on which the individual reaches 20 years of age.

"(IV) The employment requirements in clause (i) shall be reduced by 1 year for each year of full time post-secondary study in the United States during the relevant period.

"(V) The employment requirement under clause (i)(I) shall not apply to any individual who is 65 years of age or older on the date of the enactment of the Immigrant Accountability Act of 2006.

"(iii) PORTABILITY.—An alien shall not be required to complete the employment requirements in clause (i) with the same employer.

"(iv) EVIDENCE OF EMPLOYMENT.—

"(I) CONCLUSIVE DOCUMENTS.—For purposes of satisfying the requirements in clause (i), the alien shall submit at least 2 of the following documents for each period of employment, which shall be considered conclusive evidence of such employment:

"(aa) Records maintained by the Social Security Administration.

"(bb) Records maintained by an employer, such as pay stubs, time sheets, or employment work verification.

"(cc) Records maintained by the Internal Revenue Service.

"(dd) Records maintained by a union or day labor center.

"(ee) Records maintained by any other government agency, such as worker compensation records, disability records, or business licensing records.

"(II) OTHER DOCUMENTS.—An alien who is unable to submit a document described in subclause (I) may satisfy the requirement in clause (i) by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment for each required period of employment, including—

"(aa) bank records;

"(bb) business records;

"(cc) sworn affidavits from non-relatives who have direct knowledge of the alien's work, including the name, address, and phone number of the affiant, the nature and duration of the relationship between the affiant and the alien, and other verification information; or

"(dd) remittance records.

"(v) BURDEN OF PROOF.—An alien applying for adjustment of status under this subsection has the burden of proving by a preponderance of the evidence that the alien has satisfied the employment requirements in clause (i). Once the burden is met, the burden shall shift to the Secretary of Homeland Security to disprove the alien's evidence with a showing which negates the reasonableness of the inference to be drawn from the evidence.

"(E) PAYMENT OF INCOME TAXES.—

"(i) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of any applicable Federal tax liability by establishing that—

"(I) no such tax liability exists;

"(II) all outstanding liabilities have been paid; or

"(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

"(ii) APPLICABLE FEDERAL TAX LIABILITY.—For purposes of clause (i), the term 'applicable Federal tax liability' means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required by subparagraph (D)(i) for which the statutory period for assessment of any deficiency for such taxes has not expired.

"(iii) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subparagraph.

"(i) IN GENERAL.—The alien may satisfy such requirement by establishing that—

"(I) no such tax liability exists;

"(II) all outstanding liabilities have been met; or

"(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

"(ii) LIMITATION.—Provided further that an alien required to pay taxes under this subparagraph, or who otherwise satisfies the requirements of clause (i), shall not be allowed to collect any tax refund for any taxable year prior to 2006, or to file any claim for the Earned Income Tax Credit, or any other tax credit otherwise allowable under the tax code, prior to such taxable year.

"(F) BASIC CITIZENSHIP SKILLS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the alien shall demonstrate that the alien meets the requirements of section 312(a) (relating to English proficiency and understanding of United States history and Government).

"(ii) EXCEPTIONS.—

"(I) MANDATORY.—The requirements of clause (i) shall not apply to any person who is unable to comply with those requirements because of a physical or developmental disability or mental impairment.

"(II) DISCRETIONARY.—The Secretary of Homeland Security may waive all or part of the requirements of clause (i) in the case of an alien who is 65 years of age or older as of the date of the filing of the application for adjustment of status.

"(G) SECURITY AND LAW ENFORCEMENT CLEARANCES.—The alien shall submit fingerprints in accordance with procedures established by the Secretary of Homeland Security. Such fingerprints shall be submitted to relevant Federal agencies to be checked against existing databases for information relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status under this subsection. The relevant Federal agencies shall work to ensure that such clearances are completed within 90 days of the submission of fingerprints. An appeal of a security clearance determination by the Secretary of Homeland Security shall be processed through the Department of Homeland Security.

"(H) MILITARY SELECTIVE SERVICE.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) that such alien has registered under that Act.

"(I) ADJUSTMENT OF STATUS.—The Secretary may not adjust the status of an alien under this section to that of lawful permanent resident until the Secretary determines that the priority dates have become current for the class of aliens whose family-based or employment-based petitions for permanent residence were pending on the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

"(2) SPOUSES AND CHILDREN.—

"(A) IN GENERAL.—

"(i) ADJUSTMENT OF STATUS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall, if otherwise eligible under subparagraph (B), adjust the status to that of a lawful permanent resident for—

"(I) the spouse, or child who was under 21 years of age on the date of enactment of the Immigrant Accountability Act of 2006, of an alien who adjusts status or is eligible to adjust status to that of a permanent resident under paragraph (1); or

"(II) an alien who, within 5 years preceding the date of enactment of the Immigrant Accountability Act of 2006, was the spouse or child of an alien who adjusts status to that of a permanent resident under paragraph (1), if—

"(aa) the termination of the qualifying relationship was connected to domestic violence; or

"(bb) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent who adjusts status or is eligible to adjust status to that of a permanent resident under paragraph (1).

"(ii) APPLICATION OF OTHER LAW.—In acting on applications filed under this paragraph with respect to aliens who have been battered or subjected to extreme cruelty, the Secretary of Homeland Security shall apply the provisions of section 204(a)(1)(J) and the protections, prohibitions, and penalties under section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

"(B) GROUNDS OF INADMISSIBILITY NOT APPLICABLE.—In establishing admissibility to the United States, the spouse or child described in subparagraph (A) shall establish that they are not inadmissible under section 212(a), except for any provision of that section that is waived under subsection (b) of this section.

“(C) SECURITY AND LAW ENFORCEMENT CLEARANCE.—The spouse or child, if that child is 14 years of age or older, described in subparagraph (A) shall submit fingerprints in accordance with procedures established by the Secretary of Homeland Security. Such fingerprints shall be submitted to relevant Federal agencies to be checked against existing databases for information relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status under this subsection. The relevant Federal agencies shall work to ensure that such clearances are completed within 90 days of the submission of fingerprints. An appeal of a denial by the Secretary of Homeland Security shall be processed through the Department of Homeland Security.

“(3) NONAPPLICABILITY OF NUMERICAL LIMITATIONS.—When an alien is granted lawful permanent resident status under this subsection, the number of immigrant visas authorized to be issued under any provision of this Act shall not be reduced.

“(b) GROUNDS OF INADMISSIBILITY.—

“(1) APPLICABLE PROVISIONS.—In the determination of an alien's admissibility under paragraphs (1)(C) and (2) of subsection (a), the following provisions of section 212(a) shall apply and may not be waived by the Secretary of Homeland Security under paragraph (3)(A):

“(A) Paragraph (1) (relating to health).

“(B) Paragraph (2) (relating to criminals).

“(C) Paragraph (3) (relating to security and related grounds).

“(D) Subparagraphs (A) and (C) of paragraph (10) (relating to polygamists and child abductors).

“(2) GROUNDS OF INADMISSIBILITY NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (6)(B), (6)(C), (6)(F), (6)(G), (7), (9) (other than subparagraph (C)(i)(II)), and (10)(B) of section 212(a) shall not apply to an alien who is applying for adjustment of status under subsection (a).

“(3) WAIVER OF OTHER GROUNDS.—

“(A) IN GENERAL.—Except as provided in paragraph (1), the Secretary of Homeland Security may waive any provision of section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or when it is otherwise in the public interest.

“(B) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security, other than under this subparagraph, to waive the provisions of section 212(a).

“(4) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for adjustment of status under subsection (a) by reason of a ground of inadmissibility under section 212(a)(4) if the alien establishes a history of employment in the United States evidencing self-support without public cash assistance.

“(5) SPECIAL RULE FOR INDIVIDUALS WHERE THERE IS NO COMMERCIAL PURPOSE.—An alien is not ineligible for adjustment of status under subsection (a) by reason of a ground of inadmissibility under section 212(a)(6)(E) if the alien establishes that the action referred to in that section was taken for humanitarian purposes, to ensure family unity, or was otherwise in the public interest.

“(6) APPLICABILITY OF OTHER PROVISIONS.—Section 241(a)(5) and section 240B(d) shall not apply with respect to an alien who is applying for adjustment of status under subsection (a).

“(7) INELIGIBILITY.—

“(A) IN GENERAL.—An alien is ineligible for adjustment to lawful permanent resident status under this section if—

“(i) the alien has been ordered removed from the United States—

“(I) for overstaying the period of authorized admission under section 217;

“(II) under section 235 or 238; or

“(III) pursuant to a final order of removal under section 240;

“(ii) the alien failed to depart the United States during the period of a voluntary departure order issued under section 240B;

“(iii) the alien is subject to section 241(a)(5);

“(iv) the Secretary of Homeland Security determines that—

“(I) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

“(II) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

“(III) there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

“(v) the alien has been convicted of a felony or 3 or more misdemeanors.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), an alien who has not been ordered removed from the United States shall remain eligible for adjustment to lawful permanent resident status under this section if the alien's ineligibility under subparagraph (A) is solely related to the alien's—

“(i) entry into the United States without inspection;

“(ii) remaining in the United States beyond the period of authorized admission; or

“(iii) failure to maintain legal status while in the United States.

“(C) WAIVER.—The Secretary may, in the Secretary's sole and unreviewable discretion, waive the application of subparagraph (A) if the alien was ordered removed on the basis that the alien—

“(i) entered without inspection;

“(ii) failed to maintain status; or

“(iii) was ordered removed under 212(a)(6)(C)(i) prior to April 7, 2006,

and—

“(i) demonstrates that the alien did not receive notice of removal proceedings in accordance with paragraph (1) or (2) of section 239(a); or

“(ii) establishes that the alien's failure to appear was due to exceptional circumstances beyond the control of the alien; or

“(iii) the alien's departure from the United States now would result in extreme hardship to the alien's spouse, parent, or child who is a citizen of the United States or an alien lawfully admitted for permanent residence.

“(c) TREATMENT OF APPLICANTS.—

“(1) IN GENERAL.—An alien who files an application under subsection (a)(1)(A) for adjustment of status, including a spouse or child who files for adjustment of status under subsection (b)—

“(A) shall be granted employment authorization pending final adjudication of the alien's application for adjustment of status;

“(B) shall be granted permission to travel abroad pursuant to regulation pending final adjudication of the alien's application for adjustment of status;

“(C) shall not be detained, determined inadmissible or deportable, or removed pending final adjudication of the alien's application for adjustment of status, unless the alien commits an act which renders the alien ineligible for such adjustment of status; and

“(D) shall not be considered an unauthorized alien as defined in section 274A(i) until such time as employment authorization under subparagraph (A) is denied.

“(2) DOCUMENT OF AUTHORIZATION.—The Secretary of Homeland Security shall provide each alien described in paragraph (1) with a counterfeit-resistant document of authorization that—

“(A) meets all current requirements established by the Secretary of Homeland Security for travel documents, including the requirements under section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note); and

“(B) reflects the benefits and status set forth in paragraph (1).

“(3) SECURITY AND LAW ENFORCEMENT CLEARANCE.—Before an alien is granted employment authorization or permission to travel under paragraph (1), the alien shall be required to undergo a name check against existing databases for information relating to criminal, national security, or other law enforcement actions. The relevant Federal agencies shall work to ensure that such name checks are completed not later than 90 days after the date on which the name check is requested.

“(4) TERMINATION OF PROCEEDINGS.—An alien in removal proceedings who establishes prima facie eligibility for adjustment of status under subsection (a) shall be entitled to termination of the proceedings pending the outcome of the alien's application, unless the removal proceedings are based on criminal or national security grounds.

“(e) CONFIDENTIALITY OF INFORMATION.—

“(1) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, nor any officer or employee of such agency or bureau, may—

“(A) use the information furnished by the applicant pursuant to an application filed under paragraph (1) or (2) of subsection (a) for any purpose other than to make a determination on the application;

“(B) make any publication through which the information furnished by any particular applicant can be identified; or

“(C) permit anyone other than the sworn officers and employees of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

“(2) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under paragraph (1) or (2) of subsection (a), and any other information derived from such furnished information, to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested in writing by such entity.

“(3) CRIMINAL PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than $10,000.

“(f) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

“(1) CRIMINAL PENALTY.—

“(A) VIOLATION.—It shall be unlawful for any person to—

“(i) file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

"(ii) create or supply a false writing or document for use in making such an application.

"(B) Penalty.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

"(2) Inadmissibility.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States.

"(3) Exception.—Notwithstanding paragraphs (1) and (2), any alien or other entity (including an employer or union) that submits an employment record that contains incorrect data that the alien used in order to obtain such employment, shall not have violated this subsection.

"(g) Ineligibility for Public Benefits.—For purposes of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613), an alien whose status has been adjusted in accordance with subsection (a) shall not be eligible for any Federal means-tested public benefit unless the alien meets the alien eligibility criteria for such benefit under title IV of such Act (8 U.S.C. 1601 et seq.).

"(h) Relationships of Application to Certain Orders.—

"(1) In general.—An alien who is present in the United States and has been ordered excluded, deported, removed, or to depart voluntarily from the United States or is subject to reinstatement of removal under any provision of this Act may, notwithstanding such order, apply for adjustment of status under subsection (a). Such an alien shall not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate the exclusion, deportation, removal or voluntary departure order. If the Secretary of Homeland Security grants the application, the order shall be canceled. If the Secretary of Homeland Security renders a final administrative decision to deny the application, such order shall be effective and enforceable. Nothing in this paragraph shall affect the review or stay of removal under subsection (j).

"(2) Stay of removal.—The filing of an application described in paragraph (1) shall stay the removal or detainment of the alien pending final adjudication of the application, unless the removal or detainment of the alien is based on criminal or national security grounds.

"(i) Application of Other Provisions.—Nothing in this section shall preclude an alien who may be eligible to be granted adjustment of status under subsection (a) from seeking such status under any other provision of law for which the alien may be eligible.

"(j) Administrative and Judicial Review.—

"(1) In general.—Except as provided in this subsection, there shall be no administrative or judicial review of a determination respecting an application for adjustment of status under subsection (a).

"(2) Administrative review.—

"(A) Single level of administrative appellate review.—The Secretary of Homeland Security shall establish an appellate authority to provide for a single level of administrative appellate review of a determination respecting an application for adjustment of status under subsection (a).

"(B) Standard for review.—Administrative appellate review referred to in subparagraph (A) shall be based solely upon the administrative record established at the time of the determination on the application and upon the presentation of additional or newly discovered evidence during the time of the pending appeal.

"(3) Judicial review.—

"(A) Direct review.—A person whose application for adjustment of status under subsection (a) is denied after administrative appellate review under paragraph (2) may seek review of such denial, in accordance with chapter 7 of title 5, United States Code, before the United States district court for the district in which the person resides.

"(B) Review after removal proceedings.—There shall be judicial review in the Federal courts of appeal of the denial of an application for adjustment of status under subsection (a) in conjunction with judicial review of an order of removal, deportation, or exclusion, but only if the validity of the denial has not been upheld in a prior judicial proceeding under subparagraph (A). Notwithstanding any other provision of law, the standard for review of such a denial shall be governed by subparagraph (C).

"(C) Standard for judicial review.—Judicial review of a denial of an application under this section shall be based solely upon the administrative record established at the time of the review. The findings of fact and other determinations contained in the record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record, considered as a whole.

"(4) Stay of removal.—Aliens seeking administrative or judicial review under this subsection shall not be removed from the United States until a final decision is rendered establishing ineligibility under this section, unless such removal is based on criminal or national security grounds.

"(k) Dissemination of Information on Adjustment Program.—During the 12 months following the issuance of final regulations in accordance with subsection (o), the Secretary of Homeland Security, in cooperation with approved entities, approved by the Secretary of Homeland Security, shall broadly disseminate information respecting adjustment of status under this section and the requirements to be satisfied to obtain such status. The Secretary of Homeland Security shall also disseminate information to employers and labor unions to advise them of the rights and protections available to them and to workers who file applications under this section. Such information shall be broadly disseminated, in the languages spoken by the top 15 source countries of the aliens who would qualify for adjustment of status under this section, including to television, radio, and print media such aliens would have access to.

"(l) Employer Protections.—

"(1) Immigration status of alien.—Employers of aliens applying for adjustment of status under this section shall not be subject to civil and criminal tax liability relating directly to the employment of such alien.

"(2) Provision of employment records.—Employers that provide unauthorized aliens with copies of employment records or other evidence of employment pursuant to an application for adjustment of status under this section or any other application or petition pursuant to other provisions of the immigration laws, shall not be subject to civil and criminal liability pursuant to section 274A for employing such unauthorized aliens.

"(3) Applicability of other law.—Nothing in this subsection shall be used to shield an employer from liability pursuant to section 274B or any other labor and employment law provisions.

"(m) Authorization of Funds; Fines.—

"(1) Authorization of appropriations.—There are authorized to be appropriated to the Department of Homeland Security such sums as are necessary to commence the processing of applications filed under this section.

"(2) Fine.—An alien who files an application under this section shall pay a fine commensurate with levels charged by the Department of Homeland Security for other applications for adjustment of status.

"(3) Additional amounts owed.—Prior to the adjudication of an application for adjustment of status filed under this section, the alien shall pay an amount equaling $2,000, but such amount shall not be required from an alien under the age of 18.

"(4) Use of amounts collected.—The Secretary of Homeland Security shall deposit payments received under paragraphs (2) and (3) in the Immigration Examinations Fee Account, and these payments in such account shall be available, without fiscal year limitation, such that—

"(A) 80 percent of such funds shall be available to the Department of Homeland Security for border security purposes;

"(B) 10 percent of such funds shall be available to the Department of Homeland Security for implementing and processing applications under this section; and

"(C) 10 percent of such funds shall be available to the Department of Homeland Security and the Department of State to cover administrative and other expenses incurred in connection with the review of applications filed by immediate relatives of aliens applying for adjustment of status under this section.

"(5) State impact assistance fee.—

"(A) In general.—In addition to any other amounts required to be paid under this subsection, an alien shall submit, at the time the alien files an application under this section, a State impact assistance fee equal to—

"(i) $750 for the principal alien; and

"(ii) $100 for the spouse and each child described in subsection (a)(2).

"(B) Use of fee.—The fees collected under subparagraph (A) shall be deposited in the State Impact Assistance Account established under section 286(x).

"(n) Mandatory Departure and Reentry.—Any alien who was physically present in the United States on January 7, 2004, who seeks to adjust status under this section, but does not satisfy the requirements of subparagraph (B) or (D) of subsection (a)(1), shall be eligible to depart the United States and to seek admission as a nonimmigrant or an immigrant alien described in section 245C.

"(o) Issuance of Regulations.—Not later than 120 days after the date of enactment of the Immigrant Accountability Act of 2006, the Secretary of Homeland Security shall issue regulations to implement this section.".

(2) Table of contents.—The table of contents (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 245A the following:

"245B. Access to Earned Adjustment".

(c) Mandatory Departure and Reentry.—

(1) In general.—Chapter 5 of title II (8 U.S.C. 1255 et seq.), as amended by subsection (b)(1), is further amended by inserting after section 245B the following:

"SEC. 245C. MANDATORY DEPARTURE AND REENTRY.

"(a) IN GENERAL.—The Secretary of Homeland Security may grant Deferred Mandatory Departure status to aliens who are in the United States illegally to allow such aliens time to depart the United States and to seek admission as a nonimmigrant or immigrant alien.

"(b) REQUIREMENTS.—Notwithstanding section 244(h), an alien desiring an adjustment of status under subsection (a) shall meet the following requirements:

"(1) PRESENCE.—The alien shall establish that the alien—

"(A) was physically present in the United States on January 7, 2004;

"(B) has been continuously in the United States since such date, except for brief, casual, and innocent departures; and

"(C) was not legally present in the United States on that date under any classification set forth in section 101(a)(15).

"(2) EMPLOYMENT.—

"(A) IN GENERAL.—The alien shall establish that the alien—

"(i) was employed in the United States, whether full time, part time, seasonally, or self-employed, before January 7, 2004; and

"(ii) has been continuously employed in the United States since that date, except for brief periods of unemployment lasting not longer than 60 days.

"(B) EVIDENCE OF EMPLOYMENT.—

"(i) IN GENERAL.—An alien may conclusively establish employment status in compliance with subparagraph (A) by submitting to the Secretary of Homeland Security records demonstrating such employment maintained by—

"(I) the Social Security Administration, Internal Revenue Service, or by any other Federal, State, or local government agency;

"(II) an employer; or

"(III) a labor union, day labor center, or an organization that assists workers in matters related to employment.

"(ii) OTHER DOCUMENTS.—An alien who is unable to submit a document described in subclauses (I) through (III) of clause (i) may satisfy the requirement in subparagraph (A) by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

"(I) bank records;

"(II) business records;

"(III) sworn affidavits from nonrelatives who have direct knowledge of the alien's work, including the name, address, and phone number of the affiant, the nature and duration of the relationship between the affiant and the alien, and other verification information; or

"(IV) remittance records.

"(iii) INTENT OF CONGRESS.—It is the intent of Congress that the requirement in this subsection be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

"(iv) BURDEN OF PROOF.—An alien who is applying for adjustment of status under this section has the burden of proving by a preponderance of the evidence that the alien has satisfied the requirements of this subsection. An alien may meet such burden of proof by producing sufficient evidence to demonstrate such employment as a matter of reasonable inference.

"(C) EXEMPTION.—The employment requirement under subparagraph (A) shall not apply to any individual who is 65 years of age or older on the date of the enactment of the Immigrant Accountability Act of 2006.

"(3) ADMISSIBILITY.—

"(A) IN GENERAL.—The alien shall establish that such alien—

"(i) is admissible to the United States, except as provided as in (B); and

"(ii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.

"(B) GROUNDS NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9)(B) of section 212(a) shall not apply.

"(C) WAIVER.—The Secretary of Homeland Security may waive any other provision of section 212(a), or a ground of ineligibility under paragraph (4), in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

"(4) INELIGIBILITY.—

"(A) IN GENERAL.—The alien is ineligible for Deferred Mandatory Departure status if the alien—

"(i) has been ordered removed from the United States—

"(I) for overstaying the period of authorized admission under section 217;

"(II) under section 235 or 238; or

"(III) pursuant to a final order of removal under section 240;

"(ii) the alien failed to depart the United States during the period of a voluntary departure order issued under section 240B;

"(iii) the alien is subject to section 241(a)(5);

"(iv) the Secretary of Homeland Security determines that—

"(I) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

"(II) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

"(III) there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

"(v) the alien has been convicted of a felony or 3 or more misdemeanors.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), an alien who has not been ordered removed from the United States shall remain eligible for adjustment to lawful permanent resident status under this section if the alien's ineligibility under subparagraph (A) is solely related to the alien's—

"(i) entry into the United States without inspection;

"(ii) remaining in the United States beyond the period of authorized admission; or

"(iii) failure to maintain legal status while in the United States.

"(C) WAIVER.—The Secretary may, in the Secretary's sole and unreviewable discretion, waive the application of subparagraph (A) if the alien was ordered removed on the basis that the alien—

"(i) entered without inspection;

"(ii) failed to maintain status; or

"(iii) was ordered removed under 212(a)(6)(C)(i) prior to April 7, 2006,

and—

"(i) demonstrates that the alien did not receive notice of removal proceedings in accordance with paragraph (1) or (2) of section 239(a); or

"(ii) establishes that the alien's failure to appear was due to exceptional circumstances beyond the control of the alien; or

"(iii) the alien's departure from the United States now would result in extreme hardship to the alien's spouse, parent, or child who is a citizen of the United States or an alien lawfully admitted for permanent residence.

"(5) MEDICAL EXAMINATION.—The alien may be required, at the alien's expense, to undergo such a medical examination (including a determination of immunization status) as is appropriate and conforms to generally accepted professional standards of medical practice.

"(6) TERMINATION.—The Secretary of Homeland Security may terminate an alien's Deferred Mandatory Departure status if—

"(A) the Secretary of Homeland Security determines that the alien was not in fact eligible for such status; or

"(B) the alien commits an act that makes the alien removable from the United States.

"(7) APPLICATION CONTENT AND WAIVER.—

"(A) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining Deferred Mandatory Departure status.

"(B) CONTENT.—In addition to any other information that the Secretary requires to determine an alien's eligibility for Deferred Mandatory Departure, the Secretary shall require an alien to answer questions concerning the alien's physical and mental health, criminal history, gang membership, renunciation of gang affiliation, immigration history, involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States Government, voter registration history, claims to United States citizenship, and tax history.

"(C) WAIVER.—The Secretary of Homeland Security shall require an alien to include with the application a waiver of rights that explains to the alien that, in exchange for the discretionary benefit of obtaining Deferred Mandatory Departure status, the alien agrees to waive any right to judicial review or to contest any removal action, other than on the basis of an application for asylum or restriction of removal pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, or cancellation of removal pursuant to section 240A(a).

"(D) KNOWLEDGE.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions and statements on the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

"(c) IMPLEMENTATION AND APPLICATION TIME PERIODS.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the application process is secure and incorporates antifraud protection. The Secretary of Homeland Security shall interview an alien to determine eligibility for Deferred Mandatory Departure status and shall utilize biometric authentication at time of document issuance.

"(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security shall begin accepting applications for Deferred Mandatory Departure status not later than 3 months after the date on which the application form is first made available.

"(3) APPLICATION.—An alien must submit an initial application for Deferred Mandatory Departure status not later than 6 months after the date on which the application form is first made available. An alien that fails to comply with this requirement is ineligible for Deferred Mandatory Departure status. The provisions under subsections (e) and (f) of section 245B shall apply to applications filed under this section.

"(4) COMPLETION OF PROCESSING.—The Secretary of Homeland Security shall ensure that all applications for Deferred Mandatory Departure status are processed not later than 12 months after the date on which the application form is first made available.

"(d) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An alien may not be granted Deferred Mandatory Departure status unless the alien submits biometric data in accordance with procedures established by the Secretary of Homeland Security. The Secretary of Homeland Security may not grant Deferred Mandatory Departure status until all appropriate background checks are completed to the satisfaction of the Secretary of Homeland Security.

"(e) ACKNOWLEDGMENT.—

"(1) IN GENERAL.—An alien who applies for Deferred Mandatory Departure status shall submit to the Secretary of Homeland Security—

"(A) an acknowledgment made in writing and under oath that the alien—

"(i) is unlawfully present in the United States and subject to removal or deportation, as appropriate, under this Act; and

"(ii) understands the terms of the terms of Deferred Mandatory Departure;

"(B) any Social Security account number or card in the possession of the alien or relied upon by the alien;

"(C) any false or fraudulent documents in the alien's possession.

"(2) USE OF INFORMATION.—None of the documents or other information provided in accordance with paragraph (1) may be used in a criminal proceeding against the alien providing such documents or information.

"(f) MANDATORY DEPARTURE.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall grant Deferred Mandatory Departure status to an alien who meets the requirements of this section for a period not to exceed 3 years.

"(2) REGISTRATION AT TIME OF DEPARTURE.—An alien granted Deferred Mandatory Departure shall—

"(A) depart from the United States before the expiration of the period of Deferred Mandatory Departure status;

"(B) register with the Secretary of Homeland Security at the time of departure; and

"(C) surrender any evidence of Deferred Mandatory Departure status at the time of departure.

"(3) APPLICATION FOR READMISSION.—

"(A) IN GENERAL.—An alien under this section may apply for admission to the United States as an immigrant or nonimmigrant while in the United States or from any location outside of the United States, but may not be granted admission until the alien has departed from the United States in accordance with paragraph (2).

"(B) APPROVAL.—The Secretary may approve an application under subparagraph (A) during the period in which the alien is present in the United States under Deferred Mandatory Departure status.

"(C) US–VISIT—An alien in Deferred Mandatory Departure status who is seeking admission as a nonimmigrant or immigrant alien may exit the United States and immediately reenter the United States at any land port of entry at which the US-VISIT exit and entry system can process such alien for admission into the United States.

"(D) INTERVIEW REQUIREMENTS.—Notwithstanding any other provision of law, any admission requirement involving in-person interviews at a consulate of the United States shall be waived for aliens granted Deferred Mandatory Departure status under this section.

"(E) WAIVER OF NUMERICAL LIMITATIONS.—The numerical limitations under section 214 shall not apply to any alien who is admitted as a nonimmigrant under this paragraph.

"(4) EFFECT OF READMISSION ON SPOUSE OR CHILD.—The spouse or child of an alien granted Deferred Mandatory Departure and subsequently granted an immigrant or nonimmigrant visa before departing the United States shall be—

"(A) deemed to have departed under this section upon the successful admission of the principal alien; and

"(B) eligible for the derivative benefits associated with the immigrant or nonimmigrant visa granted to the principal alien without regard to numerical caps related to such visas.

"(5) WAIVERS.—The Secretary of Homeland Security may waive the departure requirement under this subsection if the alien—

"(A) is granted an immigrant or nonimmigrant visa; and

"(B) can demonstrate that the departure of the alien would create a substantial hardship on the alien or an immediate family member of the alien.

"(6) RETURN IN LEGAL STATUS.—An alien who complies with the terms of Deferred Mandatory Departure status and who departs before the expiration of such status—

"(A) shall not be subject to section 212(a)(9)(B);

"(B) if otherwise eligible, may immediately seek admission as a nonimmigrant or immigrant; and

"(C) is eligible to be employed by an employer in the United States regardless of whether the employer has complied with the requirements of section 218B(b)(7).

"(7) FAILURE TO DEPART.—An alien who fails to depart the United States prior to the expiration of Mandatory Deferred Departure status is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law for a period of 10 years, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who indicates either an intention to apply for asylum under section 208 or a fear of persecution or torture.

"(8) PENALTIES FOR DELAYED DEPARTURE.—An alien who fails to depart immediately shall be subject to—

"(A) no fine if the alien departs not later than 1 year after the grant of Deferred Mandatory Departure;

"(B) a fine of $2,000 if the alien does not depart within 2 years after the grant of Deferred Mandatory Departure; and

"(C) a fine of $3,000 if the alien does not depart within 3 years after the grant of Deferred Mandatory Departure.

"(g) EVIDENCE OF DEFERRED MANDATORY DEPARTURE STATUS.—Evidence of Deferred Mandatory Departure status shall be machine-readable and tamper-resistant, shall allow for biometric authentication, and shall comply with the requirements under section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note). The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document. The Secretary of Homeland Security shall consult with the Forensic Document Laboratory in designing the document. The document may serve as a travel, entry, and work authorization document during the period of its validity. The document may be accepted by an employer as evidence of employment authorization and identity under section 274A(c).

"(h) TERMS OF STATUS.—

"(1) REPORTING.—During the period of Deferred Mandatory Departure, an alien shall comply with all registration requirements under section 264.

"(2) TRAVEL.—

"(A) An alien granted Deferred Mandatory Departure is not subject to section 212(a)(9) for any unlawful presence that occurred prior to the Secretary of Homeland Security granting the alien Deferred Mandatory Departure status.

"(B) Under regulations established by the Secretary of Homeland Security, an alien granted Deferred Mandatory Departure—

"(i) may travel outside of the United States and may be readmitted if the period of Deferred Mandatory Departure status has not expired; and

"(ii) must establish at the time of application for admission that the alien is admissible under section 212.

"(C) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under subparagraph (B) shall not extend the period of Deferred Mandatory Departure status.

"(3) BENEFITS.—During the period in which an alien is granted Deferred Mandatory Departure under this section—

"(A) the alien shall not be considered to be permanently residing in the United States under the color of law and shall be treated as a nonimmigrant admitted under section 214; and

"(B) the alien may be deemed ineligible for public assistance by a State (as defined in section 101(a)(36)) or any political subdivision thereof which furnishes such assistance.

"(i) PROHIBITION ON CHANGE OF STATUS OR ADJUSTMENT OF STATUS.—

"(1) IN GENERAL.—Before leaving the United States, an alien granted Deferred Mandatory Departure status may not apply to change status under section 248.

"(2) ADJUSTMENT OF STATUS.—An alien may not adjust to an immigrant classification under this section until after the earlier of—

"(A) the consideration of all applications filed under section 201, 202, or 203 before the date of enactment of this section; or

"(B) 8 years after the date of enactment of this section.

"(j) APPLICATION FEE.—

"(1) IN GENERAL.—An alien seeking a grant of Deferred Mandatory Departure status shall submit, in addition to any other fees authorized by law, an application fee of $1,000.

"(2) USE OF FEE.—The fees collected under paragraph (1) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove illegal aliens.

"(3) STATE IMPACT ASSISTANCE FEE.—

"(A) IN GENERAL.—In addition to any other amounts required to be paid under this subsection, an alien seeking Deferred Mandatory Departure status shall submit, at the time the alien files an application under this section, a State impact assistance fee equal to $750.

"(B) USE OF FEE.—The fees collected under subparagraph (A) shall be deposited in the State Impact Assistance Account established under section 286(x).

"(k) FAMILY MEMBERS.—

"(1) IN GENERAL.—Subject to subsection (f)(4), the spouse or child of an alien granted Deferred Mandatory Departure status is subject to the same terms and conditions as the principal alien.

"(2) APPLICATION FEE.—

"(A) IN GENERAL.—The spouse or child of an alien seeking Deferred Mandatory Departure status shall submit, in addition to any other fee authorized by law, an additional fee of $500.

"(B) USE OF FEE.—The fees collected under subparagraph (A) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove aliens who are removable under section 237.

"(3) STATE IMPACT ASSISTANCE FEE.—

"(A) IN GENERAL.—In addition to any other amounts required to be paid under this subsection, the spouse and each child of an alien seeking Deferred Mandatory Departure status shall submit a State impact assistance fee equal to $100.

"(B) USE OF FEE.—The fees collected under subparagraph (A) shall be deposited in the State Impact Assistance Account established under section 286(x).

"(l) EMPLOYMENT.—

"(1) IN GENERAL.—An alien who has applied for or has been granted Deferred Mandatory Departure status may be employed in the United States.

"(2) CONTINUOUS EMPLOYMENT.—An alien granted Deferred Mandatory Departure status must be employed while in the United States. An alien who fails to be employed for 60 days is ineligible for hire until the alien has departed the United States and reentered. The Secretary of Homeland Security may reauthorize an alien for employment without requiring the alien's departure from the United States.

"(m) ENUMERATION OF SOCIAL SECURITY NUMBER.—The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security system, shall implement a system to allow for the enumeration of a Social Security number and production of a Social Security card at the time the Secretary of Homeland Security grants an alien Deferred Mandatory Departure status.

"(n) PENALTIES FOR FALSE STATEMENTS IN APPLICATION FOR DEFERRED MANDATORY DEPARTURE.—

"(1) CRIMINAL PENALTY.—

"(A) VIOLATION.—It shall be unlawful for any person—

"(i) to file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, misrepresent, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

"(ii) to create or supply a false writing or document for use in making such an application.

"(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

"(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

"(o) RELATION TO CANCELLATION OF REMOVAL.—With respect to an alien granted Deferred Mandatory Departure status under this section, the period of such status shall not be counted as a period of physical presence in the United States for purposes of section 240A(a), unless the Secretary of Homeland Security determines that extreme hardship exists.

"(p) WAIVER OF RIGHTS.—An alien is not eligible for Deferred Mandatory Departure status, unless the alien has waived any right under subsection (b)(7)(C), other than on the basis of an application for asylum, restriction of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, or cancellation of removal pursuant to section 240A(a), any action for deportation or removal of the alien that is instituted against the alien subsequent to a grant of Deferred Mandatory Departure status.

"(q) DENIAL OF DISCRETIONARY RELIEF.—The determination of whether an alien is eligible for a grant of Deferred Mandatory Departure status is solely within the discretion of the Secretary of Homeland Security. Notwithstanding any other provision of law, no court shall have jurisdiction to review—

"(1) any judgment regarding the granting of relief under this section; or

"(2) any other decision or action of the Secretary of Homeland Security the authority for which is specified under this section to be in the discretion of the Secretary, other than the granting of relief under section 208(a).

"(r) JUDICIAL REVIEW.—

"(1) LIMITATIONS ON RELIEF.—Without regard to the nature of the action or claim and without regard to the identity of the party or parties bringing the action, no court may—

"(A) enter declaratory, injunctive, or other equitable relief in any action pertaining to—

"(i) an order or notice denying an alien a grant of Deferred Mandatory Departure status or any other benefit arising from such status; or

"(ii) an order of removal, exclusion, or deportation entered against an alien after a grant of Deferred Mandatory Departure status; or

"(B) certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action for which judicial review is authorized under a subsequent paragraph of this subsection.

"(2) CHALLENGES TO VALIDITY.—

"(A) IN GENERAL.—Any right or benefit not otherwise waived or limited pursuant this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

"(i) whether such section, or any regulation issued to implement such section, violates the Constitution of the United States; or

"(ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority of the Secretary of Homeland Security to implement such section, is not consistent with applicable provisions of this section or is otherwise in violation of law.".

(2) TABLE OF CONTENTS.—The table of contents (8 U.S.C. 1101 et seq.), as amended by this subsection (b)(2), is further amended by inserting after the item relating to section 245B the following:

"245C. Mandatory Departure and Reentry".

(3) CONFORMING AMENDMENT.—Section 237(a)(2)(A)(i)(II) (8 U.S.C. 1227(a)(2)(A)(i)(II)) is amended by inserting "(or 6 months in the case of an alien granted Deferred Mandatory Departure status under section 245C)" after "imposed".

(4) STATUTORY CONSTRUCTION.—Nothing in this subsection, or any amendment made by this subsection, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such amounts as may be necessary for facilities, personnel (including consular officers), training, technology, and processing necessary to carry out the amendments made by this subsection.

(d) CORRECTION OF SOCIAL SECURITY RECORDS.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) whose status is adjusted to that of lawful permanent resident under section 245B of the Immigration and Nationality Act."; and

(4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred prior to the date on which the alien became lawfully admitted for temporary residence.".

(e) STATE IMPACT ASSISTANCE ACCOUNT.—Section 286 (8 U.S.C. 1356) is amended by inserting after subsection (w) the following:

"(x) STATE IMPACT ASSISTANCE ACCOUNT.—

"(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'State Impact Assistance Account'.

"(2) SOURCE OF FUNDS.—Notwithstanding any other provision under this Act, there shall be deposited as offsetting receipts into the State Impact Assistance Account all State impact assistance fees collected under section 245B(m)(5) and subsections (j)(3) and (k)(3) of section 245C.

"(3) USE OF FUNDS.—Amounts deposited into the State Impact Assistance Account may only be used to carry out the State Impact Assistance Grant Program established under paragraph (4).

"(4) STATE IMPACT ASSISTANCE GRANT PROGRAM.—

"(A) ESTABLISHMENT.—The Secretary of Health and Human Services, in consultation with the Secretary of Education, shall establish the State Impact Assistance Grant Program (referred to in this section as the 'Program'), under which the Secretary may award grants to States to provide health and education services to noncitizens in accordance with this paragraph.

"(B) STATE ALLOCATIONS.—The Secretary of Health and Human Services shall annually allocate the amounts available in the State Impact Assistance Account among the States as follows:

"(i) NONCITIZEN POPULATION.—Eighty percent of such amounts shall be allocated so that each State receives the greater of—

"(I) $5,000,000; or

"(II) after adjusting for allocations under subclause (I), the percentage of the amount to be distributed under this clause that is equal to the noncitizen resident population of the State divided by the noncitizen resident population of all States, based on the most recent data available from the Bureau of the Census.

"(ii) HIGH GROWTH RATES.—Twenty percent of such amounts shall be allocated among the 20 States with the largest growth rates in noncitizen resident population, as determined by the Secretary of Health and Human Services, so that each such State receives the percentage of the amount distributed under this clause that is equal to—

"(I) the growth rate in the noncitizen resident population of the State during the most recent 3-year period for which data is available from the Bureau of the Census; divided by

"(II) the average growth rate in noncitizen resident population for the 20 States during such 3-year period.

"(iii) LEGISLATIVE APPROPRIATIONS.—The use of grant funds allocated to States under this paragraph shall be subject to appropriation by the legislature of each State in accordance with the terms and conditions under this paragraph.

"(C) FUNDING FOR LOCAL GOVERNMENT.—

"(i) DISTRIBUTION CRITERIA.—Grant funds received by States under this paragraph shall be distributed to units of local government based on need and function.

"(ii) MINIMUM DISTRIBUTION.—Except as provided in clause (iii), a State shall distribute not less than 30 percent of the grant funds received under this paragraph to units of local government not later than 180 days after receiving such funds.

"(iii) EXCEPTION.—If an eligible unit of local government that is available to carry out the activities described in subparagraph (D) cannot be found in a State, the State does not need to comply with clause (ii).

"(iv) UNEXPENDED FUNDS.—Any grant funds distributed by a State to a unit of local government that remain unexpended as of the end of the grant period shall revert to the State for redistribution to another unit of local government.

"(D) USE OF FUNDS.—States and units of local government shall use grant funds received under this paragraph to provide health services, educational services, and related services to noncitizens within their jurisdiction directly, or through contracts with eligible services providers, including—

"(i) health care providers;

"(ii) local educational agencies; and

"(iii) charitable and religious organizations.

"(E) STATE DEFINED.—In this paragraph, the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(F) CERTIFICATION.—In order to receive a payment under this section, the State shall provide the Secretary of Health and Human Services with a certification that the State's proposed uses of the fund are consistent with (D).

"(G) ANNUAL REPORT.—The Secretary of Health and Human Services shall inform the States annually of the amount of funds available to each State under the Program.".

Subtitle B—Agricultural Job Opportunities, Benefits, and Security

SEC. 611. SHORT TITLE.

This subtitle may be cited as the "Agricultural Job Opportunities, Benefits, and Security Act of 2006" or the "AgJOBS Act of 2006".

SEC. 612. DEFINITIONS.

In this subtitle:

(1) AGRICULTURAL EMPLOYMENT.—The term "agricultural employment" means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) BLUE CARD STATUS.—The term "blue card status" means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 613(a).

(3) EMPLOYER.—The term "employer" means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(4) JOB OPPORTUNITY.—The term "job opportunity" means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

(5) TEMPORARY.—A worker is employed on a "temporary" basis where the employment is intended not to exceed 10 months.

(6) UNITED STATES WORKER.—The term "United States worker" means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(7) WORK DAY.—The term "work day" means any day in which the individual is employed 5.75 or more hours in agricultural employment.

CHAPTER 1—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

SEC. 613. AGRICULTURAL WORKERS.

(a) BLUE CARD PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer blue card status upon an alien who qualifies under this subsection if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2005;

(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act; and

(C) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2).

(2) AUTHORIZED TRAVEL.—An alien in blue card status has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—An alien in blue card status shall be provided an "employment authorized" endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF BLUE CARD STATUS.—

(A) IN GENERAL.—The Secretary may terminate blue card status granted under this subsection only upon a determination under this subtitle that the alien is deportable.

(B) GROUNDS FOR TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under subsection (c), the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(i) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) SUNSET.—The obligation under subparagraph (A) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(6) REQUIRED FEATURES OF BLUE CARD.—The Secretary shall provide each alien granted blue card status and the spouse and children of each such alien residing in the United States with a card that contains—

(A) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(B) biometric identifiers, including fingerprints and a digital photograph; and

(C) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(7) FINE.—An alien granted blue card status shall pay a fine to the Secretary in an amount equal to $100.

(8) MAXIMUM NUMBER.—The Secretary may issue not more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

(b) RIGHTS OF ALIENS GRANTED BLUE CARD STATUS.—

(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien in blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the Secretary confers blue card status upon that alien.

(3) TERMS OF EMPLOYMENT RESPECTING ALIENS ADMITTED UNDER THIS SECTION.—

(A) PROHIBITION.—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

(B) TREATMENT OF COMPLAINTS.—

(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) INITIATION OF ARBITRATION.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including, but not limited to, reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).

(v) TREATMENT OF ATTORNEY'S FEES.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(c) ADJUSTMENT TO PERMANENT RESIDENCE.—

(1) AGRICULTURAL WORKERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(i) QUALIFYING EMPLOYMENT.—The alien has performed at least—

(I) 5 years of agricultural employment in the United States, for at least 100 work days or 575 hours, but in no case less than 575 hours per year, during the 5-year period beginning on the date of the enactment of this Act; or

(II) 3 years of agricultural employment in the United States, for at least 150 work days or 863 hours, but in no case less than 863 hours per year, during the 5-year period beginning on the date of the enactment of this Act.

(ii) PROOF.—An alien may demonstrate compliance with the requirement under clause (i) by submitting—

(I) the record of employment described in subsection (a)(5); or

(II) such documentation as may be submitted under subsection (d)(3).

(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement under clause (i)(I), the Secretary may credit the alien with not more than 12 additional months to meet the requirement under clause (i) if the alien was unable to work in agricultural employment due to—

(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

(iv) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(v) FINE.—The alien pays a fine to the Secretary in an amount equal to $400.

(B) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien adjustment to permanent resident status, and provide for termination of the blue card status granted such alien, if—

(i) the Secretary finds by a preponderance of the evidence that the adjustment to blue card status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of a single misdemeanor for which the actual sentence served is 6 months or longer.

(C) GROUNDS FOR REMOVAL.—Any alien granted blue card status who does not apply for adjustment of status under this subsection before the expiration of the application period described in subparagraph (A)(iv), or who fails to meet the other requirements of subparagraph (A) by the end of the applicable period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(D) PAYMENT OF TAXES.—

(i) IN GENERAL.—Not later than the date on which an alien's status is adjusted under this subsection, the alien shall establish the payment of any applicable Federal tax liability by establishing that—

(I) no such tax liability exists;

(II) all outstanding liabilities have been paid; or

(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(ii) APPLICABLE FEDERAL TAX LIABILITY.—For purposes of clause (i), the term "applicable Federal tax liability" means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required under paragraph (1)(A) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(iii) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subparagraph.

(2) SPOUSES AND MINOR CHILDREN.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted status under paragraph (1), including any individual who was a minor child on the date such alien was granted blue card status, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(B) TREATMENT OF SPOUSES AND MINOR CHILDREN BEFORE ADJUSTMENT OF STATUS.—

(i) REMOVAL.—The spouse and any minor child of an alien granted blue card status may not be removed while such alien maintains such status, except as provided in subparagraph (C).

(ii) TRAVEL.—The spouse and any minor child of an alien granted blue card status may travel outside the United States in the same manner as an alien lawfully admitted for permanent residence.

(iii) EMPLOYMENT.—The spouse of an alien granted blue card status may apply to the Secretary for a work permit to authorize such spouse to engage in any lawful employment in the United States while such alien maintains blue card status.

(C) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS AND REMOVAL.—The Secretary may deny an alien spouse or child adjustment of status under subparagraph (A) and may remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(i) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under subsection (e)(2);

(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(iii) is convicted of a single misdemeanor for which the actual sentence served is 6 months or longer.

(d) APPLICATIONS.—

(1) TO WHOM MAY BE MADE.—The Secretary shall provide that—

(A) applications for blue card status may be filed—

(i) with the Secretary, but only if the applicant is represented by an attorney or a non-profit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(ii) with a qualified designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Secretary; and

(B) applications for adjustment of status under subsection (c) shall be filed directly with the Secretary.

(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—

(A) IN GENERAL.—For purposes of receiving applications under subsection (a), the Secretary—

(i) shall designate qualified farm labor organizations and associations of employers; and

(ii) may designate such other persons as the Secretary determines are qualified and have substantial experience, demonstrate competence, and have traditional long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act, Public Law 89–732, Public Law 95–145, or the Immigration Reform and Control Act of 1986.

(B) REFERENCES.—Organizations, associations, and persons designated under subparagraph (A) are referred to in this subtitle as "qualified designated entities".

(3) PROOF OF ELIGIBILITY.—

(A) IN GENERAL.—An alien may establish that the alien meets the requirement of subsection (a)(1)(A) or (c)(1)(A) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(B) DOCUMENTATION OF WORK HISTORY.—

(i) BURDEN OF PROOF.—An alien applying for status under subsection (a)(1) or (c)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days (as required under subsection (a)(1)(A) or (c)(1)(A)).

(ii) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(iii) SUFFICIENT EVIDENCE.—An alien can meet the burden of proof under clause (i) to establish that the alien has performed the work described in subsection (a)(1)(A) or (c)(1)(A) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(4) TREATMENT OF APPLICATIONS BY QUALIFIED DESIGNATED ENTITIES.—Each qualified designated entity shall agree to forward to the Secretary applications filed with it in accordance with paragraph (1)(A)(i)(II) but shall not forward to the Secretary applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Secretary. Upon the request of the alien, a qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien.

(5) LIMITATION ON ACCESS TO INFORMATION.—Files and records prepared for purposes of this subsection by qualified designated entities operating under this subsection are confidential and the Secretary shall not have access to such files or records relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to paragraph (6).

(6) CONFIDENTIALITY OF INFORMATION.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, neither the Secretary, nor any other official or employee of the Department, or a bureau or agency of the Department, may—

(i) use the information furnished by the applicant pursuant to an application filed under this section, the information provided to the applicant by a person designated under paragraph (2)(A), or any information provided by an employer or former employer, for any purpose other than to make a determination on the application, or for enforcement of paragraph (7);

(ii) make any publication whereby the information furnished by any particular individual can be identified; or

(iii) permit anyone other than the sworn officers and employees of the Department, or a bureau or agency of the Department, or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(B) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished under this section, or any other information derived from such furnished information, to—

(i) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; or

(ii) an official coroner, for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(C) CONSTRUCTION.—

(i) IN GENERAL.—Nothing in this paragraph shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes of information contained in files or records of the Department pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(ii) CRIMINAL CONVICTIONS.—Information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement or law enforcement purposes.

(D) CRIME.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall be subject to a fine in an amount not to exceed $10,000.

(7) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(A) CRIMINAL PENALTY.—Any person who—

(i) files an application for status under subsection (a) or (c) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(ii) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(B) INADMISSIBILITY.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(8) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for adjustment of status under this section.

(9) APPLICATION FEES.—

(A) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

(i) shall be charged for the filing of applications for status under subsections (a) and (c); and

(ii) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(B) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

(C) DISPOSITION OF FEES.—

(i) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the "Agricultural Worker Immigration Status Adjustment Account". Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under subparagraph (A)(i).

(ii) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the "Agricultural Worker Immigration Status Adjustment Account" shall remain available to the Secretary until expended for processing applications for status under subsections (a) and (c).

(e) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.—

(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

(2) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for status under subsection (a)(1)(C) or an alien's eligibility for adjustment of status under subsection (c)(1)(B)(ii)(I), the following rules shall apply:

(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) Waiver of other grounds.—

(i) In general.—Except as provided in clause (ii), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

(ii) Grounds that may not be waived.—Paragraphs (2)(A), (2)(B), (2)(C), (3), and (4) of such section 212(a) may not be waived by the Secretary under clause (i).

(iii) Construction.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(C) Special rule for determination of public charge.—An alien is not ineligible for status under this section by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(f) Temporary Stay of Removal and Work Authorization for Certain Applicants.—

(1) Before application period.—Effective on the date of enactment of this Act, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1)(B) and who can establish a nonfrivolous case of eligibility for blue card status (but for the fact that the alien may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for blue card status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit for such purpose.

(2) During application period.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for blue card status during the application period described in subsection (a)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit for such purpose.

(g) Administrative and Judicial Review.—

(1) In general.—There shall be no administrative or judicial review of a determination respecting an application for status under subsection (a) or (c) except in accordance with this subsection.

(2) Administrative review.—

(A) Single level of administrative appellate review.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(B) Standard for review.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(3) Judicial review.—

(A) Limitation to review of removal.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(B) Standard for judicial review.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

(h) Dissemination of Information on Adjustment Program.—Beginning not later than the first day of the application period described in subsection (a)(1)(B), the Secretary, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits that aliens may receive under this section and the requirements to be satisfied to obtain such benefits.

(i) Regulations.—The Secretary shall issue regulations to implement this section not later than the first day of the seventh month that begins after the date of enactment of this Act.

(j) Effective Date.—This section shall take effect on the date that regulations are issued implementing this section on an interim or other basis.

(k) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section $40,000,000 for each of fiscal years 2007 through 2010.

SEC. 614. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) In General.—Section 208(d)(1) of the Social Security Act (42 U.S.C. 408(d)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) who is granted blue card status under the Agricultural Job Opportunity, Benefits, and Security Act of 2006,"; and

(4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted blue card status.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

CHAPTER 2—REFORM OF H–2A WORKER PROGRAM

SEC. 615. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) In General.—Title II (8 U.S.C. 1151 et seq.) is amended—

(1) by striking section 218 and inserting the following:

"SEC. 218. H–2A EMPLOYER APPLICATIONS.

"(a) Applications to the Secretary of Labor.—

"(1) In general.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

"(A) the assurances described in subsection (b);

"(B) a description of the nature and location of the work to be performed;

"(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

"(D) the number of job opportunities in which the employer seeks to employ the workers.

"(2) Accompanied by job offer.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

"(b) Assurances for Inclusion in Applications.—The assurances referred to in subsection (a)(1) are the following:

"(1) Job opportunities covered by collective bargaining agreements.—With respect to a job opportunity that is covered under a collective bargaining agreement:

"(A) Union contract described.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

"(B) Strike or lockout.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(C) Notification of bargaining representatives.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

"(D) Temporary or seasonal job opportunities.—The job opportunity is temporary or seasonal.

"(E) Offers to United States workers.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

"(F) Provision of insurance.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(2) Job opportunities not covered by collective bargaining agreements.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

"(A) Strike or lockout.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(B) Temporary or seasonal job opportunities.—The job opportunity is temporary or seasonal.

"(C) Benefit, wage, and working conditions.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218E to all workers employed in the job opportunities for which the employer has applied under subsection (a) and to all other workers in the same occupation at the place of employment.

"(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

"(E) REQUIREMENTS FOR PLACEMENT OF NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

"(i) the nonimmigrant performs duties in whole or in part at 1 or more work sites owned, operated, or controlled by such other employer;

"(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

"(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

"(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

"(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(H) EMPLOYMENT OF UNITED STATES WORKERS.—

"(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

"(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

"(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

"(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

"(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

"(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

"(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the foreign worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the foreign worker who is in the job was hired has elapsed, subject to the following requirements:

"(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H–2A workers in order to force the hiring of United States workers under this clause.

"(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

"(III) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

"(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

"(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

"(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218E through 218G.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

"(d) WITHDRAWAL OF APPLICATIONS.—

"(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

"(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

"(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

"(e) REVIEW AND APPROVAL OF APPLICATIONS.—

"(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or work site, a copy of each such application (and such accompanying documents as are necessary).

"(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

"(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under this subsection. Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

"(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application."; and

(2) by inserting after section 218D, as added by section 601 of this Act, the following:

"SEC. 218E. H-2A EMPLOYMENT REQUIREMENTS.

"(a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H-2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H-2A workers.

"(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

"(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

"(A) IN GENERAL.—An employer applying under section 218(a) for H-2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

"(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

"(C) FAMILY HOUSING.—When it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

"(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

"(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

"(F) CHARGES FOR HOUSING.—

"(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

"(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

"(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

"(i) IN GENERAL.—If the requirement under clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

"(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers, and H-2A workers, who are seeking temporary housing while employed at farm work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

"(iii) AMOUNT OF ALLOWANCE.—

"(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2 bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(2) REIMBURSEMENT OF TRANSPORTATION.—

"(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

"(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

"(C) LIMITATION.—

"(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

"(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

"(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

"(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

"(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

"(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORK SITE.—The employer shall provide transportation between the worker's living quarters and the employer's work site without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

"(3) REQUIRED WAGES.—

"(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

"(B) LIMITATION.—Effective on the date of the enactment of the Agricultural Job Opportunities, Benefits, and Security Act of 2006 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

"(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

"(i) FIRST ADJUSTMENT.—If Congress does not set a new wage standard applicable to this section before the first March 1 that is not less than 3 years after the date of enactment of this section, the adverse effect wage rate for each State beginning on such March 1 shall be the wage rate that would have resulted if the adverse effect wage rate in effect on January 1, 2003, had been annually adjusted, beginning on March 1, 2006, by the lesser of—

"(I) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

"(II) 4 percent.

"(ii) SUBSEQUENT ANNUAL ADJUSTMENTS.—Beginning on the first March 1 that is not less than 4 years after the date of enactment of this section, and each March 1 thereafter, the adverse effect wage rate then in effect for each State shall be adjusted by the lesser of—

"(I) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

"(II) 4 percent.

"(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

"(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

"(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

"(i) the worker's total earnings for the pay period;

"(ii) the worker's hourly rate of pay, piece rate of pay, or both;

"(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the three-quarters guarantee described in paragraph (4);

"(iv) the hours actually worked by the worker;

"(v) an itemization of the deductions made from the worker's wages; and

"(vi) if piece rates of pay are used, the units produced daily.

"(G) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2008, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

"(i) whether the employment of H-2A or unauthorized aliens in the United States agricultural work force has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H-2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H-2A workers in those occupations;

"(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H-2A workers are employed from falling below the wage level that would have prevailed in the absence of H-2A employment;

"(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

"(v) recommendations for future wage protection under this section.

"(H) COMMISSION ON WAGE STANDARDS.—

"(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H-2A program (in this subparagraph referred to as the 'Commission').

"(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

"(I) 4 representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

"(II) 4 representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

"(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

"(I) whether the employment of H-2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H-2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H-2A workers in those occupations;

"(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H-2A workers are employed from falling below the wage level that would have prevailed in the absence of H-2A employment;

"(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

"(V) recommendations for future wage protection under this section.

"(iv) FINAL REPORT.—Not later than December 31, 2008, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

"(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

"(4) GUARANTEE OF EMPLOYMENT.—

"(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least three-fourths of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H-2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

"(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

"(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the 'three-fourths guarantee' described in subparagraph (A).

"(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including but not limited to a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

"(5) MOTOR VEHICLE SAFETY.—

"(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

"(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H-2A employer that uses or causes to be used any vehicle to transport an H-2A worker within the United States.

"(ii) DEFINED TERM.—In this paragraph, the term 'uses or causes to be used'—

"(I) applies only to transportation provided by an H-2A employer to an H-2A worker, or by a farm labor contractor to an H-2A worker at the request or direction of an H-2A employer; and

"(II) does not apply to—

"(aa) transportation provided, or transportation arrangements made, by an H-2A worker, unless the employer specifically requested or arranged such transportation; or

"(bb) car pooling arrangements made by H-2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

"(iii) CLARIFICATION.—Providing a job offer to an H-2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H-2A worker by an H-2A employer, shall not constitute an arrangement of, or participation in, such transportation.

"(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H-2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

"(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

"(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

"(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

"(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

"(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

"(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H-2A worker.

"(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

"(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H-2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

"(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

"(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

"(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

"(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

"(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218, or section 218F shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

"SEC. 218F. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H-2A WORKERS.

"(a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

"(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

"(c) CRITERIA FOR ADMISSIBILITY.—

"(1) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218E, and the alien is not ineligible under paragraph (2).

"(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

"(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

"(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

"(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

"(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H-2A status, but may not be granted that status in the United States.

"(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

"(d) PERIOD OF ADMISSION.—

"(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the work site and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

"(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

"(B) the total period of employment, including such 14-day period, may not exceed 10 months.

"(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

"(e) ABANDONMENT OF EMPLOYMENT.—

"(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H-2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

"(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H-2A worker prematurely abandons employment.

"(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H-2A worker who violates any term or condition of the worker's nonimmigrant status.

"(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

"(f) REPLACEMENT OF ALIEN.—

"(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

"(A) who abandons or prematurely terminates employment; or

"(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

"(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

"(g) IDENTIFICATION DOCUMENT.—

"(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify such person's proper identity.

"(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

"(A) The document shall be capable of reliably determining whether—

"(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

"(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

"(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

"(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

"(C) The document shall—

"(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

"(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

"(h) EXTENSION OF STAY OF H-2A ALIENS IN THE UNITED STATES.—

"(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

"(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

"(A) for a period of more than 10 months; or

"(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

"(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

"(A) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

"(B) DEFINITION.—For purposes of subparagraph (A), the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

"(C) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

"(D) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

"(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

"(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

"(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

"(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

"(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅕ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

"(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

"(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—Notwithstanding any provision of the Agricultural Job Opportunities, Benefits, and Security Act of 2006, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder, goat herder, or dairy worker—

"(1) may be admitted for an initial period of 12 months;

"(2) subject to subsection (j)(5), may have such initial period of admission extended for a period of up to 3 years; and

"(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

"(j) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—

"(1) ELIGIBLE ALIEN.—For purposes of this subsection, the term 'eligible alien' means an alien—

"(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a sheepherder, goat herder, or dairy worker;

"(B) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

"(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

"(2) CLASSIFICATION PETITION.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

"(A) the alien's employer on behalf of an eligible alien; or

"(B) the eligible alien.

"(3) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)((3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

"(4) EFFECT OF PETITION.—The filing of a petition described in paragraph (2) or an application for adjustment of status based on the approval of such a petition, shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

"(5) EXTENSION OF STAY.—The Secretary of Homeland Security shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

"(6) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.

"SEC. 218G. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

"(a) ENFORCEMENT AUTHORITY.—

"(1) INVESTIGATION OF COMPLAINTS.—

"(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

"(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (H). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

"(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

"(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

"(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

"(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

"(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

“(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

“(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

“(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

“(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218E(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218E(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

“(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218E.

“(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

“(1) The providing of housing or a housing allowance as required under section 218E(b)(1).

“(2) The reimbursement of transportation as required under section 218E(b)(2).

“(3) The payment of wages required under section 218E(b)(3) when due.

“(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218E(c), compliance with which shall be governed by the provisions of such laws.

“(5) The guarantee of employment required under section 218E(b)(4).

“(6) The motor vehicle safety requirements under section 218E(b)(5).

“(7) The prohibition of discrimination under subsection (d)(2).

“(c) PRIVATE RIGHT OF ACTION.—

“(1) MEDIATION.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

“(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

“(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

“(C) AUTHORIZATION.—

“(i) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

“(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

“(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

“(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

“(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

“(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

“(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

“(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

“(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

“(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

“(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

“(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

“(i) a recovery under a State workers' compensation law; or

“(ii) rights conferred under a State workers' compensation law.

“(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

“(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and an H–2A employer or any person reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

“(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

“(d) DISCRIMINATION PROHIBITED.—

“(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218E or any rule or regulation pertaining to section 218 or 218E, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218E or any rule or regulation pertaining to either of such sections.

“(2) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

"(e) Authorization To Seek Other Appropriate Employment.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

"(f) Role of Associations.—

"(1) Violation by a member of an association.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218E, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

"(2) Violations by an association acting as an employer.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

"SEC. 218H. DEFINITIONS.

"For purposes of this section, section 218, and sections 218E through 218G:

"(1) Agricultural employment.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a).

"(2) Bona fide union.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

"(3) Displace.—The term 'displace', in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

"(4) Eligible.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

"(5) Employer.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

"(6) H–2A employer.—The term 'H–2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

"(7) H–2A worker.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

"(8) Job opportunity.—The term 'job opportunity' means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

"(9) Lays off.—

"(A) In general.—The term 'lays off', with respect to a worker—

"(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218E(b)(4)(D)), or temporary layoffs due to weather, markets, or other temporary conditions; but

"(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

"(B) Statutory construction.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

"(10) Regulatory drought.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

"(11) Seasonal.—Labor is performed on a 'seasonal' basis if—

"(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

"(B) from its nature, it may not be continuous or carried on throughout the year.

"(12) Secretary.—The term 'Secretary' means the Secretary of Homeland Security.

"(13) Temporary.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

"(14) United States worker.—The term 'United States worker' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).".

(b) Table of Contents.—The table of contents (8 U.S.C. 1101 et seq.) is amended—

(1) by striking the item relating to section 218 and inserting the following:

"Sec. 218. H–2A employer applications"
and

(2) by inserting after the item relating to section 218D, as added by section 601 of this Act, the following:

"Sec. 218E. H–2A employment requirements
"Sec. 218F. Procedure for admission and extension of stay of H–2A workers
"Sec. 218G. Worker protections and labor standards enforcement
"Sec. 218H. Definitions".

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 616. DETERMINATION AND USE OF USER FEES.

(a) Schedule of Fees.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens under this subtitle and the amendments made by this subtitle, and a collection process for such fees from employers participating in the program provided under this subtitle. Such fees shall be the only fees chargeable to employers for services provided under this subtitle.

(b) Determination of Schedule.—

(1) In general.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as added by section 615 of this Act, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ eligible aliens pursuant to this subtitle, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) Procedure.—

(A) In general.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) Publication and comment.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) Use of Proceeds.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the alien employment user fees shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218F of the Immigration and Nationality Act, as added by section 615 of this Act, and the provisions of this subtitle.

SEC. 617. REGULATIONS.

(a) Regulations of the Secretary.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture on all regulations to implement the duties of the Secretary under this subtitle and the amendments made by this subtitle.

(b) Regulations of the Secretary of State.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this subtitle and the amendments made by this subtitle.

(c) Regulations of the Secretary of Labor.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this subtitle and the amendments made by this subtitle.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218E, 218F, and 218G of the Immigration and Nationality Act, as added by section 615 of this Act, shall take effect on the effective date of section 615 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 618. REPORT TO CONGRESS.

Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to subsection 218F(e)(2) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218F(d) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 613(a);

(5) the number of such aliens whose status was adjusted under section 613(a);

(6) the number of aliens who applied for permanent residence pursuant to section 613(c); and

(7) the number of such aliens who were approved for permanent residence pursuant section 613(c).

SEC. 619. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided, sections 615 and 616 shall take effect 1 year after the date of the enactment of this Act.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the measures being taken and the progress made in implementing this subtitle.

Subtitle C—DREAM Act

SEC. 621. SHORT TITLE.

This subtitle may be cited as the "Development, Relief, and Education for Alien Minors Act of 2006" or the "DREAM Act of 2006".

SEC. 622. DEFINITIONS.

In this subtitle:

(1) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term "uniformed services" has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 623. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) EFFECTIVE DATE.—The repeal under subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

SEC. 624. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this subtitle, the Secretary may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 625, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has been a person of good moral character since the time of application;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(B), (6)(C), (6)(E), (6)(F), or (6)(G) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or, if inadmissible solely under subparagraph (C) or (F) of paragraph (6) of such subsection, the alien was under the age of 16 years at the time the violation was committed; and

(ii) is not deportable under paragraph (1)(E), (1)(G), (2), (3)(B), (3)(C), (3)(D), (4), or (6) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)), or, if deportable solely under subparagraphs (C) or (D) of paragraph (3) of such subsection, the alien was under the age of 16 years at the time the violation was committed;

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States; and

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien has remained in the United States under color of law or received the order before attaining the age of 16 years.

(2) WAIVER.—The Secretary may waive the grounds of ineligibility under section 212(a)(6) of the Immigration and Nationality Act and the grounds of deportability under paragraphs (1), (3), and (6) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary shall publish final regulations implementing this section.

(f) REMOVAL OF ALIEN.—The Secretary may not remove any alien who has a pending application for conditional status under this subtitle.

SEC. 625. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) IN GENERAL.—

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 626, an alien whose status has been adjusted under section 624 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) NOTICE OF REQUIREMENTS.—

(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this subtitle with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary shall terminate the conditional permanent resident status of any alien who obtained such status under this subtitle, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 624(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this subtitle.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—

(1) IN GENERAL.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be

removed, the alien must file with the Secretary, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary in accordance with this subtitle. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 624(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of all of the secondary educational institutions that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary may extend the period of the conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

SEC. 626. RETROACTIVE BENEFITS.

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 624(a)(1) and section 625(d)(1)(D), the Secretary may adjust the status of the alien to that of a conditional resident in accordance with section 624. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 625(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 625(d)(1) during the entire period of conditional residence.

SEC. 627. EXCLUSIVE JURISDICTION.

(a) IN GENERAL.—The Secretary shall have exclusive jurisdiction to determine eligibility for relief under this subtitle, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this subtitle, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this subtitle.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 624(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States, consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.), and State and local laws governing minimum age for employment.

(d) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 628. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this subtitle and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 629. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—No officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this subtitle to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this subtitle can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this subtitle with a designated entity, that designated entity, to examine applications filed under this subtitle.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 630. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this subtitle shall provide that applications under this subtitle will be considered on an expedited basis and without a requirement for the payment by the applicant of any additional fee for such expedited processing.

SEC. 631. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this subtitle shall be eligible only for the following assistance under such title IV:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 632. GAO REPORT.

Seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, which sets forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 624(a);

(2) the number of aliens who applied for adjustment of status under section 624(a);

(3) the number of aliens who were granted adjustment of status under section 624(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 625.

Subtitle D—Programs To Assist Nonimmigrant Workers

SEC. 641. INELIGIBILITY AND REMOVAL PRIOR TO APPLICATION PERIOD.

(a) Limitations on Ineligibility.—

(1) In general.—An alien is not ineligible for any immigration benefit under any provision of this title, or any amendment made by this title, solely on the basis that the alien violated section 1543, 1544, or 1546 of chapter 75 of title 18, United States Code, during the period beginning on the date of the enactment of this Act and ending on the date that the Department of Homeland Security begins accepting applications for benefits under title VI.

(2) Prosecution.—An alien who commits a violation of such section 1543, 1544, or 1546 during the period beginning on the date the enactment of this Act and ending on the date that the alien applies for eligibility for such benefit may be prosecuted for the violation if the alien's application for such benefit is denied.

(b) Limitation on Removal.—If an alien who is apprehended prior to the beginning of the applicable application period described in a provision of this title, or an amendment made by this title, is able to establish prima facie eligibility for an adjustment of status under such a provision, the alien may not be removed from the United States for any reason until the date that is 180 days after the first day of such applicable application period unless the alien has engaged in criminal conduct or is a threat to the national security of the United States.

SEC. 642. GRANTS TO SUPPORT PUBLIC EDUCATION AND COMMUNITY TRAINING.

(a) Grants Authorized.—The Assistant Attorney General, Office of Justice Programs, may award grants to qualified nonprofit community organizations to educate, train, and support non-profit agencies, immigrant communities, and other interested entities regarding the provisions of this Act and the amendments made by this Act.

(b) Use of Funds.—

(1) In general.—Grants awarded under this section shall be used—

(A) for public education, training, technical assistance, government liaison, and all related costs (including personnel and equipment) incurred by the grantee in providing services related to this Act; and

(B) to educate, train, and support nonprofit organizations, immigrant communities, and other interested parties regarding this Act and the amendments made by this Act and on matters related to its implementation.

(2) Education.—In addition to the purposes described in paragraph (1), grants awarded under this section shall be used to—

(A) educate immigrant communities and other interested entities regarding—

(i) the individuals and organizations that can provide authorized legal representation in immigration matters under regulations prescribed by the Secretary; and

(ii) the dangers of securing legal advice and assistance from those who are not authorized to provide legal representation in immigration matters;

(B) educate interested entities regarding the requirements for obtaining nonprofit recognition and accreditation to represent immigrants under regulations prescribed by the Secretary;

(C) provide nonprofit agencies with training and technical assistance on the recognition and accreditation process; and

(D) educate nonprofit community organizations, immigrant communities, and other interested entities regarding—

(i) the process for obtaining benefits under this Act or under an amendment made by this Act; and

(ii) the availability of authorized legal representation for low-income persons who may qualify for benefits under this Act or under an amendment made by this Act.

(c) Diversity.—The Assistant Attorney General shall ensure, to the extent possible, that the nonprofit community organizations receiving grants under this section serve geographically diverse locations and ethnically diverse populations who may qualify for benefits under the Act.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Office of Justice Programs of the Department of Justice such sums as may be necessary for each of the fiscal years 2007 through 2009 to carry out this section.

SEC. 643. STRENGTHENING AMERICAN CITIZENSHIP.

(a) Short Title.—This section may be cited as the "Strengthening American Citizenship Act of 2006".

(b) Definition.—In this section, the term "Oath of Allegiance" means the binding oath (or affirmation) of allegiance required to be naturalized as a citizen of the United States, as prescribed in section 337(e) of the Immigration and Nationality Act, as added by subsection (h)(1)(B).

(c) English Fluency.—

(1) Education grants.—

(A) Establishment.—The Chief of the Office of Citizenship of the Department (referred to in this paragraph as the "Chief") shall establish a grant program to provide grants in an amount not to exceed $500 to assist legal residents of the United States who declare an intent to apply for citizenship in the United States to meet the requirements under section 312 of the Immigration and Nationality Act (8 U.S.C. 1423).

(B) Use of funds.—Grant funds awarded under this paragraph shall be paid directly to an accredited institution of higher education or other qualified educational institution (as determined by the Chief) for tuition, fees, books, and other educational resources required by a course on the English language in which the legal resident is enrolled.

(C) Application.—A legal resident desiring a grant under this paragraph shall submit an application to the Chief at such time, in such manner, and accompanied by such information as the Chief may reasonably require.

(D) Priority.—If insufficient funds are available to award grants to all qualified applicants, the Chief shall give priority based on the financial need of the applicants.

(E) Notice.—The Secretary, upon relevant registration of a legal resident with the Department, shall notify such legal resident of the availability of grants under this paragraph for legal residents who declare an intent to apply for United States citizenship.

(F) Definition.—For purposes of this subsection, the term "legal resident" means a lawful permanent resident or a lawfully admitted alien who, in order to adjust status to that of a lawful permanent resident must demonstrate a knowledge of the English language or satisfactory pursuit of a course of study to acquire such knowledge of the English language.

(2) Faster citizenship for English fluency.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

"(g) A lawful permanent resident of the United States who demonstrates English fluency, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of State, will satisfy the residency requirement under subsection (a) upon the completion of 4 years of continuous legal residency in the United States.".

(3) Savings provision.—Nothing in this subsection shall be construed to—

(A) modify the English language requirements for naturalization under section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)); or

(B) influence the naturalization test redesign process of the Office of Citizenship (except for the requirement under subsection (h)(2)).

(d) American Citizenship Grant Program.—

(1) In general.—The Secretary shall establish a competitive grant program to provide financial assistance for—

(A) efforts by entities (including veterans and patriotic organizations) certified by the Office of Citizenship to promote the patriotic integration of prospective citizens into the American way of life by providing civics, history, and English as a second language courses, with a specific emphasis on attachment to principles of the Constitution of the United States, the heroes of American history (including military heroes), and the meaning of the Oath of Allegiance; and

(B) other activities approved by the Secretary to promote the patriotic integration of prospective citizens and the implementation of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including grants—

(i) to promote an understanding of the form of government and history of the United States; and

(ii) to promote an attachment to the principles of the Constitution of the United States and the well being and happiness of the people of the United States.

(2) Acceptance of gifts.—The Secretary may accept and use gifts from the United States Citizenship Foundation, if the foundation is established under subsection (e), for grants under this subsection.

(3) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(e) Funding for the Office of Citizenship.—

(1) Authorization.—The Secretary, acting through the Director of the Bureau of Citizenship and Immigration Services, is authorized to establish the United States Citizenship Foundation (referred to in this subsection as the "Foundation"), an organization duly incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship.

(2) Dedicated funding.—

(A) In general.—Not less than 1.5 percent of the funds made available to the Bureau of Citizenship and Immigration Services from fees shall be dedicated to the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

(i) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(ii) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

(B) SENSE OF CONGRESS.—It is the sense of Congress that dedicating increased funds to the Office of Citizenship should not result in an increase in fees charged by the Bureau of Citizenship and Immigration Services.

(3) GIFTS.—

(A) TO FOUNDATION.—The Foundation may solicit, accept, and make gifts of money and other property in accordance with section 501(c)(3) of the Internal Revenue Code of 1986.

(B) FROM FOUNDATION.—The Office of Citizenship may accept gifts from the Foundation to support the functions of the Office.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the mission of the Office of Citizenship, including the functions described in paragraph (2)(A).

(f) RESTRICTION ON USE OF FUNDS.—No funds appropriated to carry out a program under this subsection (d) or (e) may be used to organize individuals for the purpose of political activism or advocacy.

(g) REPORTING REQUIREMENT.—

(1) IN GENERAL.—The Chief of the Office of Citizenship shall submit an annual report to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committee on the Judiciary of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) a list of the entities that have received funds from the Office of Citizenship during the reporting period under this section and the amount of funding received by each such entity;

(B) an evaluation of the extent to which grants received under this section successfully promoted an understanding of—

(i) the English language; and

(ii) American history and government, including the heroes of American history, the meaning of the Oath of Allegiance, and an attachment to the principles of the Constitution of the United States; and

(C) information about the number of legal residents who were able to achieve the knowledge described under paragraph (2) as a result of the grants provided under this section.

(h) OATH OR AFFIRMATION OF RENUNCIATION AND ALLEGIANCE.—

(1) REVISION OF OATH.—Section 337 (8 U.S.C. 1448) is amended—

(A) in subsection (a), by striking "under section 310(b) an oath" and all that follows through "personal moral code." and inserting "under section 310(b), the oath (or affirmation) of allegiance prescribed in subsection (e)."; and

(B) by adding at the end the following:

"(e)(1) Subject to paragraphs (2) and (3), the oath (or affirmation) of allegiance prescribed in this subsection is as follows: 'I take this oath solemnly, freely, and without any mental reservation. I absolutely and entirely renounce all allegiance to any foreign state or power of which I have been a subject or citizen. My fidelity and allegiance from this day forward are to the United States of America. I will bear true faith and allegiance to the Constitution and laws of the United States, and will support and defend them against all enemies, foreign and domestic. I will bear arms, or perform noncombatant military or civilian service, on behalf of the United States when required by law. This I do solemnly swear, so help me God.'.

"(2) If a person, by reason of religious training and belief (or individual interpretation thereof) or for other reasons of good conscience, cannot take the oath prescribed in paragraph (1)—

"(A) with the term 'oath' included, the term 'affirmation' shall be substituted for the term 'oath'; and

"(B) with the phrase 'so help me God' included, the phrase 'so help me God' shall be omitted.

"(3) If a person shows by clear and convincing evidence to the satisfaction of the Attorney General that such person, by reason of religious training and belief, cannot take the oath prescribed in paragraph (1)—

"(A) because such person is opposed to the bearing of arms in the Armed Forces of the United States, the words 'bear arms, or' shall be omitted; and

"(B) because such person is opposed to any type of service in the Armed Forces of the United States, the words 'bear arms, or' and 'noncombatant military or' shall be omitted.

"(4) As used in this subsection, the term 'religious training and belief'—

"(A) means a belief of an individual in relation to a Supreme Being involving duties superior to those arising from any human relation; and

"(B) does not include essentially political, sociological, or philosophical views or a merely personal moral code.

"(5) Any reference in this title to 'oath' or 'oath of allegiance' under this section shall be deemed to refer to the oath (or affirmation) of allegiance prescribed under this subsection.".

(2) HISTORY AND GOVERNMENT TEST.—The Secretary shall incorporate a knowledge and understanding of the meaning of the Oath of Allegiance into the history and government test given to applicants for citizenship.

(3) NOTICE TO FOREIGN EMBASSIES.—Upon the naturalization of a new citizen, the Secretary, in cooperation with the Secretary of State, shall notify the embassy of the country of which the new citizen was a citizen or subject that such citizen has—

(A) renounced allegiance to that foreign country; and

(B) sworn allegiance to the United States.

(4) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is 6 months after the date of enactment of this Act.

(i) ESTABLISHMENT OF NEW CITIZENS AWARD PROGRAM.—

(1) ESTABLISHMENT.—There is established a new citizens award program to recognize citizens who—

(A) have made an outstanding contribution to the United States; and

(B) were naturalized during the 10-year period ending on the date of such recognition.

(2) PRESENTATION AUTHORIZED.—

(A) IN GENERAL.—The President is authorized to present a medal, in recognition of outstanding contributions to the United States, to citizens described in paragraph (1).

(B) MAXIMUM NUMBER OF AWARDS.—Not more than 10 citizens may receive a medal under this subsection in any calendar year.

(3) DESIGN AND STRIKING.—The Secretary of the Treasury shall strike a medal with suitable emblems, devices, and inscriptions, to be determined by the President.

(4) NATIONAL MEDALS.—The medals struck pursuant to this subsection are national medals for purposes of chapter 51 of title 31, United States Code.

(j) NATURALIZATION CEREMONIES.—

(1) IN GENERAL.—The Secretary, in consultation with the Director of the National Park Service, the Archivist of the United States, and other appropriate Federal officials, shall develop and implement a strategy to enhance the public awareness of naturalization ceremonies.

(2) VENUES.—In developing the strategy under this subsection, the Secretary shall consider the use of outstanding and historic locations as venues for select naturalization ceremonies.

(3) REPORTING REQUIREMENT.—The Secretary shall submit an annual report to Congress that includes—

(A) the content of the strategy developed under this subsection; and

(B) the progress made towards the implementation of such strategy.

SEC. 644. SUPPLEMENTAL IMMIGRATION FEE.

(a) AUTHORIZATION OF FEE.—

(1) IN GENERAL.—Subject to paragraph (2), any alien who receives any immigration benefit under this title, or the amendments made by this title, shall, before receiving such benefit, pay a fee to the Secretary in an amount equal to $500, in addition to other applicable fees and penalties imposed under this title, or the amendments made by this title.

(2) FEES CONTINGENT ON APPROPRIATIONS.—No fee may be collected under this section except to the extent that the expenditure of the fee to pay the costs of activities and services for which the fee is imposed, as described in subsection (b), is provided for in advance in an appropriations Act.

(b) DEPOSIT AND EXPENDITURE OF FEES.—

(1) DEPOSIT.—Amounts collected under subsection (a) shall be deposited as an offsetting collection in, and credited to, the accounts providing appropriations—

(A) to carry out the apprehension and detention of any alien who is inadmissible by reason of any offense described in section 212(a);

(B) to carry out the apprehension and detention of any alien who is deportable for any offense under section 237(a);

(C) to acquire border sensor and surveillance technology;

(D) for air and marine interdiction, operations, maintenance, and procurement;

(E) for construction projects in support of the United States Customs and Border Protection;

(F) to train Federal law enforcement personnel; and

(G) for maritime security activities.

(2) AVAILABILITY OF FEES.—Amounts deposited under paragraph (1) shall remain available until expended for the activities and services described in paragraph (1).

SEC. 645. ADDRESSING POVERTY IN MEXICO.

(a) FINDINGS.—Congress finds the following:

(1) There is a strong correlation between economic freedom and economic prosperity.

(2) Trade policy, fiscal burden of government, government intervention in the economy, monetary policy, capital flows and foreign investment, banking and finance, wages and prices, property rights, regulation, and informal market activity are key factors in economic freedom.

(3) Poverty in Mexico, including rural poverty, can be mitigated through strengthened economic freedom within Mexico.

(4) Strengthened economic freedom in Mexico can be a major influence in mitigating illegal immigration.

(5) Advancing economic freedom within Mexico is an important part of any comprehensive plan to understanding the sources of poverty and the path to economic prosperity.

(b) Grant Authorized.—The Secretary of State may award a grant to a land grant university in the United States to establish a national program for a broad, university-based Mexican rural poverty mitigation program.

(c) Functions of Mexican Rural Poverty Mitigation Program.—The program established pursuant to subsection (b) shall—

(1) match a land grant university in the United States with the lead Mexican public university in each of Mexico's 31 states to provide state-level coordination of rural poverty programs in Mexico;

(2) establish relationships and coordinate programmatic ties between universities in the United States and universities in Mexico to address the issue of rural poverty in Mexico;

(3) establish and coordinate relationships with key leaders in the United States and Mexico to explore the effect of rural poverty on illegal immigration of Mexicans into the United States; and

(4) address immigration and border security concerns through a university-based, binational approach for long-term institutional change.

(d) Use of Funds.—

(1) Authorized uses.—Grant funds awarded under this section may be used—

(A) for education, training, technical assistance, and any related expenses (including personnel and equipment) incurred by the grantee in implementing a program described in subsection (a); and

(B) to establish an administrative structure for such program in the United States.

(2) Limitations.—Grant funds awarded under this section may not be used for activities, responsibilities, or related costs incurred by entities in Mexico.

(e) Authorization of Appropriations.—There are authorized to be appropriated such funds as may be necessary to carry out this section.

TITLE VII—MISCELLANEOUS

Subtitle A—Immigration Litigation Reduction

CHAPTER 1—APPEALS AND REVIEW

SEC. 701. ADDITIONAL IMMIGRATION PERSONNEL.

(a) Department of Homeland Security.—

(1) Trial attorneys.—In each of fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purpose, increase the number of positions for attorneys in the Office of General Counsel of the Department who represent the Department in immigration matters by not less than 100 above the number of such positions for which funds were made available during each preceding fiscal year.

(2) Authorization of appropriations.—There are authorized to be appropriated to the Secretary for each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection.

(b) Department of Justice.—

(1) Litigation attorneys.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of positions for attorneys in the Office of Immigration Litigation of the Department of Justice.

(2) United states attorneys.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of attorneys in the United States Attorneys' office to litigate immigration cases in the Federal courts.

(3) Immigration judges.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose—

(A) increase by not less than 20 the number of full-time immigration judges compared to the number of such positions for which funds were made available during the preceding fiscal year; and

(B) increase by not less than 80 the number of positions for personnel to support the immigration judges described in subparagraph (A) compared to the number of such positions for which funds were made available during the preceding fiscal year.

(4) Staff attorneys.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose—

(A) increase by not less than 10 the number of positions for full-time staff attorneys in the Board of Immigration Appeals compared to the number of such positions for which funds were made available during the preceding fiscal year; and

(B) increase by not less than 10 the number of positions for personnel to support the staff attorneys described in subparagraph (A) compared to the number of such positions for which funds were made available during the preceding fiscal year

(5) Authorization of appropriations.—There are authorized to be appropriated to the Attorney General for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection, including the hiring of necessary support staff.

(c) Administrative Office of the United States Courts.—In each of the fiscal years 2007 through 2011, the Director of the Administrative Office of the United States Courts shall, subject to the availability of appropriations, increase by not less than 50 the number of attorneys in the Federal Defenders Program who litigate criminal immigration cases in the Federal courts.

CHAPTER 2—IMMIGRATION REVIEW REFORM

SEC. 702. BOARD OF IMMIGRATION APPEALS.

(a) Composition and Appointment.—Notwithstanding any other provision of law, the Board of Immigration Appeals of the Department of Justice (referred to in this section as the "Board"), shall be composed of a Chair and 22 other immigration appeals judges, who shall be appointed by the Attorney General. Upon the expiration of a term of office, a Board member may continue to act until a successor has been appointed and qualified.

(b) Qualifications.—Each member of the Board, including the Chair, shall—

(1) be an attorney in good standing of a bar of a State or the District of Columbia;

(2) have at least—

(A) 7 years of professional, legal expertise; or

(B) 5 years of professional, legal expertise in immigration and nationality law; and

(3) meet the minimum appointment requirements of an administrative law judge under title 5, United States Code.

(c) Duties of the Chair.—The Chair of the Board, subject to the supervision of the Director of the Executive Office for Immigration Review, shall—

(1) be responsible, on behalf of the Board, for the administrative operations of the Board and shall have the power to appoint such administrative assistants, attorneys, clerks, and other personnel as may be needed for that purpose;

(2) direct, supervise, and establish internal operating procedures and policies of the Board;

(3) designate a member of the Board to act as Chair if the Chair is absent or unavailable;

(4) adjudicate cases as a member of the Board;

(5) form 3-member panels as provided by subsection (g);

(6) direct that a case be heard en banc as provided by subsection (h); and

(7) exercise such other authorities as the Director may provide.

(d) Board Members Duties.—In deciding a case before the Board, the Board—

(1) shall exercise independent judgment and discretion; and

(2) may take any action that is appropriate and necessary for the disposition of such case that is consistent with the authority provided in this section and any regulations established in accordance with this section.

(e) Jurisdiction.—

(1) In general.—The Board shall have jurisdiction to hear appeals described in section 1003.1(b) of title 8, Code of Federal Regulations (or any corresponding similar regulation).

(2) Limitation.—The Board shall not have jurisdiction to hear an appeal of a decision of an immigration judge for an order of removal entered in absentia.

(f) Scope of Review.—

(1) Findings or fact.—The Board shall—

(A) accept findings of fact determined by an immigration judge, including findings as to the credibility of testimony, unless the findings are clearly erroneous; and

(B) give due deference to an immigration judge's application of the law to the facts.

(2) Questions of law.—The Board shall review de novo questions of law, discretion, and judgment, and all other issues in appeals from decisions of immigration judges.

(3) Appeals from officers' decisions.—

(A) Standard of review.—The Board shall review de novo all questions arising in appeals from decisions issued by officers of the Department.

(B) Prohibition of fact finding.—Except for taking administrative notice of commonly known facts such as current events or the contents of official documents, the Board may not engage in fact-finding in the course of deciding appeals.

(C) Remand.—A party asserting that the Board cannot properly resolve an appeal without further fact-finding shall file a motion for remand. If further fact-finding is needed in a case, the Board shall remand the proceeding to the immigration judge or, as appropriate, to the Secretary.

(g) Panels.—

(1) In general.—Except as provided in paragraph (5) all cases shall be subject to review by a 3-member panel. The Chair shall divide the Board into 3-member panels and designate a presiding member.

(2) Authority.—Each panel may exercise the appropriate authority of the Board that is necessary for the adjudication of cases before the Board.

(3) Quorum.—Two members appointed to a panel shall constitute a quorum for such panel.

(4) Changes in composition.—The Chair may from time to time make changes in the composition of a panel and of the presiding member of a panel.

(5) PRESIDING MEMBER DECISIONS.—The presiding member of a panel may act alone on any motion as provided in paragraphs (2) and (3) of subsection (i) and may not otherwise dismiss or determine an appeal as a single Board member.

(h) EN BANC PROCESS.—

(1) IN GENERAL.—The Board may on its own motion, by a majority vote of the Board members, or by direction of the Chair—

(A) consider any case as the full Board en banc; or

(B) reconsider as the full Board en banc any case that has been considered or decided by a 3-member panel or by a limited en banc panel.

(2) QUORUM.—A majority of the Board members shall constitute a quorum of the Board sitting en banc.

(i) DECISIONS OF THE BOARD.—

(1) AFFIRMANCE WITHOUT OPINION.—Upon individualized review of a case, the Board may affirm the decision of an immigration judge without opinion only if—

(A) the decision of the immigration judge resolved all issues in the case;

(B) the issue on appeal is squarely controlled by existing Board or Federal court precedent and does not involve the application of precedent to a novel fact situation;

(C) the factual and legal questions raised on appeal are so insubstantial that the case does not warrant the issuance of a written opinion in the case; and

(D) the Board approves both the result reached in the decision below and all of the reasoning of that decision.

(2) SUMMARY DISMISSAL OF APPEALS.—The 3-member panel or the presiding member acting alone may summarily dismiss any appeal or portion of any appeal in any case which—

(A) the party seeking the appeal fails to specify the reasons for the appeal;

(B) the only reason for the appeal specified by such party involves a finding of fact or a conclusion of law that was conceded by that party at a prior proceeding;

(C) the appeal is from an order that granted such party the relief that had been requested;

(D) the appeal is determined to be filed for an improper purpose, such as to cause unnecessary delay; or

(E) the appeal lacks an arguable basis in fact or in law and is not supported by a good faith argument for extension, modification, or reversal of existing law.

(3) UNOPPOSED DISPOSITIONS.—The 3-member panel or the presiding member acting alone may—

(A) grant an unopposed motion or a motion to withdraw an appeal pending before the Board; or

(B) adjudicate a motion to remand any appeal—

(i) from the decision of an officer of the Department if the appropriate official of the Department requests that the matter be remanded back for further consideration;

(ii) if remand is required because of a defective or missing transcript; or

(iii) if remand is required for any other procedural or ministerial issue.

(4) NOTICE OF RIGHT TO APPEAL.—The decision by the Board shall include notice to the alien of the alien's right to file a petition for review in a United States Court of Appeals not later than 30 days after the date of the decision.

SEC. 703. IMMIGRATION JUDGES.

(a) APPOINTMENT OF IMMIGRATION JUDGES.—

(1) IN GENERAL.—The Chief Immigration Judge (as described in section 1003.9 of title 8, Code of Federal Regulations, or any corresponding similar regulation) and other immigration judges shall be appointed by the Attorney General. Upon the expiration of a term of office, the immigration judge may continue to act until a successor has been appointed and qualified.

(2) QUALIFICATIONS.—Each immigration judge, including the Chief Immigration Judge, shall be an attorney in good standing of a bar of a State or the District of Columbia and shall have at least 5 years of professional, legal expertise or at least 3 years professional or legal expertise in immigration and nationality law.

(b) JURISDICTION.—An Immigration judge shall have the authority to hear matters related to any removal proceeding pursuant to section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) described in section 1240.1(a) of title 8, Code of Federal Regulations (or any corresponding similar regulation).

(c) DUTIES OF IMMIGRATION JUDGES.—In deciding a case, an immigration judge—

(1) shall exercise independent judgment and discretion; and

(2) may take any action that is appropriate and necessary for the disposition of such case that is consistent with their authorities under this section and regulations established in accordance with this section.

(d) REVIEW.—Decisions of immigration judges are subject to review by the Board of Immigration Appeals in any case in which the Board has jurisdiction.

SEC. 704. REMOVAL AND REVIEW OF JUDGES.

No immigration judge or member of the Board may be removed or otherwise subject to disciplinary or adverse action for their exercise of independent judgment and discretion as prescribed by this chapter.

SEC. 705. LEGAL ORIENTATION PROGRAM.

(a) CONTINUED OPERATION.—The Director of the Executive Office for Immigration Review shall continue to operate a legal orientation program to provide basic information about immigration court procedures for immigration detainees and shall expand the legal orientation program to provide such information on a nationwide basis.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out such legal orientation program.

SEC. 706. REGULATIONS.

Not later than 180 days after the date of the enactment of this Act, the Attorney General shall issue regulations to implement this subtitle.

SEC. 707. GAO STUDY ON THE APPELLATE PROCESS FOR IMMIGRATION APPEALS.

(a) IN GENERAL.—The Comptroller General of the United States shall, not later than 180 days after enactment of this Act, conduct a study on the appellate process for immigration appeals.

(b) REQUIREMENTS.—In conducting the study under subsection (a), the Comptroller General shall consider the possibility of consolidating all appeals from the Board of Immigration Appeals and habeas corpus petitions in immigration cases into 1 United States Court of Appeals, by—

(1) consolidating all such appeals into an existing circuit court, such as the United States Court of Appeals for the Federal Circuit;

(2) consolidating all such appeals into a centralized appellate court consisting of active circuit court judges temporarily assigned from the various circuits, in a manner similar to the Foreign Intelligence Surveillance Court or the Temporary Emergency Court of Appeals; or

(3) implementing a mechanism by which a panel of active circuit court judges shall have the authority to reassign such appeals from circuits with relatively high caseloads to circuits with relatively low caseloads.

(c) FACTORS TO CONSIDER.—In conducting the study under subsection (a), the Comptroller General, in consultation with the Attorney General, the Secretary, and the Judicial Conference of the United States, shall consider—

(1) the resources needed for each alternative, including judges, attorneys and other support staff, case management techniques including technological requirements, physical infrastructure, and other procedural and logistical issues as appropriate;

(2) the impact of each plan on various circuits, including their caseload in general and caseload per panel;

(3) the possibility of utilizing case management techniques to reduce the impact of any consolidation option, such as requiring certificates of reviewability, similar to procedures for habeas and existing summary dismissal procedures in local rules of the courts of appeals;

(4) the effect of reforms in this Act on the ability of the circuit courts to adjudicate such appeals;

(5) potential impact, if any, on litigants; and

(6) other reforms to improve adjudication of immigration matters, including appellate review of motions to reopen and reconsider, and attorney fee awards with respect to review of final orders of removal.

SEC. 708. SENIOR JUDGE PARTICIPATION IN THE SELECTION OF MAGISTRATES.

Section 631(a) of title 28, United States Code, is amended by striking "Northern Mariana Islands" the first place it appears and inserting "Northern Mariana Islands, including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title,".

Subtitle B—Citizenship Assistance for Members of the Armed Services

SEC. 711. SHORT TITLE.

This subtitle may be cited as the "Kendell Frederick Citizenship Assistance Act".

SEC. 712. WAIVER OF REQUIREMENT FOR FINGERPRINTS FOR MEMBERS OF THE ARMED FORCES.

Notwithstanding any other provision of law or any regulation, the Secretary shall use the fingerprints provided by an individual at the time the individual enlists in the Armed Forces to satisfy any requirement for fingerprints as part of an application for naturalization if the individual—

(1) may be naturalized pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439 or 1440);

(2) was fingerprinted in accordance with the requirements of the Department of Defense at the time the individual enlisted in the Armed Forces; and

(3) submits an application for naturalization not later than 12 months after the date the individual enlisted in the Armed Forces.

SEC. 713. PROVISION OF INFORMATION ON NATURALIZATION TO MEMBERS OF THE ARMED FORCES.

The Secretary shall—

(1) establish a dedicated toll-free telephone service available only to members of the Armed Forces and the families of such members to provide information related to naturalization pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439 or 1440), including the status of an application for such naturalization;

(2) ensure that the telephone service required by paragraph (1) is operated by employees of the Department who—

(A) have received specialized training on the naturalization process for members of the Armed Forces and the families of such members; and

(B) are physically located in the same unit as the military processing unit that adjudicates applications for naturalization pursuant to such section 328 or 329; and

(3) implement a quality control program to monitor, on a regular basis, the accuracy and quality of information provided by the employees who operate the telephone service required by paragraph (1), including the breadth of the knowledge related to the naturalization process of such employees.

SEC. 714. PROVISION OF INFORMATION ON NATURALIZATION TO THE PUBLIC.

Not later than 30 days after the date that a modification to any law or regulation related to the naturalization process becomes effective, the Secretary shall update the appropriate application form for naturalization, the instructions and guidebook for obtaining naturalization, and the Internet website maintained by the Secretary to reflect such modification.

SEC. 715. REPORTS.

(a) ADJUDICATION PROCESS.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the entire process for the adjudication of an application for naturalization filed pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439 or 1440), including the process that begins at the time the application is mailed to, or received by, the Secretary, regardless of whether the Secretary determines that such application is complete, through the final disposition of such application. Such report shall include a description of—

(1) the methods of the Secretary to prepare, handle, and adjudicate such applications;

(2) the effectiveness of the chain of authority, supervision, and training of employees of the Government or of other entities, including contract employees, who have any role in the such process or adjudication; and

(3) the ability of the Secretary to use technology to facilitate or accomplish any aspect of such process or adjudication.

(b) IMPLEMENTATION.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the implementation of this subtitle by the Secretary, including studying any technology that may be used to improve the efficiency of the naturalization process for members of the Armed Forces.

(2) REPORT.—Not later than 180 days after the date that the Comptroller General submits the report required by subsection (a), the Comptroller General shall submit to the appropriate congressional committees a report on the study required by paragraph (1). The report shall include any recommendations of the Comptroller General for improving the implementation of this subtitle by the Secretary.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on the Judiciary of the Senate; and

(2) the Committee on Armed Services and the Committee on the Judiciary of the House of Representatives.

Subtitle C—State Court Interpreter Grant Program

SEC. 721. SHORT TITLE.

This subtitle may be cited as the "State Court Interpreter Grant Program Act".

SEC. 722. FINDINGS.

Congress finds that—

(1) the fair administration of justice depends on the ability of all participants in a courtroom proceeding to understand that proceeding, regardless of their English proficiency;

(2) 19 percent of the population of the United States over 5 years of age speaks a language other than English at home;

(3) only qualified court interpreters can ensure that persons with limited English proficiency comprehend judicial proceedings in which they are a party;

(4) the knowledge and skills required of a qualified court interpreter differ substantially from those required in other interpretation settings, such as social service, medical, diplomatic, and conference interpreting;

(5) the Federal Government has demonstrated its commitment to equal administration of justice regardless of English proficiency;

(6) regulations implementing title VI of the Civil Rights Act of 1964, as well as the guidance issued by the Department of Justice pursuant to Executive Order 13166, issued August 11, 2000, clarify that all recipients of Federal financial assistance, including State courts, are required to take reasonable steps to provide meaningful access to their proceedings for persons with limited English proficiency;

(7) 34 States have developed, or are developing, court interpreting programs;

(8) robust, effective court interpreter programs—

(A) actively recruit skilled individuals to be court interpreters;

(B) train those individuals in the interpretation of court proceedings;

(C) develop and use a thorough, systematic certification process for court interpreters; and

(D) have sufficient funding to ensure that a qualified interpreter will be available to the court whenever necessary; and

(9) Federal funding is necessary to—

(A) encourage State courts that do not have court interpreter programs to develop them;

(B) assist State courts with nascent court interpreter programs to implement them;

(C) assist State courts with limited court interpreter programs to enhance them; and

(D) assist State courts with robust court interpreter programs to make further improvements and share successful programs with other States.

SEC. 723. STATE COURT INTERPRETER PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Administrator of the Office of Justice Programs of the Department of Justice (referred to in this section as the "Administrator") shall make grants, in accordance with such regulations as the Attorney General may prescribe, to State courts to develop and implement programs to assist individuals with limited English proficiency to access and understand State court proceedings in which they are a party.

(2) TECHNICAL ASSISTANCE.—The Administrator shall allocate, for each fiscal year, $500,000 of the amount appropriated pursuant to section 724 to be used to establish a court interpreter technical assistance program to assist State courts receiving grants under this subtitle.

(b) USE OF GRANTS.—Grants awarded under subsection (a) may be used by State courts to—

(1) assess regional language demands;

(2) develop a court interpreter program for the State courts;

(3) develop, institute, and administer language certification examinations;

(4) recruit, train, and certify qualified court interpreters;

(5) pay for salaries, transportation, and technology necessary to implement the court interpreter program developed under paragraph (2); and

(6) engage in other related activities, as prescribed by the Attorney General.

(c) APPLICATION.—

(1) IN GENERAL.—The highest State court of each State desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(2) STATE COURTS.—The highest State court of each State submitting an application under paragraph (1) shall include in the application—

(A) an identification of each State court in that State which would receive funds from the grant;

(B) the amount of funds each State court identified under subparagraph (A) would receive from the grant; and

(C) the procedures the highest State court would use to directly distribute grant funds to State courts identified under subparagraph (A).

(d) STATE COURT ALLOTMENTS.—

(1) BASE ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 724, the Administrator shall allocate $100,000 to each of the highest State court of each State, which has an application approved under subsection (c).

(2) DISCRETIONARY ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 724, the Administrator shall allocate a total of $5,000,000 to the highest State court of States that have extraordinary needs that must be addressed in order to develop, implement, or expand a State court interpreter program.

(3) ADDITIONAL ALLOTMENT.—In addition to the allocations made under paragraphs (1) and (2), the Administrator shall allocate to each of the highest State court of each State, which has an application approved under subsection (c), an amount equal to the product reached by multiplying—

(A) the unallocated balance of the amount appropriated for each fiscal year pursuant to section 724; and

(B) the ratio between the number of people over 5 years of age who speak a language other than English at home in the State and the number of people over 5 years of age who speak a language other than English at home in all the States that receive an allocation under paragraph (1), as those numbers are determined by the Bureau of the Census.

SEC. 724. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for each of the fiscal years 2007 through 2010 to carry out this subtitle.

Subtitle D—Border Infrastructure and Technology Modernization

SEC. 731. SHORT TITLE.

This subtitle may be cited as the "Border Infrastructure and Technology Modernization Act".

SEC. 732. DEFINITIONS.

In this subtitle:

(1) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security.

(2) MAQUILADORA.—The term "maquiladora" means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term "northern border" means the international border between the United States and Canada.

(4) SOUTHERN BORDER.—The term "southern border" means the international border between the United States and Mexico.

SEC. 733. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—Not later than January 31 of each year, the Administrator of General Services shall update the Port of Entry Infrastructure Assessment Study prepared by the Bureau of Customs and Border Protection in accordance with the matter relating to the ports of entry infrastructure assessment that is set out in the joint explanatory statement in the conference report accompanying H.R. 2490 of the 106th Congress, 1st session (House of Representatives Rep. No. 106-319, on page 67) and submit such updated study to Congress.

(b) CONSULTATION.—In preparing the updated studies required in subsection (a), the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and the Commissioner.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 734; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project to—

(A) fulfill immediate security requirements; and

(B) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner shall implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, such as immediate security needs or changes in infrastructure in Mexico or Canada, compellingly alter the need for a project in the United States.

SEC. 734. NATIONAL LAND BORDER SECURITY PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, an annually thereafter, the Secretary, after consultation with representatives of Federal, State, and local law enforcement agencies and private entities that are involved in international trade across the northern border or the southern border, shall submit a National Land Border Security Plan to Congress.

(b) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required in subsection (a) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Secretary may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required in subsection (a).

SEC. 735. EXPANSION OF COMMERCE SECURITY PROGRAMS.

(a) CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commissioner, in consultation with the Secretary, shall develop a plan to expand the size and scope, including personnel, of the Customs-Trade Partnership Against Terrorism programs along the northern border and southern border, including—

(A) the Business Anti-Smuggling Coalition;

(B) the Carrier Initiative Program;

(C) the Americas Counter Smuggling Initiative;

(D) the Container Security Initiative;

(E) the Free and Secure Trade Initiative; and

(F) other Industry Partnership Programs administered by the Commissioner.

(2) SOUTHERN BORDER DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall implement, on a demonstration basis, at least 1 Customs-Trade Partnership Against Terrorism program, which has been successfully implemented along the northern border, along the southern border.

(b) MAQUILADORA DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall establish a demonstration program to develop a cooperative trade security system to improve supply chain security.

SEC. 736. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall carry out a technology demonstration program to—

(1) test and evaluate new port of entry technologies;

(2) refine port of entry technologies and operational concepts; and

(3) train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTING.—Under the technology demonstration program, the Secretary shall test technologies that enhance port of entry operations, including operations related to—

(A) inspections;

(B) communications;

(C) port tracking;

(D) identification of persons and cargo;

(E) sensory devices;

(F) personal detection;

(G) decision support; and

(H) the detection and identification of weapons of mass destruction.

(2) DEVELOPMENT OF FACILITIES.—At a demonstration site selected pursuant to subsection (c)(2), the Secretary shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including—

(A) cross-training among agencies;

(B) advanced law enforcement training; and

(C) equipment orientation.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Secretary shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) SELECTION CRITERIA.—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion to not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 1-year period ending on the date of the enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES.—The Secretary shall permit personnel from an appropriate Federal or State agency to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including technologies described in subparagraphs (A) through (H) of subsection (b)(1).

(e) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) CONTENT.—The report submitted under paragraph (1) shall include an assessment by the Secretary of the feasibility of incorporating any demonstrated technology for use throughout the Bureau of Customs and Border Protection.

SEC. 737. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to any funds otherwise available, there are authorized to be appropriated—

(1) such sums as may be necessary for the fiscal years 2007 through 2011 to carry out the provisions of section 733(a);

(2) to carry out section 733(d)—

(A) $100,000,000 for each of the fiscal years 2007 through 2011; and

(B) such sums as may be necessary in any succeeding fiscal year;

(3) to carry out section 735(a)—

(A) $30,000,000 for fiscal year 2007, of which $5,000,000 shall be made available to fund the demonstration project established in section 736(a)(2); and

(B) such sums as may be necessary for the fiscal years 2008 through 2011;

(4) to carry out section 735(b)—

(A) $5,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for the fiscal years 2008 through 2011; and

(5) to carry out section 736, provided that not more than $10,000,000 may be expended for technology demonstration program activities at any 1 port of entry demonstration site in any fiscal year—

(A) $50,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for each of the fiscal years 2008 through 2011.

(b) INTERNATIONAL AGREEMENTS.—Amounts authorized to be appropriated under this subtitle may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this subtitle.

Subtitle E—Family Humanitarian Relief

SEC. 741. SHORT TITLE.

This subtitle may be cited as the "September 11 Family Humanitarian Relief and Patriotism Act".

SEC. 742. ADJUSTMENT OF STATUS FOR CERTAIN NONIMMIGRANT VICTIMS OF TERRORISM.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The status of any alien described in subsection (b) shall be adjusted by the Secretary to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment not later than 2 years after the date on which the Secretary promulgates final regulations to implement this section; and

(B) is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) RULES IN APPLYING CERTAIN PROVISIONS.—

(A) IN GENERAL.—In the case of an alien described in subsection (b) who is applying for adjustment of status under this section—

(i) the provisions of section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) shall not apply; and

(ii) the Secretary may grant the alien a waiver on the grounds of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(B) STANDARDS.—In granting waivers under subparagraph (A)(ii), the Secretary shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section 212(a)(9).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(A) APPLICATION PERMITTED.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may, notwithstanding such order, apply for adjustment of status under paragraph (1).

(B) MOTION NOT REQUIRED.—An alien described in subparagraph (A) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order.

(C) EFFECT OF DECISION.—If the Secretary grants a request under subparagraph (A), the Secretary shall cancel the order. If the Secretary renders a final administrative decision to deny the request, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided by subsection (a) shall apply to any alien who—

(1) was lawfully present in the United States as a nonimmigrant alien described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) on September 10, 2001;

(2) was, on such date, the spouse, child, dependent son, or dependent daughter of an alien who—

(A) was lawfully present in the United States as a nonimmigrant alien described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) on such date; and

(B) died as a direct result of a specified terrorist activity; and

(3) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Secretary shall establish, by regulation, a process by which an alien subject to a final order of removal may seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary shall not order any alien to be removed from the United States, if the alien is in removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Secretary has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION.—The Secretary shall authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application.

(d) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); or

(2) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

SEC. 743. CANCELLATION OF REMOVAL FOR CERTAIN IMMIGRANT VICTIMS OF TERRORISM.

(a) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (8 U.S.C. 1229b), the Secretary shall, under such section 240A, cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien described in subsection (b), if the alien applies for such relief.

(b) ALIENS ELIGIBLE FOR CANCELLATION OF REMOVAL.—The benefits provided by subsection (a) shall apply to any alien who—

(1) was, on September 10, 2001, the spouse, child, dependent son, or dependent daughter of an alien who died as a direct result of a specified terrorist activity; and

(2) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Secretary shall provide by regulation for an alien subject to a final order of removal to seek a stay of such order based on the filing of an application under subsection (a).

(2) WORK AUTHORIZATION.—The Secretary shall authorize an alien who has applied for cancellation of removal under subsection (a) to engage in employment in the United States during the pendency of such application.

(d) MOTIONS TO REOPEN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen removal proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))), any alien who has become eligible for cancellation of removal as a result of the enactment of this section may file 1 motion to reopen removal proceedings to apply for such relief.

(2) FILING PERIOD.—The Secretary shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of enactment of this Act and shall extend for a period not to exceed 240 days.

SEC. 744. EXCEPTIONS.

Notwithstanding any other provision of this subtitle, an alien may not be provided relief under this subtitle if the alien is—

(1) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or deportable under paragraph (2) or (4) of section 237(a) of such Act (8 U.S.C. 1227(a)), including any individual culpable for a specified terrorist activity; or

(2) a family member of an alien described in paragraph (1).

SEC. 745. EVIDENCE OF DEATH.

For purposes of this subtitle, the Secretary shall use the standards established under section 426 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (115 Stat. 362) in determining whether death occurred as a direct result of a specified terrorist activity.

SEC. 746. DEFINITIONS.

(a) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this subtitle, the definitions used in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than the definitions applicable exclusively to title III of such Act, shall apply in the administration of this subtitle.

(b) SPECIFIED TERRORIST ACTIVITY.—For purposes of this subtitle, the term "specified terrorist activity" means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

Subtitle F—Other Matters

SEC. 751. NONCITIZEN MEMBERSHIP IN THE ARMED FORCES.

Section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) is amended—

(1) in subsection (b), by striking "subsection (a)" and inserting "subsection (a) and (d)"; and

(2) by adding at the end the following:

"(d) Notwithstanding any other provision of law, except for provisions relating to revocation of citizenship under subsection (c), individuals who are not United States citizens shall not be denied the opportunity to apply for membership in the United States Armed Forces. Such individuals who become active duty members of the United States Armed Forces shall, consistent with subsections (a) through (e) and with the approval of their chain of command, be granted United States citizenship after performing at least 2 years of honorable and satisfactory service on active duty. Not later than 90 days after such requirements are met with respect to an individual, such individual shall be granted United States citizenship.

"(e) An alien described in subsection (d) shall be naturalized without regard to the requirements of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) and any other requirements, processes, or procedures of the Immigration and Naturalization Service, if the alien—

"(1) filed an application for naturalization in accordance with such procedures to carry out this section as may be established by regulation by the Secretary of Homeland Security or the Secretary of Defense;

"(2) demonstrates to his or her military chain of command, proficiency in the English language, good moral character, and knowledge of the Federal Government and United States history, consistent with the requirements contained in the Immigration and Nationality Act; and

"(3) takes the oath required under section 337 of such Act (8 U.S.C. 1448 et seq.) and participates in an oath administration ceremony in accordance with such Act.".

SEC. 752. NONIMMIGRANT ALIEN STATUS FOR CERTAIN ATHLETES.

(a) IN GENERAL.—Section 214(c)(4)(A) (8 U.S.C. 1184(c)(4)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

"(i)(I) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance;

"(II) is a professional athlete, as defined in section 204(i)(2);

"(III) performs as an athlete, or as a coach, as part of a team or franchise that is located in the United States and a member of a foreign league or association of 15 or more amateur sports teams, if—

"(aa) the foreign league or association is the highest level of amateur performance of that sport in the relevant foreign country;

"(bb) participation in such league or association renders players ineligible, whether on a temporary or permanent basis, to earn a scholarship in, or participate in, that sport at a college or university in the United States under the rules of the National Collegiate Athletic Association (NCAA), and

"(cc) a significant number of the individuals who play in such league or association are drafted by a major sports league or a minor league affiliate of such a sports league, or

"(IV) is a professional athlete or amateur athlete who performs individually or as part of a group in a theatrical ice skating production, and

"(ii) seeks to enter the United States temporarily and solely for the purpose of performing—

"(I) as such an athlete with respect to a specific athletic competition, or

"(II) in the case of an individual described in clause (i)(IV), in a specific theatrical ice skating production or tour.".

(b) PETITIONS FOR MULTIPLE ALIENS.—Section 214(c)(4) (8 U.S.C. 1184(c)(4)) is amended by adding at the end the following new paragraph:

"(F) The Secretary of Homeland Security shall permit a petition under this subsection to seek classification of more than one alien as a nonimmigrant under section 101(a)(15)(P)(i)(a). The fee charged for such a petition may not be more than the fee charged for a petition seeking classification of one such alien.".

(c) RELATIONSHIP TO OTHER PROVISIONS OF THE IMMIGRATION AND NATIONALITY ACT.—Section 214(c)(4) (8 U.S.C. 1184(c)(4)), as amended by subsection (c), is further amended by adding at the end the following new paragraph:

"(G) Notwithstanding any other provision of this title, the Secretary of Homeland Security shall permit an athlete, or the employer of an athlete, to seek admission to the United States for such athlete under a provision of this Act other than section 101(a)(15)(P)(i).".

SEC. 753. EXTENSION OF RETURNING WORKER EXEMPTION.

Section 402(b)(1) of the Save Our Small and Seasonal Businesses Act of 2005 (title IV of division B of Public Law 109–13; 8 U.S.C. 1184 note) is amended by striking "2006" and inserting "2009".

SEC. 754. SURVEILLANCE TECHNOLOGIES PROGRAMS.

(a) AERIAL SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each such border.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—The program developed under this subsection shall include the use of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near an international border of the United States, in order to evaluate, for a range of circumstances—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of the utilization of such technologies.

(5) REPORT TO CONGRESS.—Not later than 180 days after implementing the program under this subsection, the Secretary shall submit a report to Congress regarding the program developed under this subsection. The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) INTEGRATED AND AUTOMATED SURVEILLANCE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration. Such program shall be known as the Integrated and Automated Surveillance Program.

(2) PROGRAM COMPONENTS.—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras, whereby a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the Program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the Program to streamline site selection, site validation, and environmental assessment processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the Program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible; and

(J) standards are developed under the Program to identify and deploy the use of nonpermanent or mobile surveillance platforms that will increase the Secretary's mobility and ability to identify illegal border intrusions.

(3) REPORT TO CONGRESS.—Not later than 1 year after the initial implementation of the Integrated and Automated Surveillance Program, the Secretary shall submit to Congress a report regarding the Program. The Secretary shall include in the report a description of the Program together with any recommendation that the Secretary finds appropriate for enhancing the program.

(4) EVALUATION OF CONTRACTORS.—

(A) REQUIREMENT FOR STANDARDS.—The Secretary shall develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) REVIEW BY THE INSPECTOR GENERAL.—The Inspector General of the Department shall timely review each new contract related to the Program that has a value of more than $5,000,000, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules. The Inspector General shall report the findings of such review to the Secretary in a timely manner. Not later than 30 days after the date the Secretary receives a report of findings from the Inspector General, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report of such findings and a description of any the steps that the Secretary has taken or plans to take in response to such findings.

(5) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 755. COMPREHENSIVE IMMIGRATION EFFICIENCY REVIEW.

(a) Review.—The Secretary, in consultation with the Secretary of State, shall conduct a comprehensive review of the immigration procedures in existence as of the date of the enactment of this Act.

(b) Report.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report, in classified form, if necessary, that—

(1) identifies inefficient immigration procedures; and

(2) outlines a plan to improve the efficiency and responsiveness of the immigration process.

SEC. 756. NORTHERN BORDER PROSECUTION INITIATIVE.

(a) Initiative Required.—

(1) In general.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall establish and carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined-referred.

(2) Relation with southwestern border prosecution initiative.—The program established in paragraph (1) shall—

(A) be modeled after the Southwestern Border Prosecution Initiative; and

(B) serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(b) Provision and Allocation of Funds.—Funds provided under the program established in subsection (a) shall be—

(1) provided in the form of direct reimbursements; and

(2) allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(c) Use of Funds.—Funds provided to an eligible northern border entity under this section may be used by the entity for any lawful purpose, including:

(1) Prosecution and related costs;

(2) Court costs;

(3) Costs of courtroom technology;

(4) Costs of constructing holding spaces;

(5) Costs of administrative staff;

(6) Costs of defense counsel for indigent defendants; and

(7) Detention costs, including pre-trial and post-trial detention.

(d) Definitions.—In this section:

(1) Case disposition.—The term "case disposition"—

(A) for purposes of the Northern Border Prosecution Initiative, refers to the time between the arrest of a suspect and the resolution of the criminal charges through a county or State judicial or prosecutorial process; and

(B) does not include incarceration time for sentenced offenders, or time spent by prosecutors on judicial appeals.

(2) Eligible northern border entity.—The term "eligible northern border entity" means—

(A) the States of Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington, and Wisconsin; or

(B) any unit of local government within a State referred to in subparagraph (A).

(3) Federally declined-referred.—The term "federally declined-referred"—

(A) means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer such investigation to a State or local jurisdiction for possible prosecution; and

(B) includes a decision made on an individualized case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(4) Federally initiated.—The term "federally initiated" means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multi-jurisdictional task forces.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $28,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal years thereafter.

SEC. 757. SOUTHWEST BORDER PROSECUTION INITIATIVE.

(a) Reimbursement to State and Local Prosecutors for Prosecuting Federally Initiated Drug Cases.—The Attorney General shall, subject to the availability of appropriations, reimburse Southern Border State and county prosecutors for prosecuting federally initiated and referred drug cases.

(b) Authorization of Appropriations.—There are authorized to be appropriated $50,000,000 for each of the fiscal years 2007 through 2012 to carry out subsection (a).

SEC. 758. GRANT PROGRAM TO ASSIST ELIGIBLE APPLICANTS.

(a) Short Title.—This section may be cited as the "Initial Entry, Adjustment, and Citizenship Assistance Grant Act of 2006".

(b) Purpose.—The purpose of this section is to establish a grant program within the Bureau of Citizenship and Immigration Services that provides funding to community-based organizations, including community-based legal service organizations, as appropriate, to develop and implement programs to assist eligible applicants for the conditional nonimmigrant worker program established under this Act by providing them with the services described in subsection (d)(2).

(c) Definitions.—In this section:

(1) Community-based organization.—The term "community-based organization" means a nonprofit, tax-exempt organization, including a faith-based organization, whose staff has experience and expertise in meeting the legal, social, educational, cultural educational, or cultural needs of immigrants, refugees, persons granted asylum, or persons applying for such statuses.

(2) IEACA grant.—The term "IEACA grant" means an Initial Entry, Adjustment, and Citizenship Assistance Grant authorized under subsection (d).

(d) Establishment of Initial Entry, Adjustment, and Citizenship Assistance Grant Program.—

(1) Grants authorized.—The Secretary, working through the Director of the Bureau of Citizenship and Immigration Services, may award IEACA grants to community-based organizations.

(2) Use of funds.—Grants awarded under this section may be used for the design and implementation of programs to provide the following services:

(A) Initial application.—Assistance and instruction, including legal assistance, to aliens making initial application for treatment under the program established by section 218D of the Immigration and Nationality Act, as added by section 601. Such assistance may include assisting applicants in—

(i) screening to assess prospective applicants' potential eligibility or lack of eligibility;

(ii) filling out applications;

(iii) gathering proof of identification, employment, residence, and tax payment;

(iv) gathering proof of relationships of eligible family members;

(v) applying for any waivers for which applicants and qualifying family members may be eligible; and

(vi) any other assistance that the Secretary or grantee considers useful to aliens who are interested in filing applications for treatment under such section 218D.

(B) Adjustment of status.—Assistance and instruction, including legal assistance, to aliens seeking to adjust their status in accordance with section 245 or 245B of the Immigration and Nationality Act.

(C) Citizenship.—Assistance and instruction to applicants on—

(i) the rights and responsibilities of United States Citizenship;

(ii) English as a second language;

(iii) civics; or

(iv) applying for United States citizenship.

(3) Duration and renewal.—

(A) Duration.—Each grant awarded under this section shall be awarded for a period of not more than 3 years.

(B) Renewal.—The Secretary may renew any grant awarded under this section in 1-year increments.

(4) Application for grants.—Each entity desiring an IEACA grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(5) Eligible organizations.—A community-based organization applying for a grant under this section to provide services described in subparagraph (A), (B), or (C)(iv) of paragraph (2) may not receive such a grant unless the organization is—

(A) recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(B) otherwise directed by an attorney.

(6) Selection of grantees.—Grants awarded under this section shall be awarded on a competitive basis.

(7) Geographic distribution of grants.—The Secretary shall approve applications under this section in a manner that ensures, to greatest extent practicable, that—

(A) not less than 50 percent of the funding for grants under this section are awarded to programs located in the 10 States with the highest percentage of foreign-born residents; and

(B) not less than 20 percent of the funding for grants under this section are awarded to programs located in States that are not described in subparagraph (A).

(8) ETHNIC DIVERSITY.—The Secretary shall ensure that community-based organizations receiving grants under this section provide services to an ethnically diverse population, to the greatest extent possible.

(e) LIAISON BETWEEN USCIS AND GRANTEES.—The Secretary shall establish a liaison between the Bureau of Citizenship and Immigration Services and the community of providers of services under this section to assure quality control, efficiency, and greater client willingness to come forward.

(f) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and each subsequent July 1, the Secretary shall submit a report to Congress that includes information regarding—

(1) the status of the implementation of this section;

(2) the grants issued pursuant to this section; and

(3) the results of those grants.

(g) SOURCE OF GRANT FUNDS.—

(1) APPLICATION FEES.—The Secretary may use funds made available under sections 218A(l)(2) and 218D(f)(4)(B) of the Immigration and Nationality Act, as added by this Act, to carry out this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) AMOUNTS AUTHORIZED.—In addition to the amounts made available under paragraph (1), there are authorized to be appropriated such additional sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

(B) AVAILABILITY.—Any amounts appropriated pursuant to subparagraph (A) shall remain available until expended.

(h) DISTRIBUTION OF FEES AND FINES.—

(1) H-2C VISA FEES.—Notwithstanding section 218A(l) of the Immigration and Nationality Act, as added by section 403, 2 percent of the fees collected under section 218A of such Act shall be made available for grants under the Initial Entry, Adjustment, and Citizenship Assistance Grant Program established under this section.

(2) CONDITIONAL NONIMMIGRANT VISA FEES AND FINES.—Notwithstanding section 218D(f)(4) of the Immigration and Nationality Act, as added by section 601, 2 percent of the fees and fines collected under section 218D of such Act shall be made available for grants under the Initial Entry, Adjustment, and Citizenship Assistance Grant Program established under this section.

SEC. 759. SCREENING OF MUNICIPAL SOLID WASTE.

(a) DEFINITIONS.—In this section:

(1) BUREAU.—The term " Bureau" means the Bureau of Customs and Border Protection.

(2) COMMERCIAL MOTOR VEHICLE.—The term "commercial motor vehicle" has the meaning given the term in section 31101 of title 49, United States Code.

(3) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Bureau.

(4) MUNICIPAL SOLID WASTE.—The term "municipal solid waste" includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Commissioner shall submit to Congress a report that—

(1) indicates whether the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport; and

(2) if the report indicates that the methodologies and technologies used to screen municipal solid waste are less effective than those used to screen other items of commerce, identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of municipal solid waste, including actions necessary to meet the need for additional screening technologies.

(c) IMPACT ON COMMERCIAL MOTOR VEHICLES.—If the Commissioner fails to fully implement an action identified under subsection (b)(2) before the earlier of the date that is 180 days after the date on which the report under subsection (b) is required to be submitted or the date that is 180 days after the date on which the report is submitted, the Secretary shall deny entry into the United States of any commercial motor vehicle carrying municipal solid waste until the Secretary certifies to Congress that the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering into the United States through commercial motor vehicle transport.

SEC. 760. ACCESS TO IMMIGRATION SERVICES IN AREAS THAT ARE NOT ACCESSIBLE BY ROAD.

Notwithstanding any other provision of law, the Secretary shall permit an employee of Customs and Border Protection or Immigration and Customs Enforcement who carries out the functions of Customs and Border Protection or Immigration and Customs Enforcement in a geographic area that is not accessible by road to carry out any function that was performed by an employee of the Immigration and Naturalization Service in such area prior to the date of the enactment of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

SEC. 761. BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) PROTECTED LAND.—The term "protected land" means land under the jurisdiction of the Secretary concerned.

(2) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—

(1) IN GENERAL.—To gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary concerned, shall provide—

(A) increased Customs and Border Protection personnel to secure protected land along the international land borders of the United States;

(B) Federal land resource training for Customs and Border Protection agents dedicated to protected land; and

(C) Unmanned Aerial Vehicles, aerial assets, Remote Video Surveillance camera systems, and sensors on protected land that is directly adjacent to the international land border of the United States, with priority given to units of the National Park System.

(2) COORDINATION.—In providing training for Customs and Border Protection agents under paragraph (1)(B), the Secretary shall coordinate with the Secretary concerned to ensure that the training is appropriate to the mission of the National Park Service, the United States Fish and Wildlife Service, the Forest Service, or the relevant agency of the Department of the Interior or the Department of Agriculture to minimize the adverse impact on natural and cultural resources from border protection activities.

(c) INVENTORY OF COSTS AND ACTIVITIES.—The Secretary concerned shall develop and submit to the Secretary an inventory of costs incurred by the Secretary concerned relating to illegal border activity, including the cost of equipment, training, recurring maintenance, construction of facilities, restoration of natural and cultural resources, recapitalization of facilities, and operations.

(d) RECOMMENDATIONS.—The Secretary shall—

(1) develop joint recommendations with the National Park Service, the United States Fish and Wildlife Service, and the Forest Service for an appropriate cost recovery mechanism relating to items identified in subsection (c); and

(2) not later than March 31, 2007, submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)), including the Subcommittee on National Parks of the Senate and the Subcommittee on National Parks, Recreation and Public Lands of the House of Representatives, the recommendations developed under paragraph (1).

(e) BORDER PROTECTION STRATEGY.—The Secretary, the Secretary of the Interior, and the Secretary of Agriculture shall jointly develop a border protection strategy that supports the border security needs of the United States in the manner that best protects—

(1) units of the National Park System;

(2) National Forest System land;

(3) land under the jurisdiction of the United States Fish and Wildlife Service; and

(4) other relevant land under the jurisdiction of the Department of the Interior or the Department of Agriculture.

SEC. 762. UNMANNED AERIAL VEHICLES.

(a) UNMANNED AERIAL VEHICLES AND ASSOCIATED INFRASTRUCTURE.—The Secretary shall acquire and maintain MQ-9 unmanned aerial vehicles for use on the border, including related equipment such as—

(1) additional sensors;

(2) critical spares;

(3) satellite command and control; and

(4) other necessary equipment for operational support.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out subsection (a)—

(A) $178,400,000 for fiscal year 2007; and

(B) $276,000,000 for fiscal year 2008.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 763. RELIEF FOR WIDOWS AND ORPHANS.

(a) IN GENERAL.—

(1) IN GENERAL.—In applying clause (iii) of section 201(b)(2)(A) of the Immigration and

Nationality Act, as added by section 504(a), to an alien whose citizen relative died before the date of the enactment of this Act, the alien relative may (notwithstanding the deadlines specified in such clause) file the classification petition under section 204(a)(1)(A)(ii) of such Act not later than 2 years after the date of the enactment of this Act.

(2) ELIGIBILITY FOR PAROLE.—If an alien was excluded, deported, removed or departed voluntarily before the date of the enactment of this Act based solely upon the alien's lack of classification as an immediate relative (as defined by 201(b)(2)(A)(ii) of the Immigration and Nationality Act) due to the citizen's death—

(A) such alien shall be eligible for parole into the United States pursuant to the Attorney General's discretionary authority under section 212(d)(5) of such Act; and

(B) such alien's application for adjustment of status shall be considered notwithstanding section 212(a)(9) of such Act.

(b) ADJUSTMENT OF STATUS.—Section 245 (8 U.S.C. 1255), as amended by section 408(h) of this Act, is further amended by adding at the end the following:

"(o) APPLICATION FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES, PARENTS, AND CHILDREN.—

"(1) IN GENERAL.—Any alien described in paragraph (2) who applies for adjustment of status before the death of the qualifying relative, may have such application adjudicated as if such death had not occurred.

"(2) ALIEN DESCRIBED.—An alien is described in this paragraph is an alien who—

"(A) is an immediate relative (as described in section 201(b)(2)(A));

"(B) is a family-sponsored immigrant (as described in subsection (a) or (d) of section 203);

"(C) is a derivative beneficiary of an employment-based immigrant under section 203(b) (as described in section 203(d)); or

"(D) is a derivative beneficiary of a diversity immigrant (as described in section 203(c)).".

(c) TRANSITION PERIOD.—

(1) IN GENERAL.—Notwithstanding a denial of an application for adjustment of status for an alien whose qualifying relative died before the date of the enactment of this Act, such application may be renewed by the alien through a motion to reopen, without fee, if such motion is filed not later than 2 years after such date of enactment.

(2) ELIGIBILITY FOR PAROLE.—If an alien was excluded, deported, removed or departed voluntarily before the date of the enactment of this Act—

(A) such alien shall be eligible for parole into the United States pursuant to the Attorney General's discretionary authority under section 212(d)(5) of the Immigration and Nationality Act; and

(B) such alien's application for adjustment of status shall be considered notwithstanding section 212(a)(9) of such Act.

(d) PROCESSING OF IMMIGRANT VISAS.—Section 204(b) (8 U.S.C. 1154), as amended by section 204(b) of this Act, is further amended—

(1) by striking "After an investigation" and inserting the following:

"(1) IN GENERAL.—After an investigation"; and

(2) by adding at the end the following:

"(2) DEATH OF QUALIFYING RELATIVE.—

"(A) IN GENERAL.—Any alien described in paragraph (2) whose qualifying relative died before the completion of immigrant visa processing may have an immigrant visa application adjudicated as if such death had not occurred. An immigrant visa issued before the death of the qualifying relative shall remain valid after such death.

"(B) ALIEN DESCRIBED.—An alien is described in this paragraph is an alien who—

"(i) is an immediate relative (as described in section 201(b)(2)(A));

"(ii) is a family-sponsored immigrant (as described in subsection (a) or (d) of section 203);

"(iii) is a derivative beneficiary of an employment-based immigrant under section 203(b) (as described in section 203(d)); or

"(iv) is a derivative beneficiary of a diversity immigrant (as described in section 203(c)).".

(e) NATURALIZATION.—Section 319(a) (8 U.S.C. 1429(a)) is amended by inserting "(or, if the spouse is deceased, the spouse was a citizen of the United States)" after "citizen of the United States".

SEC. 764. TERRORIST ACTIVITIES.

Section 212(a)(3)(B)(i) (8 U.S.C. 1182(a)(3)(B)(i)) is amended—

(1) in subclause (III), by striking ", under circumstances indicating an intention to cause death or serious bodily harm, incited" and inserting "incited or advocated"; and

(2) in subclause (VII), by striking "or espouses terrorist activity or persuades others to endorse or espouse" and inserting "espouses, or advocates terrorist activity or persuades others to endorse, espouse, or advocate".

SEC. 765. FAMILY UNITY.

Section 212(a)(9) (8 U.S.C. 1182(a)(9)), as amended by section 212(a) of this Act, is further amended—

(1) in subparagraph (C)(ii), by striking "between—" and all that follows and inserting the following: "between—

"(I) the alien having been battered or subjected to extreme cruelty; and

"(II) the alien's removal, departure from the United States, reentry or reentries into the United States, or attempted reentry into the United States."; and

(2) by adding at the end the following:

"(D) WAIVER.—

"(i) IN GENERAL.—The Secretary may waive the application of subparagraphs (B) and (C) for an alien who is a beneficiary of a petition filed under section 201 or 203 if such petition was filed not later than the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

"(ii) FINE.—An alien who is granted a waiver under clause (i) shall pay a $2,000 fine.".

SEC. 766. TRAVEL DOCUMENT PLAN.

Section 7209 (b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended by striking "January 1, 2008" and inserting "June 1, 2009".

SEC. 767. ENGLISH AS NATIONAL LANGUAGE.

(a) IN GENERAL.—Title 4, United States Code, is amended by adding at the end the following:

"CHAPTER 6—LANGUAGE OF THE GOVERNMENT

"Sec
"161. Declaration of national language
"162. Preserving and enhancing the role of the national language

"§ 161. Declaration of national language

"English is the national language of the United States.

"§ 162. Preserving and enhancing the role of the national language

"The Government of the United States shall preserve and enhance the role of English as the national language of the United States of America. Unless otherwise authorized or provided by law, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English. If exceptions are made, that does not create a legal entitlement to additional services in that language or any language other than English. If any forms are issued by the Federal Government in a language other than English (or such forms are completed in a language other than English), the English language version of the form is the sole authority for all legal purposes.".

(b) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the end the following:

"**6. Language of the Government** .... 161".

SEC. 768. REQUIREMENTS FOR NATURALIZATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) Under United States law (8 U.S.C. 1423(a)), lawful permanent residents of the United States who have immigrated from foreign countries must, among other requirements, demonstrate an understanding of the English language, United States history and Government, to become citizens of the United States.

(2) The Department of Homeland Security is currently conducting a review of the testing process used to ensure prospective United States citizens demonstrate said knowledge of the English language and United States history and Government for the purpose of redesigning said test.

(b) DEFINITIONS.—For purposes of this section only, the following words are defined:

(1) KEY DOCUMENTS.—The term "key documents" means the documents that established or explained the foundational principles of democracy in the United States, including the United States Constitution and the amendments to the Constitution (particularly the Bill of Rights), the Declaration of Independence, the Federalist Papers, and the Emancipation Proclamation.

(2) KEY EVENTS.—The term "key events" means the critical turning points in the history of the United States (including the American Revolution, the Civil War, the world wars of the twentieth century, the civil rights movement, and the major court decisions and legislation) that contributed to extending the promise of democracy in American life.

(3) KEY IDEAS.—The term "key ideas" means the ideas that shaped the democratic institutions and heritage of the United States, including the notion of equal justice under the law, freedom, individualism, human rights, and a belief in progress.

(4) KEY PERSONS.—The term "key persons" means the men and women who led the United States as founding fathers, elected officials, scientists, inventors, pioneers, advocates of equal rights, entrepreneurs, and artists.

(c) GOALS FOR CITIZENSHIP TEST REDESIGN.—The Department of Homeland Security shall establish as goals of the testing process designed to comply with provisions of (8 U.S.C. 1423(a)) that prospective citizens—

(1) demonstrate a sufficient understanding of the English language for usage in everyday life;

(2) demonstrate an understanding of American common values and traditions, including the principles of the Constitution of the United States, the Pledge of Allegiance, respect for the flag of the United States, the

National Anthem, and voting in public elections;

(3) demonstrate an understanding of the history of the United States, including the key events, key persons, key ideas, and key documents that shaped the institutions and democratic heritage of the United States;

(4) demonstrate an attachment to the principles of the Constitution of the United States and the well being and happiness of the people of the United States; and

(5) demonstrate an understanding of the rights and responsibilities of citizenship in the United States.

(d) IMPLEMENTATION.—The Secretary of Homeland Security shall implement changes to the testing process designed to ensure compliance with (8 U.S.C. 1423 (a)) not later than January 1, 2008.

SEC. 769. DECLARATION OF ENGLISH.

English is the common and unifying language of the United States that helps provide unity for the people of the United States.

SEC. 770. PRESERVING AND ENHANCING THE ROLE OF THE ENGLISH LANGUAGE.

The Government of the United States shall preserve and enhance the role of English as the common and unifying language of America. Nothing herein shall diminish or expand any existing rights under the law of the United States relative to services or materials provided by the Government of the United States in any language other than English.

For the purposes of this section, law is defined as including provisions of the United States Code and the United States Constitution, controlling judicial decisions, regulations, and controlling Presidential Executive Orders.

(a) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the end Language of Government of the United States.

SEC. 771. EXCLUSION OF ILLEGAL ALIENS FROM CONGRESSIONAL APPORTIONMENT TABULATIONS.

In addition to any report under this Act the Director of the Bureau of the Census shall submit to Congress a report on the impact of illegal immigration on the apportionment of Representatives of Congress among the several States, and any methods and procedures that the Director determines to be feasible and appropriate, to ensure that individuals who are found by an authorized Federal agency to be unlawfully present in the United States are not counted in tabulating population for purposes of apportionment of Representatives in Congress among the several States.

SEC. 772. OFFICE OF INTERNAL CORRUPTION INVESTIGATION.

(a) INTERNAL CORRUPTION; BENEFITS FRAUD.—Section 453 of the Homeland Security Act of 2002 (6 U.S.C. 273) is amended—

(1) by striking "the Bureau of" each place it appears and inserting "United States";

(2) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) establishing the Office of Internal Corruption Investigation, which shall—

"(A) receive, process, administer, and investigate criminal and noncriminal allegations of misconduct, corruption, and fraud involving any employee or contract worker of United States Citizenship and Immigration Services that are not subject to investigation by the Inspector General for the Department;

"(B) ensure that all complaints alleging any violation described in subparagraph (A) are handled and stored in a manner appropriate to their sensitivity;

"(C) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to United States Citizenship and Immigration Services, which relate to programs and operations for which the Director is responsible under this Act;

"(D) request such information or assistance from any Federal, State, or local government agency as may be necessary for carrying out the duties and responsibilities under this section;

"(E) require the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to carry out the functions under this section—

"(i) by subpoena, which shall be enforceable, in the case of contumacy or refusal to obey, by order of any appropriate United States district court; or

"(ii) through procedures other than subpoenas if obtaining documents or information from Federal agencies;

"(F) administer to, or take from, any person an oath, affirmation, or affidavit, as necessary to carry out the functions under this section, which oath, affirmation, or affidavit, if administered or taken by or before an agent of the Office of Internal Corruption Investigation shall have the same force and effect as if administered or taken by or before an officer having a seal;

"(G) investigate criminal allegations and noncriminal misconduct;

"(H) acquire adequate office space, equipment, and supplies as necessary to carry out the functions and responsibilities under this section; and

"(I) be under the direct supervision of the Director.";

(B) in paragraph (2), by striking "and" at the end;

(C) in paragraph (3), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(4) establishing the Office of Immigration Benefits Fraud Investigation, which shall—

"(A) conduct administrative investigations, including site visits, to address immigration benefit fraud;

"(B) assist United States Citizenship and Immigration Services provide the right benefit to the right person at the right time;

"(C) track, measure, assess, conduct pattern analysis, and report fraud-related data to the Director; and

"(D) work with counterparts in other Federal agencies on matters of mutual interest or information-sharing relating to immigration benefit fraud."; and

(3) by adding at the end the following:

"(c) ANNUAL REPORT.—The Director, in consultation with the Office of Internal Corruption Investigations, shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes—

"(1) the activities of the Office, including the number of investigations began, completed, pending, turned over to the Inspector General for criminal investigations, and turned over to a United States Attorney for prosecution; and

"(2) the types of allegations investigated by the Office during the 12-month period immediately preceding the submission of the report that relate to the misconduct, corruption, and fraud described in subsection (a)(1).".

(b) USE OF IMMIGRATION FEES TO COMBAT FRAUD.—Section 286(v)(2)(B) (8 U.S.C. 1356(v)(2)(B)) is amended by adding at the end the following: "Not less than 20 percent of the funds made available under this subparagraph shall be used for activities and functions described in paragraphs (1) and (4) of section 453(a) of the Homeland Security Act of 2002 (6 U.S.C. 273(a)).".

SEC. 773. ADJUSTMENT OF STATUS FOR CERTAIN PERSECUTED RELIGIOUS MINORITIES.

(a) IN GENERAL.—The Secretary shall adjust the status of an alien to that of an alien lawfully admitted for permanent residence if the alien—

(1) is a persecuted religious minority;

(2) is admissible to the United States as an immigrant, except as provided under subsection (b);

(3) had an application for asylum pending on May 1, 2003;

(4) applies for such adjustment of status;

(5) was physically present in the United States on the date the application for such adjustment is filed; and

(6) pays a fee, in an amount determined by the Secretary, for the processing of such application.

(b) WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY.—

(1) INAPPLICABLE PROVISION.—Section 212(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)) shall not apply to any adjustment of status under this section.

(2) WAIVER.—The Secretary may waive any other provision of section 212(a) of such Act (except for paragraphs (2) and (3)) if extraordinary and compelling circumstances warrant such an adjustment for humanitarian purposes, to ensure family unity, or if it is otherwise in the public interest.

SEC. 774. ELIGIBILITY OF AGRICULTURAL AND FORESTRY WORKERS FOR CERTAIN LEGAL ASSISTANCE.

Section 305 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1101 note; Public Law 99-603) is amended—

(1) by striking "section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a))" and inserting "item (a) or (b) of section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii))"; and

(2) by inserting "or forestry" after "agricultural".

SEC. 775. DESIGNATION OF PROGRAM COUNTRIES.

Section 217(c)(1) (8 U.S.C. 1187(c)(1)) is amended to read as follows:

"(1) IN GENERAL.—As soon as any country fully meets the requirements under paragraph (2), the Secretary of Homeland Security, in consultation with the Secretary of State, shall designate such country as a program country.".

SEC. 776. GLOBAL HEALTHCARE COOPERATION.

(a) GLOBAL HEALTHCARE COOPERATION.—Title III (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

"SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTHCARE IN DEVELOPING COUNTRIES.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a physician or other healthcare worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—

"(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

"(2) to meet the continuous residency requirements under section 316(b).

"(b) DEFINITIONS.—In this section:

"(1) CANDIDATE COUNTRY.—The term 'candidate country' means a country that the Secretary of State determines is—

"(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the applicable fiscal year, as defined by the International Bank for Reconstruction and Development;

"(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the applicable fiscal year; or

"(C) qualifies to be a candidate country due to special circumstances, including natural disasters or public health emergencies.

"(2) ELIGIBLE ALIEN.—The term 'eligible alien' means an alien who—

"(A) has been lawfully admitted to the United States for permanent residence; and

"(B) is a physician or other healthcare worker.

"(c) CONSULTATION.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this subsection.

"(d) PUBLICATION.—The Secretary of State shall publish—

"(1) not later than 6 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, and annually thereafter, a list of candidate countries; and

"(2) an immediate amendment to such list at any time to include any country that qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).".

(b) RULEMAKING.—

(1) REQUIREMENT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out the amendments made by this section.

(2) CONTENT.—The regulations required by paragraph (1) shall—

(A) permit an eligible alien (as defined in section 317A of the Immigration and Nationality Act, as added by subsection (a)) and the spouse or child of the eligible alien to reside in a foreign country to work as a physician or other healthcare worker as described in subsection (a) of such section 317A for not less than a 12-month period and not more than a 24-month period, and shall permit the Secretary to extend such period for an additional period not to exceed 12 months, if the Secretary determines that such country has a continuing need for such a physician or other healthcare worker;

(B) provide for the issuance of documents by the Secretary to such eligible alien, and such spouse or child, if appropriate, to demonstrate that such eligible alien, and such spouse or child, if appropriate, is authorized to reside in such country under such section 317A; and

(C) provide for an expedited process through which the Secretary shall review applications for such an eligible alien to reside in a foreign country pursuant to subsection (a) of such section 317A if the Secretary of State determines a country is a candidate country pursuant to subsection (b)(1)(C) of such section 317A.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Immigration and Nationality Act is amended as follows:

(1) Section 101(a)(13)(C)(ii) (8 U.S.C. 1101(a)(13)(C)(ii)) is amended by adding at the end "except in the case of an eligible alien, or the spouse or child of such alien, authorized to be absent from the United States pursuant to section 317A,".

(2) Section 211(b) (8 U.S.C. 1181(b)) is amended by inserting ", including an eligible alien authorized to reside in a foreign country pursuant to section 317A and the spouse or child of such eligible alien, if appropriate," after "101(a)(27)(A),".

(3) Section 212(a)(7)(A)(i)(I) (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting "other than an eligible alien authorized to reside in a foreign country pursuant to section 317A and the spouse or child of such eligible alien, if appropriate," after "Act,".

(4) Section 319(b)(1)(B) (8 U.S.C. 1430(b)(1)(B)) is amended by inserting "an eligible alien who is residing or has resided in a foreign country pursuant to section 317A" before "and" at the end.

(5) The table of contents is amended by inserting after the item relating to section 317 the following:

"Sec. 317A. Temporary absence of aliens providing healthcare in developing countries".

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau of Citizenship and Immigration Services such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 777. ATTESTATION BY HEALTHCARE WORKERS.

(a) REQUIREMENT FOR ATTESTATION.—Section 212(a)(5) (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following new subparagraph:

"(E) HEALTHCARE WORKERS WITH OTHER OBLIGATIONS.—

"(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other healthcare worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien's country of origin or the alien's country of residence.

"(ii) OBLIGATION DEFINED.—In this subparagraph, the term 'obligation' means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other healthcare worker in consideration for a commitment to work as a physician or other healthcare worker in the alien's country of origin or the alien's country of residence.

"(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

"(I) the obligation was incurred by coercion or other improper means;

"(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien's obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

"(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.".

(b) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective 180 days after the date of the enactment of this Act.

(2) APPLICATION BY THE SECRETARY.—The Secretary shall begin to carry out the subparagraph (E) of section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)), as added by subsection (a), not later than the effective date described in paragraph (1), including the requirement for the attestation and the granting of a waiver described in such subparagraph, regardless of whether regulations to implement such subparagraph have been promulgated.

SEC. 778. PUBLIC ACCESS TO THE STATUE OF LIBERTY.

Not later than 60 days after the date of the enactment of this Act, the Secretary of the Interior shall ensure that all persons who satisfy reasonable and appropriate security measures shall have full access to the public areas of the Statue of Liberty, including the crown and the stairs leading thereto.

SEC. 779. NATIONAL SECURITY DETERMINATION.

Notwithstanding any other provision of this Act, the President shall ensure that no provision of title IV or title VI of this Act, or any amendment made by either such title, is carried out until after the date on which the President makes a determination that the implementation of such title IV and title VI, and the amendments made by either such title, will strengthen the national security of the United States.

TITLE VIII—INTERCOUNTRY ADOPTION REFORM

SEC. 801. SHORT TITLE.

This title may be cited as the "Intercountry Adoption Reform Act of 2006" or the "ICARE Act".

SEC. 802. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) That a child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love, and understanding.

(2) That intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her country of origin.

(3) There has been a significant growth in intercountry adoptions. In 1990, Americans adopted 7,093 children from abroad. In 2004, they adopted 23,460 children from abroad.

(4) Americans increasingly seek to create or enlarge their families through intercountry adoptions.

(5) There are many children worldwide that are without permanent homes.

(6) In the interest of children without a permanent family and the United States citizens who are waiting to bring them into their families, reforms are needed in the intercountry adoption process used by United States citizens.

(7) Before adoption, each child should have the benefit of measures taken to ensure that intercountry adoption is in his or her best interest and that prevents the abduction, selling, or trafficking of children.

(8) In addition, Congress recognizes that foreign-born adopted children do not make the decision whether to immigrate to the United States. They are being chosen by

Americans to become part of their immediate families.

(9) As such these children should not be classified as immigrants in the traditional sense. Once fully and finally adopted, they should be treated as children of United States citizens.

(10) Since a child who is fully and finally adopted is entitled to the same rights, duties, and responsibilities as a biological child, the law should reflect such equality.

(11) Therefore, foreign-born adopted children of United States citizens should be accorded the same procedural treatment as biological children born abroad to a United States citizen.

(12) If a United States citizen can confer citizenship to a biological child born abroad, then the same citizen is entitled to confer such citizenship to their legally and fully adopted foreign-born child immediately upon final adoption.

(13) If a United States citizen cannot confer citizenship to a biological child born abroad, then such citizen cannot confer citizenship to their legally and fully adopted foreign-born child, except through the naturalization process.

(b) PURPOSES.—The purposes of this title are—

(1) to ensure the any adoption of a foreign-born child by parents in the United States is carried out in the manner that is in the best interest of the child;

(2) to ensure that foreign-born children adopted by United States citizens will be treated identically to a biological child born abroad to the same citizen parent; and

(3) to improve the intercountry adoption process to make it more citizen friendly and focused on the protection of the child.

SEC. 803. DEFINITIONS.

In this title:

(1) ADOPTABLE CHILD.—The term "adoptable child" has the same meaning given such term in section 101(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(c)(3)), as added by section 824(a) of this Act.

(2) AMBASSADOR AT LARGE.—The term "Ambassador at Large" means the Ambassador at Large for Intercountry Adoptions appointed to head the Office pursuant to section 811(b).

(3) COMPETENT AUTHORITY.—The term "competent authority" means the entity or entities authorized by the law of the child's country of residence to engage in permanent placement of children who are no longer in the legal or physical custody of their biological parents.

(4) CONVENTION.—The term "Convention" means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993.

(5) FULL AND FINAL ADOPTION.—The term "full and final adoption" means an adoption—

(A) that is completed according to the laws of the child's country of residence or the State law of the parent's residence;

(B) under which a person is granted full and legal custody of the adopted child;

(C) that has the force and effect of severing the child's legal ties to the child's biological parents;

(D) under which the adoptive parents meet the requirements of section 825; and

(E) under which the child has been adjudicated to be an adoptable child in accordance with section 826.

(6) OFFICE.—The term "Office" means the Office of Intercountry Adoptions established under section 811(a).

(7) READILY APPROVABLE.—A petition or certification is "readily approvable" if the documentary support provided along with such petition or certification demonstrates that the petitioner satisfies the eligibility requirements and no additional information or investigation is necessary.

Subtitle A—Administration of Intercountry Adoptions

SEC. 811. OFFICE OF INTERCOUNTRY ADOPTIONS.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, there shall be established within the Department of State, an Office of Intercountry Adoptions which shall be headed by the Ambassador at Large for Intercountry Adoptions.

(b) AMBASSADOR AT LARGE.—

(1) APPOINTMENT.—The Ambassador at Large shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who have background, experience, and training in intercountry adoptions.

(2) CONFLICTS OF INTEREST.—The individual appointed to be the Ambassador at Large shall be free from any conflict of interest that could impede such individual's ability to serve as the Ambassador.

(3) AUTHORITY.—The Ambassador at Large shall report directly to the Secretary of State, in consultation with the Assistant Secretary for Consular Affairs.

(4) REGULATIONS.—The Ambassador at Large may not issue rules or regulations unless such rules or regulations have been approved by the Secretary of State.

(5) DUTIES OF THE AMBASSADOR AT LARGE.—The Ambassador at Large shall have the following responsibilities:

(A) IN GENERAL.—The primary responsibilities of the Ambassador at Large shall be—

(i) to ensure that any adoption of a foreign-born child by parents in the United States is carried out in the manner that is in the best interest of the child; and

(ii) to assist the Secretary of State in fulfilling the responsibilities designated to the central authority under title I of the Intercountry Adoption Act of 2000 (42 U.S.C. 14911 et seq.).

(B) ADVISORY ROLE.—The Ambassador at Large shall be a principal advisor to the President and the Secretary of State regarding matters affecting intercountry adoption and the general welfare of children abroad and shall make recommendations regarding—

(i) the policies of the United States with respect to the establishment of a system of cooperation among the parties to the Convention;

(ii) the policies to prevent abandonment, to strengthen families, and to advance the placement of children in permanent families; and

(iii) policies that promote the protection and well-being of children.

(C) DIPLOMATIC REPRESENTATION.—Subject to the direction of the President and the Secretary of State, the Ambassador at Large may represent the United States in matters and cases relevant to international adoption in—

(i) fulfillment of the responsibilities designated to the central authority under title I of the Intercountry Adoption Act of 2000 (42 U.S.C. 14911 et seq.);

(ii) contacts with foreign governments, intergovernmental organizations, and specialized agencies of the United Nations and other international organizations of which the United States is a member; and

(iii) multilateral conferences and meetings relevant to international adoption.

(D) INTERNATIONAL POLICY DEVELOPMENT.—The Ambassador at Large shall advise and support the Secretary of State and other relevant Bureaus of the Department of State in the development of sound policy regarding child protection and intercountry adoption.

(E) REPORTING RESPONSIBILITIES.—The Ambassador at Large shall have the following reporting responsibilities:

(i) IN GENERAL.—The Ambassador at Large shall assist the Secretary of State and other relevant Bureaus in preparing those portions of the Human Rights Reports that relate to the abduction, sale, and trafficking of children.

(ii) ANNUAL REPORT ON INTERCOUNTRY ADOPTION.—Not later than September 1 of each year, the Secretary of State shall prepare and submit to Congress an annual report on intercountry adoption. Each annual report shall include—

(I) a description of the status of child protection and adoption in each foreign country, including—

(aa) trends toward improvement in the welfare and protection of children and families;

(bb) trends in family reunification, domestic adoption, and intercountry adoption;

(cc) movement toward ratification and implementation of the Convention; and

(dd) census information on the number of children in orphanages, foster homes, and other types of nonpermanent residential care as reported by the foreign country;

(II) the number of intercountry adoptions by United States citizens, including the country from which each child emigrated, the State in which each child resides, and the country in which the adoption was finalized;

(III) the number of intercountry adoptions involving emigration from the United States, including the country where each child now resides and the State from which each child emigrated;

(IV) the number of placements for adoption in the United States that were disrupted, including the country from which the child emigrated, the age of the child, the date of the placement for adoption, the reasons for the disruption, the resolution of the disruption, the agencies that handled the placement for adoption, and the plans for the child, and in addition, any information regarding disruption or dissolution of adoptions of children from other countries received pursuant to section 422(b)(14) of the Social Security Act (42 U.S.C. 622(b)(14));

(V) the average time required for completion of an adoption, set forth by the country from which the child emigrated;

(VI) the current list of agencies accredited and persons approved under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.) to provide adoption services;

(VII) the names of the agencies and persons temporarily or permanently debarred under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.), and the reasons for the debarment;

(VIII) the range of adoption fees involving adoptions by United States citizens and the median of such fees set forth by the country of origin;

(IX) the range of fees charged for accreditation of agencies and the approval of persons in the United States engaged in providing adoption services under the Convention; and

(X) recommendations of ways the United States might act to improve the welfare and protection of children and families in each foreign country.

(c) FUNCTIONS OF OFFICE.—The Office shall have the following 7 functions:

(1) APPROVAL OF A FAMILY TO ADOPT.—To approve or disapprove the eligibility of a United States citizen to adopt a child born in a foreign country.

(2) CHILD ADJUDICATION.—To investigate and adjudicate the status of a child born in a foreign country to determine whether that child is an adoptable child.

(3) FAMILY SERVICES.—To provide assistance to United States citizens engaged in the intercountry adoption process in resolving problems with respect to that process and to track intercountry adoption cases so as to ensure that all such adoptions are processed in a timely manner.

(4) INTERNATIONAL POLICY DEVELOPMENT.—To advise and support the Ambassador at Large and other relevant Bureaus of the Department of State in the development of sound policy regarding child protection and intercountry adoption.

(5) CENTRAL AUTHORITY.—To assist the Secretary of State in carrying out duties of the central authority as defined in section 3 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14902).

(6) ENFORCEMENT.—To investigate, either directly or in cooperation with other appropriate international, Federal, State, or local entities, improprieties relating to intercountry adoption, including issues of child protection, birth family protection, and consumer fraud.

(7) ADMINISTRATION.—To perform administrative functions related to the functions performed under paragraphs (1) through (6), including legal functions and congressional liaison and public affairs functions.

(d) ORGANIZATION.—

(1) IN GENERAL.—All functions of the Office shall be performed by officers employed in a central office located in Washington, D.C. Within that office, there shall be 7 divisions corresponding to the 7 functions of the Office. The director of each such division shall report directly to the Ambassador at Large.

(2) APPROVAL TO ADOPT.—The division responsible for approving parents to adopt shall be divided into regions of the United States as follows:

(A) Northwest.
(B) Northeast.
(C) Southwest.
(D) Southeast.
(E) Midwest.
(F) West.

(3) CHILD ADJUDICATION.—To the extent practicable, the division responsible for the adjudication of foreign-born children as adoptable shall be divided by world regions which correspond to the world regions used by other divisions within the Department of State.

(4) USE OF INTERNATIONAL FIELD OFFICERS.—Nothing in this section shall be construed to prohibit the use of international field officers posted abroad, as necessary, to fulfill the requirements of this Act.

(5) COORDINATION.—The Ambassador at Large shall coordinate with appropriate employees of other agencies and departments of the United States, whenever appropriate, in carrying out the duties of the Ambassador.

(e) QUALIFICATIONS AND TRAINING.—In addition to meeting the employment requirements of the Department of State, officers employed in any of the 7 divisions of the Office shall undergo extensive and specialized training in the laws and processes of intercountry adoption as well as understanding the cultural, medical, emotional, and social issues surrounding intercountry adoption and adoptive families. The Ambassador at Large shall, whenever possible, recruit and hire individuals with background and experience in intercountry adoptions, taking care to ensure that such individuals do not have any conflicts of interest that might inhibit their ability to serve.

(f) USE OF ELECTRONIC DATABASES AND FILING.—To the extent possible, the Office shall make use of centralized, electronic databases and electronic form filing.

SEC. 812. RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES.

Section 505(a)(1) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 note) is amended by inserting "301, 302," after "205,".

SEC. 813. TECHNICAL AND CONFORMING AMENDMENT.

Section 104 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14914) is repealed.

SEC. 814. TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—Subject to subsection (c), all functions under the immigration laws of the United States with respect to the adoption of foreign-born children by United States citizens and their admission to the United States that have been vested by statute in, or exercised by, the Secretary of Homeland Security immediately prior to the effective date of this Act, are transferred to the Secretary of State on the effective date of this Act and shall be carried out by the Ambassador at Large, under the supervision of the Secretary of State, in accordance with applicable laws and this Act.

(b) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, the Ambassador at Large may, for purposes of performing any function transferred to the Ambassador at Large under subsection (a), exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function pursuant to this subtitle.

(c) LIMITATION ON TRANSFER OF PENDING ADOPTIONS.—If an individual has filed a petition with the Immigration and Naturalization Service or the Department of Homeland Security with respect to the adoption of a foreign-born child prior to the date of enactment of this Act, the Secretary of Homeland Security shall have the authority to make the final determination on such petition and such petition shall not be transferred to the Office.

SEC. 815. TRANSFER OF RESOURCES.

Subject to section 1531 of title 31, United States Code, upon the effective date of this Act, there are transferred to the Ambassador at Large for appropriate allocation in accordance with this Act, the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Department of Homeland Security in connection with the functions transferred pursuant to this subtitle.

SEC. 816. INCIDENTAL TRANSFERS.

The Ambassador at Large may make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this subtitle. The Ambassador at Large shall provide for such further measures and dispositions as may be necessary to effectuate the purposes of this subtitle.

SEC. 817. SAVINGS PROVISIONS.

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, including collective bargaining agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Ambassador at Large, the former Commissioner of the Immigration and Naturalization Service, or the Secretary of Homeland Security, or their delegates, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred pursuant to this subtitle; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date);

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law, except that any collective bargaining agreement shall remain in effect until the date of termination specified in the agreement.

(b) PROCEEDINGS.—

(1) PENDING.—The transfer of functions under section 814 shall not affect any proceeding or any application for any benefit, service, license, permit, certificate, or financial assistance pending on the effective date of this subtitle before an office whose functions are transferred pursuant to this subtitle, but such proceedings and applications shall be continued.

(2) ORDERS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) DISCONTINUANCE OR MODIFICATION.—Nothing in this section shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(c) SUITS.—This subtitle shall not affect suits commenced before the effective date of this subtitle, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of State, the Immigration and Naturalization Service, or the Department of Homeland Security, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred pursuant to this section, shall abate by reason of the enactment of this Act.

(e) CONTINUANCE OF SUIT WITH SUBSTITUTION OF PARTIES.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and pursuant to this subtitle such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this subtitle, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred pursuant to any provision of this subtitle shall apply to the exercise of such function by the head of the office, and other officers of the office, to which such function is transferred pursuant to such provision.

Subtitle B—Reform of United States Laws Governing Intercountry Adoptions

SEC. 821. AUTOMATIC ACQUISITION OF CITIZENSHIP FOR ADOPTED CHILDREN BORN OUTSIDE THE UNITED STATES.

(a) AUTOMATIC CITIZENSHIP PROVISIONS.—

(1) AMENDMENT OF THE INA.—Section 320 of the Immigration and Nationality Act (8 U.S.C. 1431) is amended to read as follows:

"SEC. 320. CONDITIONS FOR AUTOMATIC CITIZENSHIP FOR CHILDREN BORN OUTSIDE THE UNITED STATES.

"(a) IN GENERAL.—A child born outside of the United States automatically becomes a citizen of the United States—

"(1) if the child is not an adopted child—

"(A) at least 1 parent of the child is a citizen of the United States, whether by birth or naturalization, who has been physically present (as determined under subsection (b)) in the United States or its outlying possessions for a period or periods totaling not less than 5 years, at least 2 of which were after attaining the age of 14 years; and

"(B) the child is under the age of 18 years; or

"(2) if the child is an adopted child, on the date of the full and final adoption of the child—

"(A) at least 1 parent of the child is a citizen of the United States, whether by birth or naturalization, who has been physically present (as determined under subsection (b)) in the United States or its outlying possessions for a period or periods totaling not less than 5 years, at least 2 of which were after attaining the age of 14 years;

"(B) the child is an adoptable child;

"(C) the child is the beneficiary of a full and final adoption decree entered by a foreign government or a court in the United States; and

"(D) the child is under the age of 16 years.

"(b) PHYSICAL PRESENCE.—For the purposes of subsection (a)(2)(A), the requirement for physical presence in the United States or its outlying possessions may be satisfied by the following:

"(1) Any periods of honorable service in the Armed Forces of the United States.

"(2) Any periods of employment with the United States Government or with an international organization as that term is defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288) by such citizen parent.

"(3) Any periods during which such citizen parent is physically present outside the United States or its outlying possessions as the dependent unmarried son or daughter and a member of the household of a person—

"(A) honorably serving with the Armed Forces of the United States; or

"(B) employed by the United States Government or an international organization as defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288).

"(c) FULL AND FINAL ADOPTION.—In this section, the term 'full and final adoption' means an adoption—

"(1) that is completed under the laws of the child's country of residence or the State law of the parent's residence;

"(2) under which a person is granted full and legal custody of the adopted child;

"(3) that has the force and effect of severing the child's legal ties to the child's biological parents;

"(4) under which the adoptive parents meet the requirements of section 825 of the Intercountry Adoption Reform Act of 2006; and

"(5) under which the child has been adjudicated to be an adoptable child in accordance with section 826 of the Intercountry Adoption Reform Act of 2006.".

(b) CONFORMING AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act (66 Stat. 163) is amended by striking the item relating to section 320 and inserting the following:

"Sec. 320. Conditions for automatic citizenship for children born outside the United States".

(c) EFFECTIVE DATE.—This section shall take effect as if enacted on June 27, 1952.

SEC. 822. REVISED PROCEDURES.

Notwithstanding any other provision of law, the following requirements shall apply with respect to the adoption of foreign born children by United States citizens:

(1) Upon completion of a full and final adoption, the Secretary shall issue a United States passport and a Consular Report of Birth for a child who satisfies the requirements of section 320(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1431(a)(2)), as amended by section 821 of this Act, upon application by a United States citizen parent.

(2) An adopted child described in paragraph (1) shall not require the issuance of a visa for travel and admission to the United States but shall be admitted to the United States upon presentation of a valid, unexpired United States passport.

(3) No affidavit of support under section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a) shall be required in the case of any adoptable child.

(4) The Secretary of State, acting through the Ambassador at Large, shall require that agencies provide prospective adoptive parents an opportunity to conduct an independent medical exam and a copy of any medical records of the child known to exist (to the greatest extent practicable, these documents shall include an English translation) on a date that is not later than the earlier of the date that is 2 weeks before the adoption, or the date on which prospective adoptive parents travel to such a foreign country to complete all procedures in such country relating to adoption.

(5) The Secretary of State, acting through the Ambassador at Large, shall take necessary measures to ensure that all prospective adoptive parents adopting internationally are provided with training that includes counseling and guidance for the purpose of promoting a successful intercountry adoption before such parents travel to adopt the child or the child is placed with such parents for adoption.

(6) The Secretary of State, acting through the Ambassador at Large, shall take necessary measures to ensure that—

(A) prospective adoptive parents are given full disclosure of all direct and indirect costs of intercountry adoption before the parents are matched with a child for adoption;

(B) fees charged in relation to the intercountry adoption be on a fee-for-service basis not on a contingent fee basis; and

(C) that the transmission of fees between the adoption agency, the country of origin, and the prospective adoptive parents is carried out in a transparent and efficient manner.

(7) The Secretary of State, acting through the Ambassador at Large, shall take all measures necessary to ensure that all documents provided to a country of origin on behalf of a prospective adoptive parent are truthful and accurate.

SEC. 823. NONIMMIGRANT VISAS FOR CHILDREN TRAVELING TO THE UNITED STATES TO BE ADOPTED BY A UNITED STATES CITIZEN.

(a) NONIMMIGRANT CLASSIFICATION.—

(1) IN GENERAL.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by adding at the end the following:

"(W) an adoptable child who is coming into the United States for adoption by a United States citizen and a spouse jointly or by an unmarried United States citizen at least 25 years of age, who has been approved to adopt by the Office of International Adoption of the Department of State.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Such section 101(a)(15) is further amended—

(A) by striking "or" at the end of subparagraph (U); and

(B) by striking the period at the end of subparagraph (V) and inserting "; or".

(b) TERMINATION OF PERIOD OF AUTHORIZED ADMISSION.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

"(s) In the case of a nonimmigrant described in section 101(a)(15)(W), the period of authorized admission shall terminate on the earlier of—

"(1) the date on which the adoption of the nonimmigrant is completed by the courts of the State where the parents reside; or

"(2) the date that is 4 years after the date of admission of the nonimmigrant into the United States, unless a petitioner is able to show cause as to why the adoption could not be completed prior to such date and the Secretary of State extends such period for the period necessary to complete the adoption.".

(c) TEMPORARY TREATMENT AS LEGAL PERMANENT RESIDENT.—Notwithstanding any other law, all benefits and protections that apply to a legal permanent resident shall apply to a nonimmigrant described in section 101(a)(15)(W) of the Immigration and Nationality Act, as added by subsection (a), pending a full and final adoption.

(d) EXCEPTION FROM IMMUNIZATION REQUIREMENT FOR CERTAIN ADOPTED CHILDREN.—Section 212(a)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)) is amended—

(1) in the heading by striking "**10 years**" and inserting "**18 years**"; and

(2) in clause (i), by striking "10 years" and inserting "18 years".

(e) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall prescribe such regulations as may be necessary to carry out this section.

SEC. 824. DEFINITION OF ADOPTABLE CHILD.

(a) IN GENERAL.—Section 101(c) of the Immigration and Nationality Act (8 U.S.C. 1101(c)) is amended by adding at the end the following:

"(3) The term 'adoptable child' means an unmarried person under the age of 18—

"(A)(i) whose biological parents (or parent, in the case of a child who has one sole or surviving parent) or other persons or institutions that retain legal custody of the child—

"(I) have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption and that such consent has not been induced by payment or compensation of any kind and has not been given prior to the birth of the child;

"(II) are unable to provide proper care for the child, as determined by the competent authority of the child's residence; or

"(III) have voluntarily relinquished the child to the competent authorities pursuant to the law of the child's residence; or

"(ii) who, as determined by the competent authority of the child's residence—

"(I) has been abandoned or deserted by their biological parent, parents, or legal guardians; or

"(II) has been orphaned due to the death or disappearance of their biological parent, parents, or legal guardians;

"(B) with respect to whom the Secretary of State is satisfied that the proper care will be furnished the child if admitted to the United States;

"(C) with respect to whom the Secretary of State is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship and that the parent-child relationship of the child and the biological parents has been terminated (and in carrying out both obligations under this subparagraph the Secretary of State, in consultation with the Secretary of Homeland Security, may consider whether there is a petition pending to confer immigrant status on one or both of the biological parents);

"(D) with respect to whom the Secretary of State, is satisfied that there has been no inducement, financial or otherwise, offered to obtain the consent nor was it given before the birth of the child;

"(E) with respect to whom the Secretary of State, in consultation with the Secretary of Homeland Security, is satisfied that the person is not a security risk; and

"(F) whose eligibility for adoption and emigration to the United States has been certified by the competent authority of the country of the child's place of birth or residence.".

(b) Conforming Amendment.—Section 204(d) of the Immigration and Nationality Act (8 U.S.C. 1154(d)) is amended by inserting "and an adoptable child as defined in section 101(c)(3)" before "unless a valid home-study".

SEC. 825. APPROVAL TO ADOPT.

(a) In General.—Prior to the issuance of a visa under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 823(a) of this Act, or the issuance of a full and final adoption decree, the United States citizen adoptive parent shall have approved by the Office a petition to adopt. Such petition shall be subject to the same terms and conditions as are applicable to petitions for classification under section 204.3 of title 8 of the Code of Federal Regulations, as in effect on the day before the date of enactment of this Act.

(b) Expiration of Approval.—Approval to adopt under this Act is valid for 24 months from the date of approval. Nothing in this section may prevent the Secretary of Homeland Security from periodically updating the fingerprints of an individual who has filed a petition for adoption.

(c) Expedited Reapproval Process of Families Previously Approved To Adopt.—The Secretary of State shall prescribe such regulations as may be necessary to provide for an expedited and streamlined process for families who have been previously approved to adopt and whose approval has expired, so long as not more than 4 years have lapsed since the original application.

(d) Denial of Petition.—

(1) Notice of intent.—If the officer adjudicating the petition to adopt finds that it is not readily approvable, the officer shall notify the petitioner, in writing, of the officer's intent to deny the petition. Such notice shall include the specific reasons why the petition is not readily approvable.

(2) Petitioner's right to respond.—Upon receiving a notice of intent to deny, the petitioner has 30 days to respond to such notice.

(3) Decision.—Within 30 days of receipt of the petitioner's response the Office must reach a final decision regarding the eligibility of the petitioner to adopt. Notice of a formal decision must be delivered in writing.

(4) Right to an appeal.—Unfavorable decisions may be appealed to the Department of State and, after the exhaustion of the appropriate appeals process of the Department, to a United States district court.

(5) Regulations regarding appeals.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall promulgate formal regulations regarding the process for appealing the denial of a petition.

SEC. 826. ADJUDICATION OF CHILD STATUS.

(a) In General.—Prior to the issuance of a full and final adoption decree or a visa under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 823(a) of this Act—

(1) the Ambassador at Large shall obtain from the competent authority of the country of the child's residence a certification, together with documentary support, that the child sought to be adopted meets the definition of an adoptable child; and

(2) not later than 15 days after the date of the receipt of the certification referred to in paragraph (1), the Secretary of State shall make a final determination on whether the certification and the documentary support are sufficient to meet the requirements of this section or whether additional investigation or information is required.

(b) Process for Determination.—

(1) In general.—The Ambassador at Large shall work with the competent authorities of the child's country of residence to establish a uniform, transparent, and efficient process for the exchange and approval of the certification and documentary support required under subsection (a).

(2) Notice of intent.—If the Secretary of State determines that a certification submitted by the competent authority of the child's country of origin is not readily approvable, the Ambassador at Large shall—

(A) notify the competent authority and the prospective adoptive parents, in writing, of the specific reasons why the certification is not sufficient; and

(B) provide the competent authority and the prospective adoptive parents the opportunity to address the stated insufficiencies.

(3) Petitioners right to respond.—Upon receiving a notice of intent to find that a certification is not readily approvable, the prospective adoptive parents shall have 30 days to respond to such notice.

(4) Decision.—Not later than 30 days after the date of receipt of a response submitted under paragraph (3), the Secretary of State shall reach a final decision regarding the child's eligibility as an adoptable child. Notice of such decision must be in writing.

(5) Right to an appeal.—Unfavorable decisions on a certification may be appealed through the appropriate process of the Department of State and, after the exhaustion of such process, to a United States district court.

SEC. 827. FUNDS.

The Secretary of State shall provide the Ambassador at Large with such funds as may be necessary for—

(1) the hiring of staff for the Office;

(2) investigations conducted by such staff; and

(3) travel and other expenses necessary to carry out this title.

Subtitle C—Enforcement

SEC. 831. CIVIL PENALTIES AND ENFORCEMENT.

(a) Civil Penalties.—A person shall be subject, in addition to any other penalty that may be prescribed by law, to a civil money penalty of not more than $50,000 for a first violation, and not more than $100,000 for each succeeding violation if such person—

(1) violates a provision of this title or an amendment made by this title;

(2) makes a false or fraudulent statement, or misrepresentation, with respect to a material fact, or offers, gives, solicits, or accepts inducement by way of compensation, intended to influence or affect in the United States or a foreign country—

(A) a decision for an approval under title II;

(B) the relinquishment of parental rights or the giving of parental consent relating to the adoption of a child; or

(C) a decision or action of any entity performing a central authority function; or

(3) engages another person as an agent, whether in the United States or in a foreign country, who in the course of that agency takes any of the actions described in paragraph (1) or (2).

(b) Civil Enforcement.—

(1) Authority of Attorney General.—The Attorney General may bring a civil action to enforce subsection (a) against any person in any United States district court.

(2) Factors to be considered in imposing penalties.—In imposing penalties the court shall consider the gravity of the violation, the degree of culpability of the defendant, and any history of prior violations by the defendant.

SEC. 832. CRIMINAL PENALTIES.

Whoever knowingly and willfully commits a violation described in paragraph (1) or (2) of section 831(a) shall be subject to a fine of not more than $250,000, imprisonment for not more than 5 years, or both.

SA 5029. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 7, after line 10, insert the following:

TITLE II—THE DREAM ACT OF 2006

SEC. 201. SHORT TITLE.

This title may be cited as the "Development, Relief, and Education for Alien Minors Act of 2006" or the "DREAM Act of 2006".

SEC. 202. DEFINITIONS.

In this title:

(1) Institution of higher education.—The term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) Uniformed services.—The term "uniformed services" has the meaning given that

term in section 101(a) of title 10, United States Code.

SEC. 203. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) EFFECTIVE DATE.—The repeal under subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

SEC. 204. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this title, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 205, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has been a person of good moral character since the time of application;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(B), (6)(C), (6)(E), (6)(F), or (6)(G) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or, if inadmissible solely under subparagraph (C) or (F) of paragraph (6) of such subsection, the alien was under the age of 16 years at the time the violation was committed; and

(ii) is not deportable under paragraph (1)(E), (1)(G), (2), (3)(B), (3)(C), (3)(D), (4), or (6) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)), or, if deportable solely under subparagraphs (C) or (D) of paragraph (3) of such subsection, the alien was under the age of 16 years at the time the violation was committed;

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States; and

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien has remained in the United States under color of law or received the order before attaining the age of 16 years.

(2) WAIVER.—The Secretary of Homeland Security may waive the grounds of ineligibility under section 212(a)(6) of the Immigration and Nationality Act and the grounds of deportability under paragraphs (1), (3), and (6) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) REMOVAL OF ALIEN.—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this title.

SEC. 205. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) IN GENERAL.—

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 206, an alien whose status has been adjusted under section 204 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) NOTICE OF REQUIREMENTS.—

(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this title with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this title, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 204(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this title.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—

(1) IN GENERAL.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this title. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 204(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of all of the secondary educational institutions that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of the conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

SEC. 206. RETROACTIVE BENEFITS UNDER THIS TITLE.

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 204(a)(1) and section 205(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 204. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 205(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 205(d)(1) during the entire period of conditional residence.

SEC. 207. EXCLUSIVE JURISDICTION.

(a) IN GENERAL.—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this title, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this title, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this title.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 204(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States, consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.), and State and local laws governing minimum age for employment.

(d) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 208. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this title and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 209. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—No officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this title to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this title can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this title with a designated entity, that designated entity, to examine applications filed under this title.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 210. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this title shall provide that applications under this title will be considered on an expedited basis and without a requirement for the payment by the applicant of any additional fee for such expedited processing.

SEC. 211. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this title shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 212. GAO REPORT.

Seven years after the date of enactment of this title, the Comptroller General of the United States shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 204(a);

(2) the number of aliens who applied for adjustment of status under section 204(a);

(3) the number of aliens who were granted adjustment of status under section 204(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 205.

SA 5030. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table, as follows:

On page 5, strike line 9 and all that follows through page 6, line 2.

SA 5031. Mr. FRIST proposed an amendment to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; as follows:

At the end of the bill, add the following:

This Act shall become effective 2 days after the date of enactment.

SA 5032. Mr. FRIST proposed an amendment to amendment SA 5031 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; as follows:

On page 1, line 1 of the amendment, strike "2 days" and insert "1 day".

SA 5033. Mr. FRIST (for Mr. LUGAR (for himself, Mr. BROWNBACK, Mr. MARTINEZ, Mr. HAGEL, Mr. CORNYN, Mrs.

HUTCHISON, Mr. DEWINE, Mr. COLEMAN, Mr. CHAFEE, Mr. ALEXANDER, Mr. SUNUNU, and Mr. SPECTER)) proposed an amendment to the bill H.R. 3127, to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Darfur Peace and Accountability Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Findings.
Sec. 4. Sense of Congress.
Sec. 5. Sanctions in support of peace in Darfur.
Sec. 6. Additional authorities to deter and suppress genocide in Darfur.
Sec. 7. Continuation of restrictions.
Sec. 8. Assistance efforts in Sudan.
Sec. 9. Reporting requirements.

SEC. 2. DEFINITIONS.

In this Act:

(1) AMIS.—The term "AMIS" means the African Union Mission in Sudan.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(3) COMPREHENSIVE PEACE AGREEMENT FOR SUDAN.—The term "Comprehensive Peace Agreement for Sudan" means the peace agreement signed by the Government of Sudan and the SPLM/A in Nairobi, Kenya, on January 9, 2005.

(4) DARFUR PEACE AGREEMENT.—The term "Darfur Peace Agreement" means the peace agreement signed by the Government of Sudan and by Minni Minnawi, leader of the Sudan Liberation Movement/Army Faction, in Abuja, Nigeria, on May 5, 2006.

(5) GOVERNMENT OF SUDAN.—The term "Government of Sudan"—

(A) means—

(i) the government in Khartoum, Sudan, which is led by the National Congress Party (formerly known as the National Islamic Front); or

(ii) any successor government formed on or after the date of the enactment of this Act (including the coalition National Unity Government agreed upon in the Comprehensive Peace Agreement for Sudan); and

(B) does not include the regional government of Southern Sudan.

(6) OFFICIALS OF THE GOVERNMENT OF SUDAN.—The term "official of the Government of Sudan" does not include any individual—

(A) who was not a member of such government before July 1, 2005; or

(B) who is a member of the regional government of Southern Sudan.

(7) SPLM/A.—The term "SPLM/A" means the Sudan People's Liberation Movement/Army.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) On July 23, 2004, Congress declared, "the atrocities unfolding in Darfur, Sudan, are genocide".

(2) On September 9, 2004, Secretary of State Colin L. Powell stated before the Committee on Foreign Relations of the Senate, "genocide has occurred and may still be occurring in Darfur", and "the Government of Sudan and the Janjaweed bear responsibility".

(3) On September 21, 2004, in an address before the United Nations General Assembly, President George W. Bush affirmed the Secretary of State's finding and stated,"[a]t this hour, the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide".

(4) On July 30, 2004, the United Nations Security Council passed Security Council Resolution 1556 (2004), calling upon the Government of Sudan to disarm the Janjaweed militias and to apprehend and bring to justice Janjaweed leaders and their associates who have incited and carried out violations of human rights and international humanitarian law, and establishing a ban on the sale or supply of arms and related materiel of all types, including the provision of related technical training or assistance, to all nongovernmental entities and individuals, including the Janjaweed.

(5) On September 18, 2004, the United Nations Security Council passed Security Council Resolution 1564 (2004), determining that the Government of Sudan had failed to meet its obligations under Security Council Resolution 1556 (2004), calling for a military flight ban in and over the Darfur region, demanding the names of Janjaweed militiamen disarmed and arrested for verification, establishing an International Commission of Inquiry on Darfur to investigate violations of international humanitarian and human rights laws, and threatening sanctions should the Government of Sudan fail to fully comply with Security Council Resolutions 1556 (2004) and 1564 (2004), including such actions as to affect Sudan's petroleum sector or individual members of the Government of Sudan.

(6) The Report of the International Commission of Inquiry on Darfur, submitted to the United Nations Secretary-General on January 25, 2005, established that the "Government of the Sudan and the Janjaweed are responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law," that "these acts were conducted on a widespread and systematic basis, and therefore may amount to crimes against humanity," and that officials of the Government of Sudan and other individuals may have acted with "genocidal intent".

(7) On March 24, 2005, the United Nations Security Council passed Security Council Resolution 1590 (2005), establishing the United Nations Mission in Sudan (referred to in this section as the "UNMIS"), consisting of up to 10,000 military personnel and 715 civilian police tasked with supporting the implementation of the Comprehensive Peace Agreement for Sudan and to "closely and continuously liaise and coordinate at all levels with the African Union Mission in Sudan (AMIS)", which had been established by the African Union on May 24, 2004, to monitor the implementation of the N'Djamena Humanitarian Ceasefire Agreement, signed on April 8, 2004, "with a view towards expeditiously reinforcing the effort to foster peace in Darfur".

(8) On March 29, 2005, the United Nations Security Council passed Security Council Resolution 1591 (2005), extending the military embargo established by Security Council Resolution 1556 (2004) to all the parties to the N'Djamena Ceasefire Agreement of April 8, 2004, and any other belligerents in the states of North Darfur, South Darfur, and West Darfur, calling for an asset freeze and travel ban against those individuals who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, are responsible for offensive military overflights, or violate the military embargo, and establishing a Committee of the Security Council and a panel of experts to assist in monitoring compliance with Security Council Resolutions 1556 (2004) and 1591 (2005).

(9) On March 31, 2005, the United Nations Security Council passed Security Council Resolution 1593 (2005), referring the situation in Darfur since July 1, 2002, to the prosecutor of the International Criminal Court and calling on the Government of Sudan and all parties to the conflict to cooperate fully with the Court.

(10) On July 30, 2005, Dr. John Garang de Mabior, the newly appointed Vice President of Sudan and the leader of the SPLM/A for the past 21 years, was killed in a tragic helicopter crash in Southern Sudan, sparking riots in Khartoum and challenging the commitment of all Sudanese to the Comprehensive Peace Agreement for Sudan.

(11) On January 12, 2006, the African Union Peace and Security Council issued a communique endorsing, in principle, a transition from AMIS to a United Nations peacekeeping operation and requested the Chairperson of the Council to initiate consultations with the United Nations and other stakeholders toward this end.

(12) On February 3, 2006, the United Nations Security Council issued a Presidential Statement authorizing the initiation of contingency planning for a transition from AMIS to a United Nations peacekeeping operation.

(13) On March 10, 2006, the African Union Peace and Security Council extended the mandate of AMIS, which had reached a force size of 7,000, to September 30, 2006, while simultaneously endorsing the transition of AMIS to a United Nations peacekeeping operation and setting April 30, 2006 as the deadline for reaching an agreement to resolve the crisis in Darfur.

(14) On March 24, 2006, the United Nations Security Council passed Security Council Resolution 1663 (2006), which—

(A) welcomes the African Peace and Security Council's March 10, 2006 communique; and

(B) requests that the United Nations Secretary-General, jointly with the African Union and in consultation with the parties to the Abuja Peace Talks, expedite planning for the transition of AMIS to a United Nations peacekeeping operation.

(15) On March 29, 2006, during a speech at Freedom House, President Bush called for a transition to a United Nations peacekeeping operation and "additional forces with a NATO overlay . . . to provide logistical and command-and-control and airlift capacity, but also to send a clear signal to parties involved that the west is determined to help effect a settlement.".

(16) On April 25, 2006, the United Nations Security Council passed Security Council Resolution 1672 (2006), unanimously imposing targeted financial sanctions and travel restrictions on 4 individuals who had been identified as those who, among other acts, "impede the peace process, constitute a threat to stability in Darfur and the region,

commit violations of international humanitarian or human rights law or other atrocities", including the Commander of the Western Military Region for the armed forces of Sudan, the Paramount Chief of the Jalul Tribe in North Darfur, the Commander of the Sudan Liberation Army, and the Field Commander of the National Movement for Reform and Development.

(17) On May 5, 2006, under the auspices of African Union mediation and the direct engagement of the international community, including the United States, the Government of Sudan and the largest rebel faction in Darfur, the Sudan Liberation Movement, led by Minni Minnawi, signed the Darfur Peace Agreement, which addresses security, power sharing, and wealth sharing issues between the parties.

(18) In August 2006, the Sudanese government began to amass military forces and equipment in the Darfur region in contravention of the Darfur Peace Agreement to which they are signatories in what appears to be preliminary to full scale war.

(19) On August 30, 2006, the United Nations Security Council passed Security Council Resolution 1706 (2006), without dissent and with abstentions by China, Russian Federation, and Qatar, thereby asserting that the existing United Nations Mission in Sudan "shall take over from AMIS responsibility for supporting the implementation of the Darfur Peace Agreement upon the expiration of AMIS' mandate but in any event no later than 31 December 2006", and that UNMIS "shall be strengthened by up to 17,300 military personnel . . . 3,300 civilian police personnel and up to 16 Formed Police Units", which "shall begin to be deployed [to Darfur] no later than 1 October 2006".

(20) Between August 30 and September 3, 2006, President Bashir and other senior members of his administration have publicly rejected United Nations Security Council Resolution 1706 (2006), calling it illegal and a western invasion of his country, despite the current presence of 10,000 United Nations peacekeepers under the UNMIS peacekeeping force.

(21) Since 1993, the Secretary of State has determined, pursuant to section 6(j) of the Export Administration Act of 1979 (50 App. U.S.C. 2405(j)), that Sudan is a country, the government of which has repeatedly provided support for acts of international terrorism, thereby restricting United States assistance, defense exports and sales, and financial and other transactions with the Government of Sudan.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the genocide unfolding in the Darfur region of Sudan is characterized by acts of terrorism and atrocities directed against civilians, including mass murder, rape, and sexual violence committed by the Janjaweed and associated militias with the complicity and support of the National Congress Party-led faction of the Government of Sudan;

(2) all parties to the conflict in the Darfur region have continued to violate the N'Djamena Ceasefire Agreement of April 8, 2004, and the Abuja Protocols of November 9, 2004, and violence against civilians, humanitarian aid workers, and personnel of AMIS is increasing;

(3) the African Union should immediately make all necessary preparations for an orderly transition to a United Nations peacekeeping operation, which will maintain an appropriate level of African participation, with a mandate to protect civilians and humanitarian operations, assist in the implementation of the Darfur Peace Agreement, and deter violence in the Darfur region;

(4) the international community, including the United States and the European Union, should immediately act to mobilize sufficient political, military, and financial resources through the United Nations and the North Atlantic Treaty Organization, to support the transition of AMIS to a United Nations peacekeeping operation with the size, strength, and capacity necessary to protect civilians and humanitarian operations, to assist with the implementation of the Darfur Peace Agreement, and to end the continued violence in the Darfur region;

(5) if an expanded and reinforced AMIS or subsequent United Nations peacekeeping operation fails to stop genocide in the Darfur region, the international community should take additional measures to prevent and suppress acts of genocide in the Darfur region;

(6) acting under article 5 of the Charter of the United Nations, the United Nations Security Council should call for suspension of the Government of Sudan's rights and privileges of membership by the General Assembly until such time as the Government of Sudan has honored pledges to cease attacks upon civilians, demobilize and demilitarize the Janjaweed and associated militias, and grant free and unfettered access for deliveries of humanitarian assistance in the Darfur region;

(7) the President should use all necessary and appropriate diplomatic means to ensure the full discharge of the responsibilities of the Committee of the United Nations Security Council and the panel of experts established pursuant to section 3(a) of Security Council Resolution 1591 (2005);

(8) the President should direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States to urge the adoption of a resolution by the United Nations Security Council that—

(A) extends the military embargo established by United Nations Security Resolutions 1556 (2004) and 1591 (2005) to include a total ban on the sale or supply of offensive military equipment to the Government of Sudan, except for use in an internationally recognized demobilization program or for nonlethal assistance necessary to carry out elements of the Comprehensive Peace Agreement for Sudan or the Darfur Peace Agreement; and

(B) calls upon those member states of the United Nations that continue to undermine efforts to foster peace in Sudan by providing military assistance to the Government of Sudan, government supported militias, or any rebel group operating in Darfur in violation of the embargo on such assistance and equipment, as called for in United Nations Security Council Resolutions 1556 (2004) and 1591 (2005), to immediately cease and desist.

(9) the United States should not provide assistance to the Government of Sudan, other than assistance necessary for the implementation of the Comprehensive Peace Agreement for Sudan and the Darfur Peace Agreement, the support of the regional Government of Southern Sudan, the Transitional Darfur Regional Authority, and marginalized areas in Northern Sudan (including the Nuba Mountains, Southern Blue Nile, Abyei, Eastern Sudan (Beja), Darfur, and Nubia), or for humanitarian purposes in Sudan, until the Government of Sudan has honored pledges to cease attacks upon civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance in the Darfur region, and allow for the safe and voluntary return of refugees and internally displaced persons;

(10) the President should seek to assist members of the Sudanese diaspora in the United States by establishing a student loan forgiveness program for those individuals who commit to return to Southern Sudan for a period of not less than 5 years for the purpose of contributing professional skills needed for the reconstruction of Southern Sudan;

(11) the Presidential Special Envoy for Sudan should be provided with appropriate resources and a clear mandate to—

(A) provide stewardship of efforts to implement the Comprehensive Peace Agreement for Sudan and the Darfur Peace Agreement;

(B) seek ways to bring stability and peace to the Darfur region;

(C) address instability elsewhere in Sudan, Chad, and northern Uganda; and

(D) pursue a truly comprehensive peace throughout the region;

(12) the international community should strongly condemn attacks against humanitarian workers and African Union personnel, and the forcible recruitment of refugees and internally displaced persons from camps in Chad and Sudan, and demand that all armed groups in the region, including the forces of the Government of Sudan, the Janjaweed, associated militias, the Sudan Liberation Movement/Army, the Justice and Equality Movement, the National Movement for Reform and Development (NMRD), and all other armed groups refrain from such activities;

(13) the United States should fully support the Comprehensive Peace Agreement for Sudan and the Darfur Peace Agreement and urge rapid implementation of their terms;

(14) the May 5, 2006 signing of the Darfur Peace Agreement between the Government of Sudan and the Sudan Liberation Movement was a positive development in a situation that has seen little political progress in 2 years and should be seized upon by all sides to begin the arduous process of post-conflict reconstruction, restitution, justice, and reconciliation; and

(15) the new leadership of the Sudan People's Liberation Movement (referred to in this paragraph as "SPLM") should—

(A) seek to transform SPLM into an inclusive, transparent, and democratic body;

(B) reaffirm the commitment of SPLM to—

(i) bring peace to Southern Sudan, the Darfur region, and Eastern Sudan; and

(ii) eliminate safe haven for regional rebel movements, such as the Lord's Resistance Army; and

(C) remain united in the face of efforts to undermine SPLM.

SEC. 5. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

(a) BLOCKING OF ASSETS AND RESTRICTION ON VISAS.—Section 6 of the Comprehensive Peace in Sudan Act of 2004 (Public Law 108-197; 50 U.S.C. 1701 note) is amended—

(1) in the heading of subsection (b), by inserting "OF APPROPRIATE SENIOR OFFICIALS OF THE GOVERNMENT OF SUDAN" after "ASSETS";

(2) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(3) by inserting after subsection (b) the following:

"(c) BLOCKING OF ASSETS AND RESTRICTION ON VISAS OF CERTAIN INDIVIDUALS IDENTIFIED BY THE PRESIDENT.—

"(1) BLOCKING OF ASSETS.—Beginning on the date that is 30 days after the date of the enactment of the Darfur Peace and Accountability Act of 2006, and in the interest of contributing to peace in Sudan, the President shall, consistent with the authorities granted under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of any individual who the President determines is complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur, including the family members or any associates of such individual to whom assets or property of such individual was transferred on or after July 1, 2002.

"(2) RESTRICTION ON VISAS.—Beginning on the date that is 30 days after the date of the enactment of the Darfur Peace and Accountability Act of 2006, and in the interest of contributing to peace in Sudan, the President shall deny a visa and entry to any individual who the President determines to be complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur, including the family members or any associates of such individual to whom assets or property of such individual was transferred on or after July 1, 2002.".

(b) WAIVER.—Section 6(d) of the Comprehensive Peace in Sudan Act of 2004, as redesignated by subsection (a), is amended by adding at the end the following: "The President may waive the application of paragraph (1) or (2) of subsection (c) with respect to any individual if the President determines that such a waiver is in the national interests of the United States and, before exercising the waiver, notifies the appropriate congressional committees of the name of the individual and the reasons for the waiver.".

(c) SANCTIONS AGAINST JANJAWEED COMMANDERS AND COORDINATORS OR OTHER INDIVIDUALS.—It is the sense of Congress, that the President should immediately impose the sanctions described in section 6(c) of the Comprehensive Peace in Sudan Act of 2004, as added by subsection (a), against any individual, including the Janjaweed commanders and coordinators, identified as those who, among other acts, "impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities".

SEC. 6. ADDITIONAL AUTHORITIES TO DETER AND SUPPRESS GENOCIDE IN DARFUR.

(a) PRESIDENTIAL ASSISTANCE TO SUPPORT AMIS.—Subject to subsection (b) and notwithstanding any other provision of law, the President is authorized to provide AMIS with—

(1) assistance for any expansion of the mandate, size, strength, and capacity to protect civilians and humanitarian operations in order to help stabilize the Darfur region of Sudan and dissuade and deter air attacks directed against civilians and humanitarian workers; and

(2) assistance in the areas of logistics, transport, communications, material support, technical assistance, training, command and control, aerial surveillance, and intelligence.

(b) CONDITIONS.—

(1) IN GENERAL.—Assistance provided under subsection (a)—

(A) shall be used only in the Darfur region; and

(B) shall not be provided until AMIS has agreed not to transfer title to, or possession of, any such assistance to anyone not an officer, employee or agent of AMIS (or subsequent United Nations peacekeeping operation), and not to use or to permit the use of such assistance for any purposes other than those for which such assistance was furnished, unless the consent of the President has first been obtained, and written assurances reflecting all of the forgoing have been obtained from AMIS by the President.

(2) CONSENT.—If the President consents to the transfer of such assistance to anyone not an officer, employee, or agent of AMIS (or subsequent United Nations peacekeeping operation), or agrees to permit the use of such assistance for any purposes other than those for which such assistance was furnished, the President shall immediately notify the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(c) NATO ASSISTANCE TO SUPPORT AMIS.—It is the sense of Congress that the President should continue to instruct the United States Permanent Representative to the North Atlantic Treaty Organization (referred to in this section as "NATO") to use the voice, vote, and influence of the United States at NATO to—

(1) advocate NATO reinforcement of the AMIS and its orderly transition to a United Nations peacekeeping operation, as appropriate;

(2) provide assets to help dissuade and deter air strikes directed against civilians and humanitarian workers in the Darfur region of Sudan; and

(3) provide other logistical, transportation, communications, training, technical assistance, command and control, aerial surveillance, and intelligence support.

(d) RULE OF CONSTRUCTION.—Nothing in this Act, or any amendment made by this Act, shall be construed as a provision described in section 5(b)(1) or 8(a)(1) of the War Powers Resolution (Public Law 93–148; 50 U.S.C. 1544(b), 1546(a)(1)).

(e) DENIAL OF ENTRY AT UNITED STATES PORTS TO CERTAIN CARGO SHIPS OR OIL TANKERS.—

(1) IN GENERAL.—The President should take all necessary and appropriate steps to deny the Government of Sudan access to oil revenues, including by prohibiting entry at United States ports to cargo ships or oil tankers engaged in business or trade activities in the oil sector of Sudan or involved in the shipment of goods for use by the armed forces of Sudan until such time as the Government of Sudan has honored its commitments to cease attacks on civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance, and allow for the safe and voluntary return of refugees and internally displaced persons.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to cargo ships or oil tankers involved in—

(A) an internationally-recognized demobilization program;

(B) the shipment of non-lethal assistance necessary to carry out elements of the Comprehensive Peace Agreement for Sudan or the Darfur Peace Agreement; or

(C) the shipment of military assistance necessary to carry out elements of an agreement referred to in subparagraph (B) if the President has made the determination set forth in section 8(c)(2).

(f) PROHIBITION ON ASSISTANCE TO COUNTRIES IN VIOLATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS 1556 AND 1591.—

(1) PROHIBITION.—Amounts made available to carry out the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) may not be used to provide assistance (other than humanitarian assistance) to the government of a country that is in violation of the embargo on military assistance with respect to Sudan imposed pursuant to United Nations Security Council Resolutions 1556 (2004) and 1591 (2005).

(2) WAIVER.—The President may waive the application of paragraph (1) if the President determines, and certifies to the appropriate congressional committees, that such waiver is in the national interests of the United States.

SEC. 7. CONTINUATION OF RESTRICTIONS.

(a) IN GENERAL.—Restrictions against the Government of Sudan that were imposed pursuant to Executive Order 13067 of November 3, 1997 (62 Federal Register 59989), title III and sections 508, 512, 527, and 569 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102), or any other similar provision of law, shall remain in effect, and shall not be lifted pursuant to such provisions of law, until the President certifies to the appropriate congressional committees that the Government of Sudan is acting in good faith to—

(1) implement the Darfur Peace Agreement;

(2) disarm, demobilize, and demilitarize the Janjaweed and all militias allied with the Government of Sudan;

(3) adhere to all associated United Nations Security Council Resolutions, including Security Council Resolutions 1556 (2004), 1564 (2004), 1591 (2005), 1593 (2005), 1663 (2006), 1665 (2006), and 1706 (2006);

(4) negotiate a peaceful resolution to the crisis in eastern Sudan;

(5) fully cooperate with efforts to disarm, demobilize, and deny safe haven to members of the Lord's Resistance Army in Sudan; and

(6) fully implement the Comprehensive Peace Agreement for Sudan without manipulation or delay, by—

(A) implementing the recommendations of the Abyei Boundaries Commission Report;

(B) establishing other appropriate commissions and implementing and adhering to the recommendations of such commissions consistent with the terms of the Comprehensive Peace Agreement for Sudan;

(C) adhering to the terms of the Wealth Sharing Agreement; and

(D) withdrawing government forces from Southern Sudan consistent with the terms of the Comprehensive Peace Agreement for Sudan.

(b) WAIVER.—The President may waive the application of subsection (a) if the President determines, and certifies to the appropriate congressional committees, that such waiver is in the national interests of the United States.

SEC. 8. ASSISTANCE EFFORTS IN SUDAN.

(a) ASSISTANCE FOR INTERNATIONAL MALARIA CONTROL ACT.—Section 501 of the Assistance for International Malaria Control Act (Public Law 106–570; 50 U.S.C. 1701 note) is repealed.

(b) COMPREHENSIVE PEACE IN SUDAN ACT.—Section 7 of the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note) is repealed.

(c) ECONOMIC ASSISTANCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President is authorized to provide economic assistance for Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, Abyei,

Darfur, and marginalized areas in and around Khartoum, in an effort to provide emergency relief, to promote economic self-sufficiency, to build civil authority, to provide education, to enhance rule of law and the development of judicial and legal frameworks, to support people to people reconciliation efforts, and to implement any non-military program in support of any viable peace agreement in Sudan, including the Comprehensive Peace Agreement for Sudan and the Darfur Peace Agreement.

(2) CONGRESSIONAL NOTIFICATION.—Assistance may not be obligated under this subsection until 15 days after the date on which the Secretary of State notifies the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) of such obligation in accordance with the procedures applicable to reprogramming notifications under such section.

(d) AUTHORIZED MILITARY ASSISTANCE.—

(1) IN GENERAL.—If the President has not made a certification under section 12(a)(3) of the Sudan Peace Act (50 U.S.C. 1701 note) regarding the noncompliance of the SPLM/A or the Government of Southern Sudan with the Comprehensive Peace Agreement for Sudan, the President, notwithstanding any other provision of law, may authorize, for each of fiscal years 2006, 2007, and 2008, the provision of the following assistance to the Government of Southern Sudan for the purpose of constituting a professional military force—

(A) non-lethal military equipment and related defense services, including training, controlled under the International Traffic in Arms Regulations (22 C.F.R. 120.1 et seq.) if the President—

(i) determines that the provision of such items is in the national security interest of the United States; and

(ii) not later than 15 days before the provision of any such items, notifies the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives of such determination; and

(B) small arms and ammunition under categories I and III of the United States Munitions List (22 C.F.R. 121.1 et seq.) if the President—

(i) determines that the provision of such equipment is essential to the national security interests of the United States; and

(ii) consistent with the procedures set forth in section 614(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2364(a)(3)), notifies the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives of such determination.

(2) END USE ASSURANCES.—For each item exported pursuant to this subsection or subsection (c), the President shall include with the notification to Congress under subparagraphs (A)(ii) and (B)(ii) of paragraph (1)—

(A) an identification of the end users to which the provision of assistance is being made;

(B) the dollar value of the items being provided;

(C) a description of the items being provided; and

(D) a description of the end use verification procedures that will be applied to such items, including—

(i) any special assurances obtained from the Government of Southern Sudan or other authorized end users regarding such equipment; and

(ii) the end use or retransfer controls that will be applied to any items provided under this subsection.

(3) WAIVER AUTHORITY.—Section 40 of the Arms Export Control Act (22 U.S.C. 2780) shall not apply to assistance provided under paragraph (1).

(e) EXCEPTION TO PROHIBITIONS IN EXECUTIVE ORDER NUMBER 13067.—Notwithstanding any other provision of law, the prohibitions set forth with respect to Sudan in Executive Order No. 13067 (62 Fed. Reg. 59989) shall not apply to activities or related transactions with respect to Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, Abyei, Darfur, or marginalized areas in and around Khartoum.

SEC. 9. REPORTING REQUIREMENTS.

Section 8 of the Sudan Peace Act (Public Law 107–245; 50 U.S.C. 1701 note) is amended—

(1) by redesignating subsection (c) as subsection (g); and

(2) by inserting after subsection (b) the following:

"(c) REPORT ON AFRICAN UNION MISSION IN SUDAN.—Until such time as AMIS concludes its mission in Darfur, in conjunction with the other reports required under this section, the Secretary of State, in consultation with all relevant Federal departments and agencies, shall prepare and submit a report, to the appropriate congressional committees, regarding—

"(1) a detailed description of all United States assistance provided to the African Union Mission in Sudan (referred to in this subsection as 'AMIS') since the establishment of AMIS, reported by fiscal year and the type and purpose of such assistance; and

"(2) the level of other international assistance provided to AMIS, including assistance from countries, regional and international organizations, such as the North Atlantic Treaty Organization, the European Union, the Arab League, and the United Nations, reported by fiscal year and the type and purpose of such assistance, to the extent possible.

"(d) REPORT ON SANCTIONS IN SUPPORT OF PEACE IN DARFUR.—In conjunction with the other reports required under this section, the Secretary of State shall submit a report to the appropriate congressional committees regarding sanctions imposed under section 6 of the Comprehensive Peace in Sudan Act of 2004, including—

"(1) a description of each sanction imposed under such provision of law;

"(2) the name of the individual or entity subject to the sanction, if applicable; and

"(3) whether or not such individual has been identified by the United Nations panel of experts.

"(e) REPORT ON UNITED STATES MILITARY ASSISTANCE.—In conjunction with the other reports required under this section, the Secretary of State shall submit a report to the appropriate congressional committees describing the effectiveness of any assistance provided under section 8 of the Darfur Peace and Accountability Act of 2006, including—

"(1) a detailed annex on any military assistance provided in the period covered by this report;

"(2) the results of any review or other monitoring conducted by the Federal Government with respect to assistance provided under that Act; and

"(3) any unauthorized retransfer or use of military assistance furnished by the United States.".

SA 5034. Mr. CRAIG proposed an amendment to the bill S. 2562, to increase, effective as of December 1, 2006, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; as follows:

On page 4, after line 8, add the following:

SEC. 4. TECHNICAL AMENDMENT.

Section 1311 of title 38, United States Code, is amended by redesignating the second subsection (e) (as added by section 301(a) of the Veterans Benefits Improvement Act of 2004 (Public Law 108–454; 118 Stat. 3610)) as subsection (f).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, September 21, 2006, at 10 a.m. to mark up an original bill entitled the Export-Import Bank Reauthorization Act of 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a full committee hearing on pending nominations on Thursday, September 21, 2006 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THUNE. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, September 21 at 10 a.m. The purpose of the hearing is to consider the nomination of Mary Amelia Bomar, of Pennsylvania, to be Director of the National Park Service. Vice Frances P, Mainella, resigned.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENTAL AND PUBLIC WORKS

Mr. THUNE. Mr. President: I ask unanimous consent that on Thursday, September 21st, 2006 at 10:15 a.m. the Committee on Environment and Public Works be authorized to hold a Business Meeting to consider the following agenda:

Legislation:

H.R. 1463. To designate a portion of the Federal building located at 2100 Jamieson Avenue, in Alexandria, VA, as the 'Justin W. Williams United States Attorney's Building.'

Nominations:

Roger Romulus Martella, Jr. to be Assistant Administrator of the Environmental Protection Agency

Alex A. Beehler to be Assistant Administrator of the Environmental Protection Agency

William H. Graves to be a Member of the Board of Directors of the Tennessee Valley Authority

Brigadier General Bruce Arlan Berwick to be a Member of the Mississippi River Commission

Colonel Gregg F. Martin to be a Member of the Mississippi River Commission

Brigadier General Robert Crear to be a Member of the Mississippi River Commission

Rear Admiral Samuel P. DeBow, Jr. to be a Member of the Mississippi River Commission

Resolutions:

6 Committee resolutions authorizing prospectuses from GSA's fiscal year 2007 Capital Investment and Leasing Program

Committee resolution to direct GSA to prepare a Report of Building Project Survey

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. Thune. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, September 21, 2006, at 10:00 a.m., in 215 Dirksen Senate Office Building, to consider the nomination of Mr. John K. Veroneau, of Virginia, to be Deputy United States Trade Representative, with the Rank of Ambassador, Executive Office of the President.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 21, 2006, at 9:30 a.m. to hold a hearing on Afghanistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, September 21, 2006, at 9:30 a.m. in the Dirksen Senate Office Building Room 226.

Agenda

I. Nominations

Terrence W. Boyle, to be U.S. Circuit Judge for the Fourth Circuit; William James Haynes II, to be U.S. Circuit Judge for the Fourth Circuit; Kent A. Jordan, to be U.S. Circuit Judge for the Third Circuit; Peter D. Keisler, to be U.S. Circuit Judge for the District of Columbia Circuit; William Gerry Myers III, to be U.S. Circuit Judge for the Ninth Circuit; Norman Randy Smith, to be U.S. Circuit Judge for the Ninth Circuit; Valerie L. Baker, to be U.S. District Judge for the Central District of California; Francisco Augusto Besosa, to be U.S. District Judge for the District of Puerto Rico; Nora Barry Fischer, to be U.S. District Judge for the Western District of Pennsylvania; Gregory Kent Frizzell, to be U.S. District Judge for the Northern District of Oklahoma; Philip S. Gutierrez, to be U.S. District Judge for the Central District of California; Marcia Morales Howard, to be U.S. District Judge for the Middle District of Florida; John Alfred Jarvey, to be U.S. District Judge for the Southern District of Iowa; Sara Elizabeth Lioi, to be U.S. District Judge for the Northern District of Ohio; Lawrence Joseph O'Neill, to be U.S. District Judge for the Eastern District of California; Lisa Godbey Wood; to be U.S. District Judge for the Southern District of Georgia.

II. Bills

S. 2831, Free Flow of Information Act of 2006, Lugar, Specter, Schumer, Graham, Biden, Grassley;

S. 155, Gang Prevention and Effective Deterrence Act of 2005, Feinstein, Hatch, Grassley, Cornyn, Kyl, Specter;

S. 1845, Circuit Court of Appeals Restructuring and Modernization Act of 2005, Ensign, Kyl;

S. 394, Open Government Act of 2005, Cornyn, Leahy, Feingold;

S. 3880, Animal Enterprise Terrorism Act, Inhofe, Feinstein;

S. 2644, Perform Act of 2006, Feinstein, Graham, Biden;

S. 3818, Patent Reform Act of 2006, Hatch, Leahy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. THUNE. Mr. President, I ask unanimous consent that the Subcommittee on Corrections and Rehabilitation be authorized to meet to conduct a hearing on "Oversight of Federal Assistance for Prisoner Rehabilitation and Reentry in Our States" on Thursday, September 21, 2006, at 2:30 p.m. in SD226.

Witness List:

Panel I: Mason Bishop, Deputy Assistant Secretary, Employment and Training Administration, U.S. Department of Labor, Washington, DC, Regina Schofield, Assistant Attorney General, Office of Justice Programs, U.S. Department of Justice, Washington, DC, Robert Bogart, Director, Center for Faith Based and Community Initiatives, U.S. Department of Housing and Urban Development, Washington, DC, Cheri Nolan, Senior Policy Advisor, Criminal and Juvenile Justice at the Substance Abuse and Mental Health Administration, Department of Health and Human Services, Washington, DC.

Panel II: Roger Werholtz, Secretary of Corrections, Kansas Department of Corrections, Topeka, KS, Diane Williams, President and CEO, Safer Foundation, Chicago, IL.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. THUNE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 21, 2006 at 2:30 p.m to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. THUNE. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Thursday, September 21, 2006 from 10 a.m.–12 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. THUNE. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate on Thursday, September 21 at 2:30 p.m.

The purpose of the hearing is to receive testimony on S. 1106, to authorize the construction of the Arkansas Valley conduit in the State of Colorado, and for other purposes; S. 1811, to authorize the Secretary of the Interior to study the feasibility of enlarging the Argur V. Watkins Dam Weber Basin Project, UT, to provide additional water for the Weber Basin Project to fulfill the purposes for which that project was authorized; S. 2070, to provide certain requirements for hydroelectric projects on the Mohawk River in the State of New York; S. 3522, to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2006 through 2012, and for other purposes; S. 3832, to direct the Secretary of the Interior to establish criteria to transfer title to reclamation facilities, and for other purposes; S. 3851, to provide for the extension of preliminary permit periods by the Federal Energy Regulatory Commission for certain hydroelectric projects in the State of Alaska; S. 3798, to direct the Secretary of the Interior to exclude and defer from the pooled reimbursable costs of the unused capacity of the Folsome South Canal, Auburn-Folsom South Unit, Central Valley Project, and for other purposes; H.R. 2563, to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho, and for other purposes; and H.R. 3897, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 737, 831, 905, 906, 909, 910, 911, 912, 913, 914, 915, 916, and all nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Kenneth L. Wainstein, of Virginia, to be an Assistant Attorney General. (New Position)

Frank R. Jimenez, of Florida, to be General Counsel of the Department of the Navy.

COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Thomas F. Atkin, 5472
Capt. Christopher C. Colvin, 1968
Capt. Cynthia A. Coogan, 3505
Capt. David T. Glenn, 2270
Capt. Mary E. Landry, 3917
Capt. Ronald J. Rabago, 0666
Capt. Paul F. Zukunft, 7122

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Stephen Goldsmith, of Indiana, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2010. (Reappointment)

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

Sandra Pickett, of Texas to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2010. (Reappointment)

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Roger L. Hunt, of Nevada, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 9, 2009.

John E. Kidde, of California, to be a Member of the Board of Trustees of the Harry S. Truman Scholarship Foundation for a term expiring December 10, 2011.

NATIONAL INSTITUTE FOR LITERACY

Eliza McFadden, of Florida, to be a Member of the National Institute for Literacy Advisory Board for a term expiring January 30, 2009, vice Douglas Carnine, term expired.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Jane M. Doggett, of Montana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2012.

DEPARTMENT OF LABOR

Randolph James Clerihue, of Virginia, to be an Assistant Secretary of Labor.

NATIONAL SCIENCE FOUNDATION

Arthur K. Reilly, of New Jersey, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2012.

DEPARTMENT OF EDUCATION

Lauran M. Maddox, of Virginia, to be Assistant Secretary for Communications and Outreach, Department of Education.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

COAST GUARD

PN1965 COAST GUARD nomination of Tina J. Urban, which was received by the Senate and appeared in the Congressional Record of September 7, 2006.

PUBLIC HEALTH SERVICE

PN1851 PUBLIC HEALTH SERVICE nominations (256) beginning Judith Louise Bader, and ending Raquel Antonia Peat, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2006.

Mr. LEAHY. Mr. President, today we consider a nominee for the new position of Assistant Attorney General for the National Security Division. All too often, in the Bush-Cheney administration, national security has been cited as a justification for overriding the rule of law and for imposing unprecedented secrecy. With the acquiescence of the Republican-controlled Congress, this administration may be the most unresponsive in history and the most unaccountable.

Ken Wainstein is President Bush's selection to be the first Assistant Attorney General for National Security, a new position created by Congress. I will not oppose this nomination in the hope that Mr. Wainstein will work with us and be responsive to the Senate.

I have concerns about this administration's unilateral approach to national security issues. Four years ago, the Office of Legal Counsel at the Justice Department issued a secret legal opinion concluding that the President of the United States had the power to override domestic and international laws outlawing torture. The memo sought to redefine torture and asserted that the President enjoys "complete authority over the conduct of war" and asserted that application of the criminal law passed by Congress prohibiting torture "in a manner that interferes with the president's direction of such core war matters as the detention and interrogation of enemy combatants would be unconstitutional." It seemed to assert that the President could immunize people from prosecution for violations of U.S. criminal laws that prohibit torture. This memo was withdrawn only after it became public because it could not withstand public scrutiny.

We have learned through the media of warrantless wiretapping and data-mining conducted by this administration. This, despite the Foreign Surveillance Intelligence Act and its express provisions, as well as the actions of the Senate in voting to curtail the data-mining programs by Admiral Poindexter at the Defense Department. We have yet to be provided with a convincing legal justification for these programs. We have yet to be able to investigate or hold the administration accountable. Instead, every effort at oversight and accountability has been obstructed or curtailed by the administration. The administration refuses to follow the law and submit matters to the FISA Court and claims state secrets to force court challenges to be dismissed. The administration tells the Senate when, what and how it may investigate. The Department of Justice's own internal Office of Professional Responsibility's probe of whether lawyers at the Department violated ethical rules in justifying these activities was shut down by the Attorney General and the White House.

I was disappointed 2 weeks ago when the Judiciary Committee reported out a bill on party lines that would rubberstamp the administration's warrantless wiretapping. We were told that the administration would only follow the law if we passed the legislation endorsed by Vice President CHENEY. This is a bill that would expand governmental power and reduce governmental accountability in an area in which we have been unable to engage in effective oversight. As I have said many times and as I continue to believe, we should not legislate in this area until we know more about the NSA's domestic spying activities and more about why the administration chose to flout the law and bypass both the FISA Court and the Congress.

I support Senator FEINSTEIN's bipartisan bill, which we also reported out of committee, and I commend her for her hard work to get it done. We should follow Senator FEINSTEIN's thoughtful, cautious, and narrowly tailored approach. Her bill addresses the one concrete problem with FISA that the Attorney General identified, by making it easier for the Government to initiate electronic surveillance in emergency situations. It also clarifies that FISA does not require the Government to obtain a warrant in order to intercept foreign-to-foreign communications, regardless of where the interception occurs.

At the same time, we should continue to press the administration for information. We should not take "no" for an answer. As this administration continues to expand its power, the Department of Justice should be advising the President to obey the law and respect the Congress and the courts, not just helping to rationalize actions and forestall oversight.

In theory, the new position to which Mr. Wainstein has been nominated might help Department of Justice attorneys to act responsibly on national security issues, rather than just to do the White House's bidding. It should put national security issues into the hands of experts, not political cronies. In fact, the WMD Commission recommended in March of last year that the different components of the Department's dealings with national security, terrorism, counterintelligence, and foreign intelligence surveillance be combined to eliminate deficiencies and inefficiencies in the Department's national security efforts. Congress acted to create the post. This new Assistant Attorney General position can only serve a useful role if the person who occupies it is willing to think independently. This administration has consistently prized loyalty over independence and expertise.

Mr. Wainstein has some experience as a prosecutor, but he has also been a loyal official of this administration for some time now. I hope that he will be able to look at the crucial national security issues to be handled by this new office with a critical eye and a view toward respecting law and the Congress. If he does, he will be a breath of fresh air in the Bush-Cheney administration.

Recently, Judiciary Committee Chairman SPECTER and I received a letter from the Fraternal Order of Police. The FOP "endorsed" Mr. Wainstein "in order to facilitate his departure from the U.S. Attorney's Office." They criticized him for being "unwilling to perform" the function of investigating and prosecuting an alleged attack on a police officer. That is not what I would term high praise for his judgment. I ask unanimous consent that a copy of the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FRATERNAL ORDER OF POLICE,
Washington, DC, June 9, 2006.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. PATRICK J. LEAHY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN SPECTER AND SENATOR LEAHY: I am writing on behalf of the members of the Fraternal Order of Police to advise you of our position on the nomination of Kenneth L. Wainstein, currently the U.S. Attorney for the District of Columbia, to be the Assistant Attorney General for the National Security Division at the U.S. Department of Justice.

The F.O.P. is very frustrated by the manner in which Mr. Wainstein is handling the investigation into the attack on a Federal law enforcement officer by U.S. Representative Cynthia L. McKinney. The grand jury has held this case for more than two months when the usual practice of a Federal prosecutor is to immediately arrest and swiftly indict people that attack police officers. It is clear to us that the accused in this case is receiving special treatment from Mr. Wainstein. This is unacceptable—had the officer's attacker in this case been a visitor to the Capitol instead of a U.S. Representative, it is likely that he or she would have already stood trial. Instead, under the stewardship of Mr. Wainstein, we have a seemingly endless grand jury proceeding and rumored talks of a plea deal, despite the fact that there has not even been an indictment.

Given that the basic function of a prosecutor is to investigate and prosecute cases, and given that Mr. Wainstein seems unwilling to perform this function in a simple assault case, the F.O.P. was initially reluctant to support his nomination to Assistant Attorney General. However, upon further reflection, we have reconsidered. There is a genuine need to have an effective and appropriately aggressive Federal prosecutor in the District of Columbia and, because the responsibilities of the position for which he has been nominated are largely advisory in nature, we have decided to advocate his swift and immediate confirmation in order to facilitate his departure from the U.S. Attorney's office. In so doing, we hope that his replacement will prove to be better able to handle pending cases—particularly those involving assaults on law enforcement officers.

Justice is something that must be vigorously pursued and Mr. Wainstein is waffling. We feel that someone of his temperament is better suited to a less operational position and, for this reason, on behalf of the more than 324,000 members of the Fraternal Order of Police, we urge his expeditious confirmation. I thank you both in advance for your consideration of our views on this matter. If I can be of any further help, please feel free to contact me or Executive Director Jim Pasco at my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

Mr. LEVIN. Mr. President, Kenneth Wainstein is President Bush's nominee to be Assistant Attorney General for National Security at the Department of Justice. From July 2002 to March 2003, Mr. Wainstein was the general counsel at the FBI and from March 2003 until May 2004 Mr. Wainstein was the FBI Director's chief of staff.

FBI documents, released in response to a Freedom of Information Act request, show that during Mr. Wainstein's tenure at the Bureau, FBI agents at Guantanamo sent e-mails to FBI headquarters objecting to DOD interrogation techniques being used on detainees there. FBI agents described DOD's methods as "torture" techniques and expressed alarm over military interrogation plans.

Over the past several months I have posed a number of questions to Mr. Wainstein and Mr. Marion Bowman, who was his former deputy at the FBI General Counsel's office, regarding their knowledge of those concerns and their actions in response to hearing about them. I also requested from the Department of Justice a number of documents relevant to Mr. Wainstein's nomination.

Mr. Wainstein's June 19, 2006, answers confirm that he was aware and "there was wide awareness within the FBI—that FBI personnel stationed at Guantanamo disagreed with the aggressive techniques that were authorized to be used there. . . ." His July 14, 2006, letter to me indicated that the FBI's Office of General Counsel conveyed those concerns to the Department of Defense's General Counsel and said that his office expected that DOD would address the FBI concerns. Mr. Wainstein also told me in his July 14 letter that he discussed detainee interrogations with FBI Director Mueller and that the Director "maintained a bright line rule barring FBI personnel from involvement in interviews that employed techniques inconsistent with FBI guidelines." I will ask that copies of my letters to Mr. Wainstein and his replies to me be printed in the RECORD.

In connection with Mr. Wainstein's nomination, I also posed a number of questions to Mr. Bowman, Mr. Wainstein's deputy in the FBI General Counsel's office. Over the August recess, I received a reply to my most recent letter to Mr. Bowman. I will ask that copies of my letters to Mr. Bowman and his responses to me be printed in the RECORD.

Mr. Bowman's answers to my earlier questions and his more recent response shed additional light on the concerns about detainee treatment at Guantanamo. Mr. Bowman wrote on June 27, 2006, that after he heard from FBI personnel in Guantanamo in late 2002, he believes that he "recommended—to Wainstein—that we notify DOD's general counsel that there were concerns about the treatment of detainees at Guantanamo." Mr Bowman also said in that reply that he learned of "legal concerns among some DOD personnel about the DOD tactics."

With regards to the directive issued by FBI Director Mueller that FBI personnel "stand clear" of any interrogations that used techniques other than those approved by the FBI, Mr. Bowman wrote me on August 7, 2006, that he does not recall when Director Mueller issued the policy. However, Mr. Bowman recalled a discussion that reflected the concerns that FBI leaders had about what they were hearing from Guantanamo. Mr. Bowman told me:

> As soon as I heard [about concerns about interrogation tactics] from BAU [the Behavioral Analysis Unit] [in late 2002] I talked with (now retired Executive Assistant Director Pat D'Amuro who immediately said we (the FBI) would not be a party to actions of any kind that were contrary to FBI policy and that individuals should distance themselves from any such actions. . . . He made it abundantly clear that FBI would adhere to its standards and, to the extent possible, would not put itself in a position that would create even the appearance that those standards had been compromised by physical association with activities inconsistent with the tenets of the Bureau.

The responses of Mr. Wainstein and Mr. Bowman contrast with those of Alice Fisher, who the Senate confirmed earlier this week to be head of the Criminal Division at the Department of Justice. Throughout her nomination process, Ms. Fisher maintained that she heard nothing about FBI concerns regarding DOD interrogation techniques other than vague concerns about effectiveness. Mr. Wainstein has said that "there was wide awareness within the FBI—that FBI personnel stationed at Guantanamo disagreed with the aggressive techniques that were authorized to be used there. . . ." While Ms. Fisher was in the Criminal Division at DOJ and not the FBI, her claim of no awareness strikes me as somewhat incredible given the raging dispute going on between the FBI and DOD. As I urged in the debate on Ms. Fisher's confirmation, I felt it essential that documents which might shed light on whether she was aware of that dispute be made available to the Senate.

In Mr. Wainstein's case, I have been able to question officials who worked with Mr. Wainstein. Mr. Bowman answered my letters. In the case of Ms. Fisher, the Justice Department continues to block people who worked for her, namely David Nahmias and Bruce Swartz, from answering my questions.

I continue to be troubled by the Department of Justice's stonewalling of my requests for documents relevant to events at Guantanamo. The Department's stonewalling is simply the latest example of the Department's pattern of secrecy and obstruction.

For years, this administration has run roughshod over a compliant Republican-controlled Congress. Congressional oversight is desperately lacking. The Department's continuing denial to the Senate access to information we need to carry out our responsibilities violates fundamental constitutional principles. Every Senator should stand up for the right of any individual Senator to review relevant documents.

That said, Mr. Wainstein and his deputy Mr. Bowman have been forthcoming. They do not control the documents I seek. The Department of Justice does. Either or both of those men might be willing to provide them. Unfortunately, neither is in a position to do so. Mr. Wainstein has answered to the best of his ability and I will support his nomination.

Mr. President, I ask unanimous consent that the letters to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 9, 2006.

Mr. KENNETH WAINSTEIN,
Washington, DC.

DEAR MR. WAINSTEIN: I have reviewed your answers to my Questions for the Record and would appreciate you clarifying a number of your responses and providing some additional information which is relevant to them and the consideration of your nomination.

1. Please provide an unredacted version of each of the documents contained in the packet I provided.

2. Question 1D (ii) in my questions asked whether you or anyone in your office raised concerns about Department of Defense (DoD) interrogation techniques with the DoD, including the DoD General Counsel. Your answer stated "I also understand that the FBI's Office of the General Counsel conveyed those concerns to the DoD office of the General Counsel."

(A) When did the FBI Office of General Counsel convey those concerns?

(B) Were those concerns conveyed orally or in writing? If orally, please summarize the substance of the concerns that were communicated. If in writing, please provide copies. In addition, please provide the name(s) of the person(s) in the FBI's Office of the General Counsel who communicated those concerns, if they were conveyed orally, or who drafted the communication, if they were conveyed in writing.

3. Question 2B asked about Document #2 in the packet I provided. Your response stated, "I am not aware that any attorney from the FBI office of the General Counsel examined the legal analysis in the document . . ." I am attempting to reconcile that response with several other documents in the packet I provided:

Document #2A, an email dated December 2, 2002, requests that the "Legal Issues Doc" be forwarded to "Spike Bowman," presumably referring to Marion Bowman, a senior attorney in the FBI Office of General Counsel.

Document #2B, an email sent by Marion Bowman and dated December 3, 2002, is entitled "Fwd Re Legal Issues Re GTMO."

Document #2C, an email dated December 9, 2002, refers to a legal review being undertaken by Mr. Bowman and states that documents attached may be of interest to that review, including "a review of interrogation methods by a DoD lawyer" who "worked hard to write a legal justification for the type of interviews they (the Army) want to conduct here."

Document #2E, an email dated December 17, 2002, is a response from Marion Bowman and is entitled "Fwd Legal Issues re Guantanamo Bay."

Those emails clearly demonstrate that a senior attorney in your office was aware of legal issues being raised by FBI employees with regard to DoD interrogation techniques at Guantanamo. Indeed, they indicate that a review of those techniques was undertaken by that same senior attorney.

(A) Were you aware of FBI personnel at Guantanamo, or their supervisors, contacting Mr. Marion Bowman or other attorneys in the FBI Office of the General Counsel regarding legal issues relating to Defense Department interrogation techniques at Guantanamo in 2002 or 2003? If so, did you discuss this with anyone in the FBI or take any other action?

(B) Were you aware of Mr. Bowman or other attorneys in the FBI Office of General Counsel "reviewing legal aspects of interviews" conducted at Guantanamo in 2002 or 2003? If so, did you discuss this with them or take any other action?

(C) Were you aware of Mr. Bowman or other attorneys in the FBI Office of General Counsel being provided documents "of interest" to a review of legal aspects of interviews at Guantanamo in 2002 or 2003, including a review of interrogation methods by a DoD lawyer? If so, did you review any of these documents, discuss this issue with anyone in the FBI, or take any other action?

(D) Were you aware of any comment that Mr. Bowman or other attorneys in your office may have made to FBI personnel in Guantanamo in 2002 or 2003 regarding DoD interrogation techniques? If so, what was the substance of such comment?

(E) If you were not aware of email exchanges or other communications between FBI personnel and Mr. Marion Bowman or other attorneys in the office of the FBI General Counsel regarding legal aspects relating to interrogation techniques at Guantanamo during the period you were FBI General Counsel, to what do you ascribe your lack of awareness?

(F) Please provide the name of the person who drafted the legal analysis in Document #2.

4. Your answer to Question 3 states that "Subsequent to the May 20 hearing, the FBI surveyed its personnel who had been in Guantanamo to determine whether any witnessed mistreatment of detainees." Please provide the results of that survey.

5. Your answer to Question 4 states that "in the months following 9/11, the FBI received numerous NSA tips . . ." Are you aware any instance following 9/11, where the FBI raised a concern with the National Security Agency (NSA) about the workload created by the number of leads being provided to the FBI by the NSA?

6. Question 5 asked about concerns that Director Mueller reportedly had regarding the legal rationale for warrantless wiretaps. Your answer states that it would be "inappropriate for me to describe any discussions I may have witnessed or had with Director Mueller on this topic." Please provide the legal basis for your decision not to describe those discussions.

I look forward to your prompt responses to my questions. Thank you.

Sincerely,

CARL LEVIN.

U.S. SENATE,
Washington, DC, June 9, 2006.

Mr. MARION BOWMAN,
Senior Counsel, Office of General Counsel,
FBI Headquarters,
Washington, DC.

DEAR MR. BOWMAN: I am writing in connection with the nomination of Kenneth Wainstein for the position of Assistant Attorney General for the National Security Division of the Department of Justice. Mr. Wainstein has indicated that you worked for and reported to him during his tenure as FBI General Counsel.

I asked Mr. Wainstein a series of questions concerning a packet of FBI documents (attached) which refer to concerns of FBI personnel at Guantanamo about aggressive interrogation techniques used by the Department of Defense (DoD). In his answers to my questions, Mr. Wainstein repeatedly stated that he could not recall specific information or documents contained in the packet. He also said that it was "possible" that you were "the source" from which he learned of FBI concerns with DoD interrogation techniques.

To assist me in filling in the gaps in Mr. Wainstein's answers, please answer the following questions:

1. In the packet provided, Document #1C, dated May 30, 2003 and addressed to your attention, summarizes FBI agents' objections in 2002 and 2003 to DoD's use of aggressive interrogation techniques which were "of questionable effectiveness and subject to uncertain interpretation based on law and regulation."

A. Do you remember Document #1C?

B. Were you aware, from Document #1C or otherwise, of FBI agents' concerns regarding military interrogators' use of aggressive interrogation tactics at Guantanamo? If so, when were you first aware of these concerns? Did you bring these concerns to the attention of Mr. Wainstein? If not, why not? If so, what was Mr. Wainstein's response to those concerns?

C. Were you aware of FBI agents' concerns that these techniques were not only "of questionable effectiveness" but also "subject to uncertain interpretation based on law and regulation"? Did you raise these concerns with Mr. Wainstein? If not, why not? If so, are you aware of whether he took any actions or directed you to take any actions as a result?

2. In his answers to my questions, Mr. Wainstein stated that the FBI's Office of General Counsel (FBI OGC) conveyed FBI agents' concerns regarding DoD interrogation techniques to the DoD Office of General Counsel (DoD OGC). Did you participate in discussions with DoD officials, including from the DoD OGC, about FBI agents' concerns regarding DoD interrogation techniques? If so, did you inform Mr. Wainstein about the outcome of these discussions? If not, why not?

3. Document #1C also states that on December 2, 2002, an FBI employee sent several documents to the head of the Behavioral Analysis Unit (BAU) in Quantico, who stated he would forward these documents to you. According to Document #1C, the forwarded documents included: (1) a letter to Guantanamo Commanding General Major General Geoffrey Miller; (2) an Army Legal Brief on Proposed Counter-Resistance Strategies; and (3) a Legal Analysis of Interrogation Techniques by an FBI agent whose name is redacted. In his answers to my questions, Mr. Wainstein could not recall seeing any of the documents specified in Document #1C, though he said "it is certainly possible" that you raised the documents with him.

A. Did you receive and examine documents related to interrogation techniques at Guantanamo in late 2002, including any of the three documents specified in Document #1C? If so, when? Did you bring these documents to the attention of Mr. Wainstein? If not, why not? If so, are you aware of whether he took any actions or directed you to take any actions as a result?

B. If you examined the document described in Document #1C as an Army Legal Brief on Proposed Counter-Resistance Strategies, did you discuss the legal analysis contained in that document with Mr. Wainstein? If not, why not? If so, did either Mr. Wainstein or you have any concerns about that legal analysis?

4. Also contained in the packet I provided Mr. Wainstein were a number of other documents in which you were also named:

Document #2, entitled "Legal Analysis of Interrogation Techniques," indicates that it was forwarded to you on November 27, 2002.

Document #2A, dated December 2.2002, entitled "Legal Issues," requests that a "Legal Issues Doc" be forwarded to you or an appropriate person. Document #2B, dated December 3, 2002, is an email from you and is entitled "Fwd Re Legal Issues Re GTMO."

Document #2C, dated December 9, 2002, states that it includes a number of documents which may be "of interest" to you and states that you are "reviewing legal aspects of interviews" at Guantanamo. That same email describes one of the attachments as a "review of interrogation methods by a DoD lawyer."

Document #2E, another email from you, dated December 17, 2002, is entitled "Fwd Legal Issues re Guantanamo Bay."

A. Do you know the name of the author of the "Legal Analysis" document (Document #2)? If so, please provide the name.

B. Did you at any time discuss the analysis contained in the "Legal Analysis" document (Document #2) with Mr. Wainstein? If not, why not? If so, are you aware of whether he took any actions or directed you to take any actions as a result?

C. The "Legal Analysis" document (Document #2) describes one "Category IV" interrogation technique as "Detainee will be sent off [Guantanamo], either temporarily or permanently, to Jordan, Egypt, or another third country to allow those countries to employ interrogation techniques that will enable them to obtain the requisite information." This would appear to suggest the use of rendition as an interrogation technique. Did you at any time discuss the issue of rendition with Mr. Wainstein? If not, why not? If so, are you aware of whether he took any actions or directed you to take any actions as a result?

Did you or any attorney in the FBI OGC conduct a review the legal aspects of interrogation techniques at Guantanamo? If not, why not? Did you or any other person in your presence discuss this review with Mr. Wainstein? If so, are you aware of whether he took any actions or directed you to take any actions as a result?

In addition, please provide unredacted copies of the documents in the attached packet for which you were the sender, a recipient, or in which you were specifically named.

Thank you for your prompt responses to these questions.

Sincerely,

CARL LEVIN.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, July 21, 2006.

Mr. MARION BOWMAN,
Senior Counsel, Office of General Counsel, FBI Headquarters, Washington, DC.

DEAR MR. BOWMAN: Thank you for your response to my letter of June 9, 2006. On June 29, 2006, I provided your response to Mr. Kenneth Wainstein and asked him some additional questions regarding FBI personnel's concerns over DoD interrogation techniques at Guantanamo. Mr. Wainstein responded to me on July 14, 2006. A number of issues, however, require further clarification.

Please provide answers to the following:

1. In Mr. Wainstein's responses of July 14, 2006, he states that he discussed concerns about detainee interrogations with Director Mueller "at some point in 2002 or 2003." Further he states that "The Director had made a policy decision to prohibit FBI personnel from participating in interrogation sessions in which non-FBI personnel were employing techniques that did not comport with FBI guidelines."

A. In your response to my questions, you describe a telephone call you received from Behavioral Analysis Unit (BAU) personnel in late 2002 regarding their concerns about interrogation practices at Guantanamo. Did you discuss these concerns with Director Mueller in late 2002? If so, what was the nature of those discussions? Was Mr. Wainstein aware of those discussions?

B. When did Director Mueller issue the policy prohibiting the participation of FBI personnel from interrogations involving techniques that did not comport with FBI guidelines? Please provide any documents relating to the issuance of that policy.

2. In your response to Question #1B, you state that you recommended to Mr. Wainstein that your office notify the Department of Defense Office of General Counsel (DoD/OGC) that "there were concerns about the treatment of detainees in Guantanamo." You add that Mr. Wainstein concurred in this suggestion. When did you first contact the DoD/OGC regarding FBI personnel's concerns about the treatment of detainees in Guantanamo? Was it in late 2002? To whom did you communicate these concerns?

3. In your response to Question #3A, you state that you received the "Legal Issues Doc" in late 2002 and that, "Because at that time I was working under the assumption that DoD General Counsel was taking appropriate action with respect to this issue, I did not believe that any particular action was necessary on the part of the FBI."

A. Did you provide the "Legal Issues Doc" to the DoD/OGC? If so, when?

B. Why did you assume at the time you received this document that the DoD/OGC was taking appropriate action? Was this based on your discussions with individuals in the DoD/OGC? If so, what was the nature of those discussions?

4. In your response to Question #3B, you state that you provided the attachments to Document #1C, including the Army Legal Brief on Proposed Counter-Resistance Strategies, to the Defense Humint Services Deputy General Counsel. Please provide the name of the individual in that office to whom you provided these documents. When did you do so?

5. In your response to Question #4A, you state that you don't know who authored the document entitled "Legal Analysis of Interrogation Techniques," but that "my understanding is that the document was not drafted by an FBI agent. Rather, an FBI agent copied it and forwarded it [to] FBI Headquarters."

A. What is the basis for your understanding that this document was not authored by an FBI agent?

B. What is your understanding of the source from which the agent copied the contents of the document?

In addition, I remind you that my June 9, 2006, letter included a request for "unredacted copies of the documents in the attached packet for which you were the sender, recipient, or in which you were specifically named." This request is still outstanding.

Thank you for your prompt response.

Sincerely,

CARL LEVIN.

JUNE 19, 2006.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: This is in response to your letter dated June 9, 2006, requesting additional information regarding my nomination to be the first Assistant Attorney General for National Security. Below are the answers to your specific questions.

Answer to Question 1: I do not have unredacted copies of any of the documents you provided me at our meeting on May 15, 2006. I am aware that you have made similar inquiry to Director Mueller, and I have alerted the Department of Justice, Office of Legislative Affairs, of your request.

Answer to Question 2: I understand that Marion "Spike" Bowman conveyed concerns to the DoD General Counsel's Office about DoD interrogation techniques at some point. I do not know to whom Mr. Bowman spoke, how often, or the date of any communications.

Answer to Questions 3 A), B), C), D) and E): As I have previously indicated, I do not recall having seen the document marked as #2, or the various emails marked #2A, #2B, #2C, #2D or #2E; nor do I recall having specific conversations about them with Mr. Bowman or any other FBI Office of General Counsel (OGC) lawyer. I do not recall ever hearing that Mr. Bowman or any other OGC lawyer was undertaking any formal legal review or legal analysis of interrogation techniques employed by another agency. I did not produce any formal legal opinion or OGC legal memorandum on this topic while I was General Counsel.

As I previously explained, I was aware—and there was wide awareness within the FBI—that FBI personnel stationed at Guantanamo disagreed with the aggressive techniques that were authorized to be used there and believed they were not effective at soliciting useful information that could be used in subsequent prosecutions. As I saw In response to the first set of questions (Question 1, subpart Fiii), it is certainly possible that Mr. Bowman or other OGC attorneys were among those from whom I heard about those concerns.

Answer to Question 3F): I do not know who authored the document labeled #2.

Answer to Question 4: I do not have the results of the survey conducted after the Director's May 20, 2004 hearing. I left the FBI on May 29, 2004, to become the interim United States Attorney for the District of Columbia. As I indicated in my previous responses to your first set of post-hearing questions, I do not know anything about the results of the survey beyond the information publicly disclosed by Director Mueller that I cited in my previous responses.

Answer to Question 5: I do not know whether the FBI raised any such concern with the NSA.

Answer to Question 6: My view that it would be inappropriate for me to comment about discussions with Director Mueller is based upon the confidentiality interests that are implicated by my role as his chief of staff and FBI General Counsel. I have been advised that this is consistent with long-standing executive branch concerns that disclosure of such communications would chill the provision of candid, frank advice to senior officials, such as Director Mueller, which is important to their effective, fully-informed decision-making.

I have made every effort, however, to respond to committee requests for information relating to my fitness for the position of Assistant Attorney General. I have met with individual Senators and remain available for further meetings with any Senator who would like to speak with me. I also have responded to multiple rounds of pre- and post-hearing questions, in addition to my appearances before the two separate committees of the Senate relating to my nomination. I have been happy to provide this information, and I remain ready and willing to provide information relevant to the Senate's consideration of my fitness and ability to fulfill the responsibilities of the Assistant Attorney General for National Security.

Thank you for the opportunity to provide this additional information regarding my previous responses, and I look forward to the Committee's consideration of my nomination.

Sincerely,

KENNETH L. WAINSTEIN.

JULY 14, 2006.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: Thank you for the questions in your June 29, 2006, letter, and for your questioning throughout this confirmation process. I have carefully reviewed your questions, and I have drafted my responses based on my review of the written responses from Mr. Bowman and the Federal Bureau of Investigation (FBI) e-mails and memos that you provided me.

I. CONCERNS REGARDING INTERROGATIONS AT GUANTANAMO

The first of your two questions relates to concerns about the interrogation techniques that Department of Defense (DOD) personnel were using with detainees in Guantanamo. I appreciate your concern about the treatment of detainees. As a criminal prosecutor for most of the past seventeen years, I have frequently been questioned about the treatment and interrogation of suspects, defendants and prisoners in my prosecutions. I have litigated suppression motions in numerous homicide and other criminal cases where I had the burden of demonstrating that a confession was procured under conditions and circumstances that passed constitutional muster. I have always considered this scrutiny to be a part of my job, and I recognize the government's fundamental obligations toward those it holds in custody.

As I explained in previous responses, it was fairly well known during my tenure at the FBI that some FBI personnel were concerned about the DOD's use of aggressive interrogation techniques in Guantanamo. There was a sentiment that DOD's techniques were not effective in eliciting useful information and that DOD should instead use the rapport-building approach that is routinely practiced by the FBI and law enforcement in general. There also was a concern that DOD's techniques could complicate the introduction of subsequent admissions by detainees in any potential future criminal prosecutions.

Your letter inquires about the concerns regarding DOD interrogations that were communicated to former Deputy General Counsel Marion Bowman in late 2002 an early 2003. During this time period, I recall hearing about the concerns described in the previous paragraph. However, as I have previously explained, I do not recall hearing any reports of torture or illegal conduct, and it was my understanding at that time—and remains my understanding today—that the techniques of concern to FBI personnel had been authorized by the Department of Defense.

Although I heard concerns about the DOD interrogation techniques during that time period, I do not recall hearing them specifically from Mr. Bowman. As I indicated in previous responses, it is entirely possible that he and I discussed the issue, but there is nothing about any such conversation(s) that sets it apart in my memory. Similarly, while Mr. Bowman believes he would have spoken to me about some of the concerns he was hearing, his written responses indicate that he also cannot recall any specific conversations. Moreover, he makes clear that any conversations we might have had on this topic would have been simply advisory in nature in that he believed the concerns were being addressed by DOD and that they required no FBI action beyond his contacting the DOD General Counsel's Office.

Your letter asks whether I informed Department of Justice officials or Director Mueller regarding any concerns I heard about Guantanamo interrogations or directed others to so inform them. While I do not recall discussing concerns about detainee interrogations with an one in Main Justice—or directing anyone else to do so—I do recall orally discussing detainee interrogations with Director Mueller at some point in 2002 or 2003. The Director had made a policy decision to prohibit FBI personnel from participating in interrogation sessions in which non-FBI personnel were employing techniques that did not comport with FBI guidelines. The Director—described his reasons for this policy in his response to Questions for the Record after his April 5, 2005, testimony before the Judiciary Committee (which are summarized in my June 5, 2006, responses to your questions for the record on pages 2-3). When this issue came up from time to time during my service at the FBI, the Director and I discussed FBI concerns about aggressive interrogation techniques and he maintained a bright-line rule barring FBI personnel from involvement in interviews that employed techniques inconsistent with FBI guidelines.

II. CONVERSATIONS ABOUT THE TERRORIST SURVEILLANCE PROGRAM I

Your second question asks whether I am asserting any privilege in declining to describe any conversations I had with Director Mueller regarding the legal rationale for the Terrorist Surveillance Program. The short answer is that I am not invoking a privilege; rather, my response comports with the long-standing Executive Branch practice of protections the dentiality of internal advice and other deliberations. It is my understanding that this practice is based largely on the importance of ensuring that policy makers receive the complete, sometimes differing, views of subordinates as they consider significant issues. If employees have to worry that their deliberations will be disclosed outside of the agency; then they will become reluctant to provide their candid input and the decision making process will suffer.

III. CONCLUSION

I trust that this letter responds to your questions. It has been my objective throughout this process to be as candid and forthcoming as possible, and to assure you that I am worthy of your confidence to handle the important national security responsibilities of the position for which I have been nominated. With the establishment of the National Security Division awaiting my confirmation, I am anxious for you to allow my nomination to proceed to a vote before the United States Senate. There is much work to be done to stand up the new Division.

Please let me know if you have any further questions, as I would be happy to meet with you at your convenience to respond to them. Thank you once again for your consideration throughout this process.

Sincerely,

KENNETH L. WAINSTEIN.

U.S. SENATE,
Washington, DC, June 29, 2006.

Mr. KENNETH WAINSTEIN,
Washington, DC.

Dear MR. WAINSTEIN: I have reviewed your June 19th reply and Mr. Marion Bowman's June 27th reply to my June 9th letters and would appreciate your responses to he following questions.

Mr. Bowman's response, a copy of which is enclosed, states that he is confident that he spoke with you about a call he received from FBI Behavioral Analysis Unit (BAU) personnel in fall 2002 expressing concern with certain Department of Defense (DoD) interrogation tactics in use at Guantanamo. In addition, Mr. Bowman's response states that, approximately one month after BAU personnel contacted him with their concerns, he was informed about "legal concerns" that DoD personnel had with the tactics. Mr. Bowman states that he believes that he would have discussed these legal concerns with you. Mr. Bowman also states that he believes that he showed you or discussced with you the "Legal Analysis of Interrogation Techniques" document referenced in document #1C. That document refers to examples of coercive interrogation tchniques which may violate 18 U.S.C. s. 2340 (Torture Statute)."

Please advise whether, at any time, you informed or directed others to inform Director Mueller and/or any Department of Justice (DOJ) official, including but not limietd to officials in the Attorney General's office, DOJ's Office of Legal Counsel, or DOJ Criminal Division of concerns about DoD interrogation tactics that had been brought to your office, regardless of the source of those concerns. If so, please provide the name of the official(s) you contacted or who were contacted at your direction. If concerns were communicated in writing, please provide a copy; if orally, please describe the substance of the conversation. If you did not contact any such official(s) or direct others to do so, please advise me as to why you did not.

You also state in your letter that "the confidentiality interests that are implicated by my role as his chief of staff and FBI General Counsel" preclude you from answering my questions regarding your conversations with Director Mueller on the legal rationale for warrantless wiretaps.

Please advise as to whether you are asserting any privilege in declining to describe those discussions and provide the legal basis for that privilege and your assertion of it.

Finally, following my staffs discussion with the Department of Justice, I will provide the Department with a list of documents from the previously provided packet that I request be provided in unredacted form.

I look forward to your reply.

Sincerely,

CARL LEVIN.

AUGUST 7, 2006.

Hon. CARL LEVIN,
U.S. Senate, Committee on Armed Services, Washington, DC.

SENATOR LEVIN: You sent me a second set of questions with respect to Mr. Kenneth Wainstein, which I received on Friday, August 4, 2006. Your focus; once again, is "detainee" issues. Let me preface my reply by informing you that I no longer work for the Department of Justice. In consequence, I have no access to any of the documents that you reference and, because of a computer change in recent years, did not have personal access to them when I last replied. Additionally, because I no longer work for the Department of Justice, my answers to your questions should not imply concurrence by the Department of Justice or the Federal Bureau of Investigation in any of my responses.

You asked:

1. In Mr. Wainstein's responses of July 14, 2006, he states that he discussed concerns about detainee interrogations with Director Mueller "at some point in 2002 or 2003." Further he states that "The Director had made a policy decision to prohibit FBI personnel from participating in interrogation sessions in which non-FBI personnel were employing techniques that did not comport with FBI guidelines."

A. In your response to my questions, you describe a telephone call you received from Behavioral Analysis Unit (BAU) personnel in late 2002 regarding their concerns about interrogation practices at Guantanamo. Did you discuss these concerns with Director Mueller in late 2002? If so, what was the nature of those discussions? Was Mr. Wainstein aware of those discussions?

Answer: To the best of my recollection, I never discussed detainee issues with Director Mueller.

B. When did Director Mueller issue the policy prohibiting the participation of FBI personnel from interrogations involving techniques that did not comport with FBI guidelines? Please provide any documents relating to the issuance of that policy.

Answer: I do not recall when Director Mueller issued that policy. However, I can tell you that the operational prohibition came earlier. As soon as I heard from BAU I talked with (now retired) Executive Assistant Director Pat D'Amuro who immediately said we (the FBI) would not be a party to actions of any kind that were contrary to FBI policy and that individuals should distance themselves from any such actions. That conversation was longer than indicated so I want to be sure the "sound bite" is not misinterpreted. EAD D'Amuro was not saying that FBI would ignore anything unlawful. He made it abundantly clear that FBI would adhere to its standards and, to the extent possible, would not put itself in a position that would create even the appearance that those standards had been compromised by physical association with activities inconsistent with the tenets of the Bureau.

Answer: You will have to seek any documents from the Department of Justice as I no longer have access to any of them.

2. In your response to Question #1B, you state that you recommended to Mr. Wainstein that your office notify the Department of Defense Office of General Counsel (DoD/OGC) that "there were concerns about the treatment of detainees in Guantanamo." You add that Mr. Wainstein concurred in this suggestion. When did you first contact the DoD/OGC regarding FBI personnel's concerns about the treatment of detainees in Guantanamo? Was it in late 2002? To whom did you communicate these concerns?

Answer: I cannot be precise. My best guess, which is probably pretty accurate, is that it was mid- to late November of 2002. I first called the acting Deputy General Counsel for Intelligence. Subsequently I talked with the Principal Deputy General Counsel and the General Counsel. My best recollection is that I talked briefly with the Principal Deputy shortly thereafter and with both Principal Deputy General Counsel and the General Counsel several months later. I'm sorry; I can't be more precise than that.

3. In your response to question #3A, you state that you received the "Legal Issues Doc" in late 2002 and that, "Because at that time I was working under the assumption that DoD General Counsel was taking appropriate action with respect to this issue, I did not believe that any particular action was necessary on the part of the FBI."

A. Did you provide the "Legal Issues Doc" to the DoD/OGC? If so when?

Answer: I offered the documents to the General Counsel's office and described generally the contents of the documents included in the bundle that was forwarded to me by BAU, but was told that they believed they already had all the documents I possessed.

C. Why did you assume at the time you received this document that the DoD/OGC was taking appropriate action? Was this based on your discussions with individuals in the DoD/OGC? If so, what was the nature of those discussions?

Answer: This could be a very lengthy response, but the short version is that, based on my experiences as a 27-year veteran of military service, a substantial portion of which dealt both with issues of the Law of Armed Conflict and, for a variety of reasons, directly with the DoD General Counsel's office (through multiple General Counsels), I believed bringing the issue to the attention of appropriate authority would result in any remedial action deemed necessary or appropriate. When I talked with the acting Deputy General Counsel for Intelligence, a person whom I knew well, I was told that the matter was not in his purview, but that it was being handled by the Principal Deputy. That made perfect sense to me, as the acting Deputy General Counsel for Intelligence had no military experience, while the Principal Deputy was retired military.

4. In your response to Question #3B, you state that you provided the attachments to Document #1C, including the Army Legal Brief on Proposed Counter-Resistance Strategies, to the Defense Humint Service's Deputy General Counsel. Please provide the name of the individual in that office to whom you provided these documents. When did you do so?

Answer: The Deputy General Counsel for Defense Humint Services is retired Colonel James Schmidli. My best guess on timing was in the mid-December 2002 to mid-January 2003 time frame. I did not give copies to Mr. Schmidli, but he did read them in my office.

5. In your response to Question #4A, you state that you don't know who authored the document entitled "Legal Analysis of Interrogation Techniques" but that "my understanding is that the document was not drafted by an FBI agent. Rather, an FBI agent copied it and forwarded it [to] FBI Headquarters.

A. What is the basis for your understanding that this document was not authored by an FBI agent?

Answer: To the best of my recollection, this is what I was told when the documents were forwarded to me.

B. What is your understanding of the source from which the agent copied the contents of the document?

Answer: I have no present recollection of that.

In closing, I will remind you that any documents you desire will have to be requested from the Department of Justice. I hope this is helpful to your understanding that this period was one in which facts were still uncertain but reasonably believed to be in the hands of the Department of Defense for any actions necessary. In that respect, it is my firm belief that Mr. Wainstein acted with complete propriety throughout.

Respectfully,

M.E. BOWMAN,
CAPT, JAGC, USN (ret.).

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that at 5:20 on Monday, September 25, the Senate proceed to executive session for the consideration of the following judicial nomination on the executive calendar; No. 920, Francisco Besosa to be a United States District Judge for the District of Puerto Rico; provided further that the time until 5:30 be equally divided between the chairman and ranking member of the Judiciary Committee or their designee; provided further that at 5:30 the Senate proceed to a vote on the nomination, with no intervening action or debate; that following the vote the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE DISCHARGED AND REFERRED—H.R. 2965

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 2965 and that the bill be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 3925

Mr. FRIST. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3925) to provide certain authorities for the Secretary of State and the Broadcasting Board of Governors, and for other purposes.

Mr. FRIST. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

MEASURE PLACED ON THE CALENDAR—H.R. 503

Mr. FRIST. Mr. President, I understand there is a bill at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 503), to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

Mr. FRIST. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard.

Without objection, the bill will be placed on the calendar.

DESIGNATING DECEMBER 13, 2006, AS A POLISH DAY OF REMEMBRANCE

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 579, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 579) designating December 13, 2006 as a Day of Remembrance to honor the 25th anniversary of the imposition of martial law by the Communist government in Poland.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed, to the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 579) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 579

Whereas, on May 9, 1945, Europe declared victory over the oppression of the Nazi regime;

Whereas Poland and other countries in Central, Eastern, and Southern Europe soon fell under the oppressive control of the Soviet Union;

Whereas for decades the people of Poland struggled heroicly for freedom and democracy against that oppression, paying at times the ultimate sacrifice;

Whereas, in 1980, the Solidarity Trade Union was formed in Poland;

Whereas membership in the Solidarity Trade Union grew rapidly in size to 10,000,000 members, and the Union obtained unprecedented moral power that soon threatened the Communist government in Poland;

Whereas, on December 13, 1981, the Communist government in Poland crushed the Solidarity Trade Union, imprisoned the leaders of the Union, and imposed martial law on Poland;

Whereas, through his profound influence, Pope John Paul II gave the people of Poland the hope and strength to bear the torch of freedom that eventually lit up all of Europe;

Whereas the support of the Polish-American community while martial law was imposed on Poland was essential in encouraging the people of Poland to continue to struggle for liberty;

Whereas the people of the United States were greatly supportive of the efforts of the people of Poland to rid themselves of an oppressive government;

Whereas the people of the United States expressed their support on Christmas Eve 1981 by lighting candles in their homes to show solidarity with the people of Poland who were suffering under martial law;

Whereas, in 1989, the people of Poland finally won the right to hold free parliamentary elections, which led to the election of Poland's first Prime Minister during the post-war era who was not a member of the Communist party, Mr. Tadeusz Mazowiecki; and

Whereas, in 2006, Poland is an important member of the European Union, one of the closest allies of the United States, a contributing partner in the North Atlantic Treaty Organisation, and a reliable partner in the war on terrorism that maintains an active and crucial presence in Iraq and Afghanistan: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 13, 2006, the 25th anniversary of the imposition of martial law by the Communist government in Poland, as a Day of Remembrance honoring the sacrifices paid by the people of Poland during the struggle against Communist rule;

(2) honors the people of Poland who risked their lives to restore liberty in Poland and to return Poland to the democratic community of nations; and

(3) calls on the people of the United States to remember that the struggle of the people of Poland greatly contributed to the fall of Communism and the ultimate end of the Cold War.

NATIONAL POLLINATOR WEEK

Mr. FRIST. I ask unanimous consent the Senate now proceed to consideration of S. Res. 580, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 580) recognizing the importance of pollinators to ecosystem health and agriculture in the United States and the value of partnership efforts to increase awareness about pollinators and support for protecting and sustaining pollinators by designating June 24 through June 30, 2007, as "National Pollinator Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 580) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 580

Whereas bees, butterflies, and other pollinator species have a critically important role in agriculture in the United States and help to produce a healthy and affordable food supply and sustain ecosystem health;

Whereas pollinators help to produce an estimated 1 out of every 3 bites of food consumed in the United States and to reproduce at least 80 percent of flowering plants;

Whereas commodities produced in partnership with animal pollinators generate significant income for agricultural producers, with domestic honeybees alone pollinating an estimated $14,600,000,000 worth of crops in the United States each year produced on more than 2,000,000 acres;

Whereas it is in the strong economic interest of agricultural producers and consumers in the United States to help ensure a healthy, sustainable pollinator population;

Whereas possible declines in the health and population of pollinators pose what could be a significant threat to global food webs, the integrity of biodiversity, and human health;

Whereas the North American Pollinator Protection Campaign, managed by the Coevolution Institute, is a tri-national, cooperative conservation, public-private collaboration of individuals from nearly 140 diverse stakeholder groups, including concerned landowners and managers, conservation and environmental groups, scientists, private businesses, and government agencies; and

Whereas the Pollinator Partnership™ web site (http://www.pollinator.org) has been created as the source for pollinator information: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NORTH AMERICAN POLLINATOR APPRECIATION WEEK.

The Senate—

(1) recognizes the partnership role that pollinators play in agriculture and healthy ecosystems;

(2) applauds the cooperative conservation collaborative efforts of participants in the North American Pollinator Protection Campaign to increase awareness about the important role of pollinators and to build support for protecting and sustaining pollinators;

(3) designates June 24 through 30, 2007, as "National Pollinator Week"; and

(4) encourages the people of the United States to observe the week with appropriate ceremonies and activities.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL EPIDERMOLYSIS BULLOSA AWARENESS WEEK

Mr. FRIST. I ask unanimous consent the HELP Committee be discharged from further consideration of S. Res. 180, and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 180) supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 180) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 180

Whereas epidermolysis bullosa is a rare disease characterized by the presence of extremely fragile skin that results in the development of recurrent, painful blisters, open sores, and in some forms of the disease, in disfiguring scars, disabling musculoskeletal deformities, and internal blistering;

Whereas approximately 12,500 individuals in the United States are affected by the disease;

Whereas data from the National Epidermolysis Bullosa Registry indicates that of every 1,000,000 live births, 20 infants are born with the disease;

Whereas there currently is no cure for the disease;

Whereas children with the disease require almost around-the-clock care;

Whereas approximately 90 percent of individuals with epidermolysis bullosa report experiencing pain on an average day;

Whereas the skin is so fragile for individuals with the disease that even minor rubbing and day-to-day activity may cause blistering, including from activities such as writing, eating, walking, and from the seams on their clothes;

Whereas most individuals with the disease have inherited the disease through genes they receive from one or both parents;

Whereas epidermolysis bullosa is so rare that many health care practitioners have never heard of it or seen a patient with it;

Whereas individuals with epidermolysis bullosa often feel isolated because of the lack of knowledge in the Nation about the disease and the impact that it has on the body;

Whereas more funds should be dedicated toward research to develop treatments and eventually a cure for the disease; and

Whereas the last week of October would be an appropriate time to recognize National Epidermolysis Bullosa Week in order to raise public awareness about the prevalence of epidermolysis bullosa, the impact it has on families, and the need for additional research into a cure for the disease: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of epidermolysis bullosa;

(2) recognizes the need for a cure for the disease; and

(3) encourages the people of the United States and interested groups to support the week through appropriate ceremonies and activities to promote public awareness of epidermolysis bullosa and to foster understanding of the impact of the disease on patients and their families.

CONGRATULATING THE KANSAS STATE UNIVERSITY DEPARTMENT OF AGRONOMY IN THE COLLEGE OF AGRICULTURE

Mr. FRIST. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration, and the Senate proceed to the consideration of S. Res. 539.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 539) congratulating the Department of Agronomy in the College of Agriculture at Kansas State University for 100 years of excellent service to Kansas agriculture.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 539) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 539

Whereas, in 2006, the Department of Agronomy in the College of Agriculture at Kansas State University in Manhattan, Kansas, celebrates its centennial year;

Whereas Kansas State Agricultural College was established under the Morrill Act as the first land-grant college in the United States in 1863 and, in July 1906, the Kansas Board of Regents established the Department of Agronomy in the College of Agriculture at the Kansas State Agricultural College;

Whereas, since its inception, the Department of Agronomy has exemplified the land-grant mission by providing statewide leadership in teaching, research, and extension programs in crop breeding, crop production, range science, soil science, and weed science;

Whereas advances in sciences studied at the Department of Agronomy have had a major impact in insuring the profitability of Kansas agriculture while sustaining the natural resources and improving the livelihood of all Kansans;

Whereas the faculty in the Department of Agronomy also have made significant international contributions to world food production and natural resources sustainability, including participation and leadership in long-term projects in India, the Philippines, Nigeria, Morocco, and Botswana;

Whereas the faculty in the Department of Agronomy have distinguished themselves by receiving numerous university and national awards in teaching, research, and extension and provided service and leadership for national and international professional societies;

Whereas the faculty in the Department of Agronomy have conducted research for sustainable, efficient crop and range production systems that conserve natural resources and protect environmental quality;

Whereas, today, a majority of the acres of wheat and a significant number of acres of alfalfa, soybean, and canola in Kansas are planted with varieties developed in the Department of Agronomy;

Whereas the Department of Agronomy extension specialists have provided information to producers and industry regarding soil fertility, conservation of soil and water resources, tillage and production systems, evaluation of crop varieties and hybrids, and protection of the environment, thus, keeping Kansas agriculture efficient and competitive;

Whereas the Department of Agronomy faculty have prepared students in agronomy to effectively serve agriculture and society by feeding the world and protecting soil and water resources;

Whereas the alumni of the Department of Agronomy have distinguished themselves in the public and private sectors as crop, soil, range, and weed science professionals and have become farmers, extension agents, educators, administrators, consultants, representatives, scientists, missionaries, military officers, contractors, and a host of other professionals; and

Whereas many alumni of the Department of Agronomy have become leaders in their communities, academia, industry, and government, contributing significantly to world agriculture by making hybrid corn a reality, developing seeds for the Green Revolution, developing sorghum into an important crop, breeding "Miracle Rice" for Asia, and leading national programs in wheat, barley, oat, and alfalfa: Now, therefore, be it

Resolved, That the Senate congratulates and commends the Department of Agronomy in the College of Agriculture at Kansas State University for 100 years of excellent service to Kansas agriculture, the citizens of Kansas, the United States, and the world.

LIGHTS ON AFTERSCHOOL

Mr. FRIST. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration, and the Senate now proceed to S. Con. Res. 116.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 116) supporting "Lights On Afterschool," a national celebration of after school programs.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. BOXER. Mr. President, Today, I ask my colleagues to recognize the 7th Annual Lights on Afterschool events taking place across the country on October 12, 2006. "Lights on Afterschool" is a national celebration in which more than 1 million Americans will gather in their communities to recognize the important role that afterschool programs provide for the children in this country.

Afterschool providers throughout California and across the country have demonstrated that afterschool programs keep children safe, improve learning, and reduce crime and drug use. According to the FBI, youth are most at risk for being victims of violent crimes and committing violent acts between 3 p.m. and 6 p.m.—after school is out and before parents arrive home. Afterschool programs keep children safe, reduce crime and drug use, and improve academic performance.

As we take this occasion to recognize the afterschool program providers, we also must honor the communities that also contribute to the enrichment of these afterschool activities that provide safe and supervised afterschool educational, enrichment, and recreational programs. The partnerships you have forged with the afterschool program providers are instrumental in their success. There is no responsibility greater than ensuring that our children can learn and grow in a safe environment.

Afterschool programs are critical to the success of American families. These programs make it easier for parents to go to work because they know that their children are in a safe and nourishing environment. According to the Afterschool Alliance, 14.3 million children go home to an empty house every day. We must work to ensure these children have access to these programs that are vital to developing cultural and social skills, as well as the academic enrichment that the programs provide.

Afterschool is a wise investment in our children's future. That is why I will continue to work to make after school a national priority—so that we can bring Federal resources to support great local programs to keep the lights on and the doors open.

I send my sincere thanks to everyone working in programs and schools involved with Lights on Afterschool and for all of the work you have done and continue to do in creating partnerships that promote and enhance afterschool programs.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 116) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 116

Whereas high quality after school programs provide safe, challenging, engaging, and fun learning experiences to help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high quality after school programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends;

Whereas high quality after school programs build stronger communities by involving the Nation's students, parents, business leaders, and adult volunteers in the lives of the Nation's youth, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high quality after school programs engage families, schools, and diverse community partners in advancing the wellbeing of the Nation's children;

Whereas "Lights On Afterschool!", a national celebration of after school programs held on October 12, 2006, promotes the critical importance of high quality after school programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and 14,300,000 children in the United States have no place to go after school; and

Whereas many after school programs across the United States are struggling to keep their doors open and their lights on: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress supports the goals and ideals of "Lights On Afterschool!" a national celebration of after school programs.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 539, S. 2562.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2562) to increase, effective as of December 1, 2006, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

There being no objection, the Senate proceeded to consider the bill.

(At the request of Mr. REID, the following statment was ordered to be printed in the RECORD.)

Mr. AKAKA. Mr. President, as ranking member of the Senate Committee on Veterans' Affairs, I am extremely pleased with Senate passage of legislation that will authorize a cost-of-living adjustment for veterans' compensation.

The Veterans' Compensation Cost-of-Living Adjustment Act of 2006, S. 2562, directs the Secretary of Veterans Affairs to increase, as of December 1, 2006, the rates of veterans' disability compensation, dependency and indemnity compensation for surviving spouses and children, and certain related benefits.

The COLA will be the same as the increase provided to Social Security recipients, which is projected to be approximately 2.9 percent.

It is vital that veterans' disability compensation rates keep pace with the increasing cost of living. Without an increase to offset the effects of inflation, veterans and their families would lose the value of this important benefit.

Passage of the Veterans' Compensation Cost-of-Living Adjustment Act of 2006 is the least that Congress can do to help disabled veterans provide adequately for their families. Many times, VA disability compensation is a major, and in some cases the sole, source of income for a veteran and his or her family. For those who gave so much to this nation, we owe them this sign of gratitude.

In closing, I thank all of my colleagues for their support for our Nation's veterans. I anticipate swift passage of this important legislation by the House of Representatives.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5034) was agreed to, as follows:

(Purpose: To make a technical correction to title 38, United States Code)

On page 4, after line 8, add the following:

SEC. 4. TECHNICAL AMENDMENT.

Section 1311 of title 38, United States Code, is amended by redesignating the second subsection (e) (as added by section 301(a) of the Veterans Benefits Improvement Act of 2004 (Public Law 108–454; 118 Stat. 3610)) as subsection (f).

The bill (S. 2562), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 2006".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2006, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2006, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2006, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased under that section, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2007.

SEC. 4. TECHNICAL AMENDMENT.

Section 1311 of title 38, United States Code, is amended by redesignating the second subsection (e) (as added by section 301(a) of the Veterans Benefits Improvement Act of 2004 (Public Law 108–454; 118 Stat. 3610)) as subsection (f).

DETAINEE INTERROGATION AGREEMENT

Mr. FRIST. Mr. President, in a few moments we will be closing. I will have a brief closing statement about what the plans will be over the next several days.

While we have a moment, I will refer to what happened about an hour or an hour and a half ago on a very important piece of legislation we have been working on for about 2 months, almost 3 months now. It is legislation which results from what we all know now as the Hamdan decision that the Supreme Court presented to us specifically several months ago. As a result of that decision, it became incumbent to pass legislation in this Senate to clarify the results of that decision but, most importantly, to address the issues surrounding the military tribunals, the terrorist tribunals, the military commissions. Those are, in essence, the court system, the commissions, the way we deal with enemy combatants or terrorists.

The issue before the Senate is legislation that we must pass this coming week just as soon as possible for a number of reasons, but primarily we have detainees at Guantanamo Bay, Cuba, who cannot be tried. Among these terrorists are people such as the lead Shaikh Mohammed, the mastermind, or alleged mastermind, behind the events of September 11.

In addition, what we all now understand is the Hamdan decision made it again incumbent upon the Senate to act in order to be able to continue a very important program of interrogation so we can get information so our Government will be equipped with the tools we need to obtain information from terrorists that can be lifesaving, that can prevent another attack, a terrorist attack.

What has been challenging over the last several months is coming to an agreement which we reached today among colleagues who had devoted a lot of time in this Senate on this issue, an issue which is tough from a legal standpoint, but an agreement within this Senate, working hand in hand with the administration. I was pleased to join my colleagues, along with the National Security Adviser, Steve Hadley, along with a Member from the House of Representatives, as well as MITCH MCCONNELL, our whip, as well as JOHN WARNER, chairman of the Committee on Armed Services, Senator JOHN MCCAIN, and Senator GRAHAM, to announce an agreement that meets the key test of our conference.

The first priority, as I have spoken again and again over the last several days, was the importance of meeting these goals. And they were met.

No. 1, protect America by ensuring our highly valuable CIA program will be preserved, a program of interrogation which has delivered information that has allowed the United States to stop terrorist activity. That will be preserved.

The second goal, a criterion that I have set out and the President has set out as well, is whatever we develop in this Senate must guarantee that classified sources and methods, classified information—all sources and methods will not be disclosed to the terrorist detainees. It seems obvious to the American people, obvious to me, that we do not want to be giving classified information to a terrorist or his attorney, who will turn around and share that with the larger terrorist world that is out there.

A third criteria or a third result of the fact that this legislation has been addressed in the way it has is an agreement that has the impact of ensuring that the military will be able to begin to try the terrorists, the enemy combatants, the detainees in our custody today.

So it protects a program which we know is important, No. 1. No. 2, it prevents classified information from being given to terrorists. No. 3, it ensures that the military can begin to try these terrorists once this legislation is signed by the President.

I congratulate my colleagues. We have a long way to go, though, because that is the first major step of a product of about 2 months of work. With that work and the time they have spent, the dedication and focus, it means that once that information can be shared with Democrats and Republicans throughout the Senate and they take a look at it, the fact that it has been so carefully vetted, we should be able to address it in the course of next week.

I had a brief conversation with the Democratic leader, who has begun to look at that legislation. He, too, is confident we can address this issue next week. The House of Representatives has to address it, as well, go to conference—if we don't pass the same bill—and then get it to the President as soon as we possibly can. So it is very good news. That agreement was reached today.

There are a number of other items that have to be addressed, but there were three major items that were the real gist, the substance of that agreement.

DARFUR PEACE AND ACCOUNTABILITY ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of H.R. 3127 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3127) to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the Lugar substitute at the desk be agreed to, the bill as amended be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the measure be printed in the appropriate place in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5033), in the nature of a substitute, was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 3127), as amended, was read the third time and passed.

Mr. FRIST. Mr. President, I have several other issues to deal with, but that particular issue on Sudan and sanctions surrounding Sudan leads me to comment on the great tragedy that is occurring in the Darfur region in western Sudan.

I have had the opportunity to be in that region in a number of the refugee camps along that western border of Sudan and Chad, the country just west of Sudan, a country to which many of these refugees are fleeing.

Things are getting worse in Darfur. We have heard a lot about it in the last 2½ years. On this floor, a little over 2 years ago, we called it a genocide. Shortly thereafter, the administration also agreed it is genocide. And that is exactly what it is. We do not know exactly how many people have been killed, but around 200,000 people have been killed in this genocide and probably 2 million people displaced from their homes. Things are getting worse. It deserves the attention of this body. We focused on it at a very early time. We continue to focus on it, but again, I think we are going to have to focus on it more and more.

An envoy was appointed by the President maybe yesterday or the day before. I think that is a very positive move in that regard.

RECOGNIZING THE 75TH ANNIVERSARY OF THE NORTH CAROLINA FARM BUREAU FEDERATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 574.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 574) recognizing the North Carolina Farm Bureau Federation on the occasion of its 70th anniversary and saluting the outstanding service of its members and staff on behalf of the agricultural community and the people of North Carolina.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 574) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 574

Whereas the North Carolina Farm Bureau Federation was founded on March 2, 1936, in Greenville, North Carolina, during the Great Depression, a period of national frustration and economic disaster;

Whereas the North Carolina Farm Bureau Federation was established to organize North Carolina's farm families and to maximize their ability to engage in national, State, and local policy debates that affect North Carolina agriculture;

Whereas at its first annual meeting in Raleigh, North Carolina, on July 30, 1936, the North Carolina Farm Bureau Federation had slightly over 2,000 members from 24 counties;

Whereas in 2005, the North Carolina Farm Bureau Federation was composed of approximately 490,000 member families from all 100 counties of North Carolina, making it the second largest State farm bureau in the United States;

Whereas the North Carolina Farm Bureau Federation created a Women's Program in 1942 and a Young Farmer and Rancher Program in the 1970s to encourage leadership development among its members;

Whereas the North Carolina Farm Bureau Federation is committed to advancing agricultural education in North Carolina through its R. Flake Shaw Scholarship Fund, established in 1958, and the Institute for Future Agricultural Leaders, founded in 1984, which help ensure that the young men and women of North Carolina are well prepared for careers in agriculture;

Whereas the North Carolina Farm Bureau Federation created and continues to sponsor the Ag-In-The-Classroom initiative to introduce children to North Carolina agriculture and to improve the quality of teachers in North Carolina schools;

Whereas the North Carolina Farm Bureau Federation's visionary Board of Directors developed numerous initiatives that enable farmers to effectively produce and sell their products, such as the organization's marketing program, and that provide farmers with access to necessary farm resources, such as the tires, batteries, and accessories service;

Whereas in 1953, the North Carolina Farm Bureau Federation founded the North Carolina Farm Bureau Federation Mutual Insurance Company, which is North Carolina's largest domestic insurance company;

Whereas the Board of Directors of the North Carolina Farm Bureau Federation Mutual Insurance Company is composed entirely of farmers; and

Whereas the North Carolina Farm Bureau Federation is a true grassroots organization dedicated to ensuring that agriculture remains North Carolina's number 1 industry through the organization's unique policy development process and active legislative and regulatory advocacy programs: Now, therefore, be it

Resolved, That the Senate recognizes the North Carolina Farm Bureau Federation on the occasion of its 70th anniversary and salutes the outstanding service of its members and staff on behalf of the agricultural community and the people of North Carolina.

ORDERS FOR FRIDAY, SEPTEMBER 22, 2006, AND MONDAY, SEPTEMBER 25, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, September 22. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and further that notwithstanding the adjournment of the Senate it be in order for Senators to introduce bills on Friday until 11 a.m.; provided further that a bill to be introduced by Senator FRIST or his designee be considered as read a first time and that there be an objection to its second reading. I further ask consent that following the pledge, the Senate then stand in adjournment until the hour of 2 p.m. on Monday, September 25. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business, with Senators to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow we will be in session for a very brief period of time, but we will not have any votes to accommodate those Senators who wish to celebrate Rosh Hashanah. Senators are reminded that we have 1 more week of session and we have a lot of work to do, a lot of important legislative and executive items to wrap up. Senators should be forewarned that there are going to be very busy days throughout the week, and they should plan their schedules accordingly. Thus, our next vote will be at 5:30 on Monday, and that vote will be on the confirmation of a U.S. district judge.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:50 p.m., adjourned until Friday, September 22, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 21, 2006:

NATIONAL TRANSPORTATION SAFETY BOARD

STEVEN R. CHEALANDER, OF TEXAS, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 31, 2007, VICE ELLEN G. ENGLEMAN, RESIGNED.

DEPARTMENT OF STATE

CRAIG ROBERTS STAPLETON, OF CONNECTICUT, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONACO.

RONALD SPOGLI, OF CALIFORNIA, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SAN MARINO.

ASIAN DEVELOPMENT BANK

CURTIS S. CHIN, OF NEW YORK, TO BE UNITED STATES DIRECTOR OF THE ASIAN DEVELOPMENT BANK, WITH THE RANK OF AMBASSADOR, VICE PAUL WILLIAM SPELTZ.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVES UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MARGARET A. BLOMME, 4627
BRUCE F. BRUNI, 3453
WILLARD S. ELLIS, 4140
ROBERT P. FORGIT, 5171
HAROLD J. FRENCH, 6566
KURT B. HINRICHS, 4545
JOHN T. LAUFER, 8820
STEVAN C. LITTLE, 2184
SCOTT F. OGAN, 8472
FRANCIS S. PELKOWSKI, 9110
FRED W. REMEN, 7103
MILLARD F. ROBERTS, 6570
NONA M. SMITH, 3711
RICKEY D. THOMAS, 8690

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

MEREDITH L. AUSTIN, 2762
STEVEN T. BAYNES, 3205
THOMAS D. BEISTLE, 0894
CARLYLE A. BLOMME, 7446
ROBERT E. BROGAN, 2590
WAYNE P. BROWN, 1684
ROBERT S. BURCHELL, 7863
JOHN R. CAPLIS, 3421
MARK A. CAWTHORN, 1575
MICHAEL B. CHRISTIAN, 8812
BARRY A. COMPAGNONI, 9405
MARK E. DOLAN, 4159
BRAD W. FABLING, 1180
LINDA L. FAGAN, 4566
LISA M. FESTA, 7420
JAMES J. FISHER, 9998
BRENDAN C. FROST, 2108
KARL J. GABRIELSEN, 0057
MICHAEL S. GARDINER, 1929
EDWARD J. GIBBONS, 2473
GLENN F. GRAHL, 8101
CATHERINE A. HAINES, 6537
KELLY L. HATFIELD, 9403
MICHAEL J. HAYCOCK, 0599
JOHN N. HEALY, 2892
LISA T. HEFFELFINGER, 0708
JAMES M. HEINZ, 3785
MARK S. HEMANN, 0673
JOHN J. HICKEY, 8434
MARK J. HUEBSCHMAN, 4239
MICHAEL C. HUSAK, 8121
JAY JEWESS, 9110
FRANK H. KINGETT, 5956
SCOTT A. KITCHEN, 8218
ROBERT J. KLAPPROTH, 9639
JOSEPH B. KOLB, 2955
JOHN W. KOSTER, 9916
GARY D. LAKIN, 0876
BOBBY M. LAM, 6601
THOMAS F. LENNON, 3819
PATRICK LITTLE, 7551
JAMES F. MARTIN, 4847
CHRISTOPHER A. MARTINO, 3970
LORI A. MATHIEU, 3669
JAMES G. MAZZONNA, 7748
MICHAEL F. MCALLISTER, 3809
DAVID A. MCBRIDE, 3686
DOUGLAS R. MCCRIMMON, 3289
JOSEPH C. MCGUINESS, 3213
MATTHEW E. MILLER, 4994
WILLIAM J. MILNE, 3681
DAVID W. NEWTON, 8958
HUNG M. NGUYEN, 7913
MARK S. OGLE, 9269
PETER K. OITTINEN, 0161
JOSEPH S. PARADIS, 8172
JOHN R. PASCH, 6352
ROBERT J. PAULISON, 6228
DREW W. PEARSON, 6357
JOSEPH D. PHILLIPS, 9406
SCOTT M. POLLOCK, 5070
DREW A. RAMBO, 0027
JOSEPH M. RE, 4815
KENNETH J. REYNOLDS, 1143
CHRISTOPHER L. ROBERGE, 2516
BYRON H. ROMINE, 6692
JUNE E. RYAN, 6413
CHRISTOPHER P. SCRABA, 6949
JAMES P. SOMMER, 1747
GARY S. SPENIK, 5035
GREGORY J. SUNDGAARD, 0522
CHRISTOPHER J. TOMNEY, 8481
MICHAEL E. TOUSLEY, 5742
ROSANNE TRABOCCHI, 2735
MARK A. TRUE, 1265
STEVEN C. TRUHLAR, 3866
DAVID A. VAUGHN, 4934
MATTHEW VONRUDEN, 3675
RODERICK E. WALKER, 3448
JAMES A. WIERZBICKI, 0606
WERNER A. WINZ, 5331

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be commander

JOYCE E. AIVALOTIS, 6921
CHARLES G. ALCOCK, 9921
JAMES E. ANDREWS, 4762
WILLIAM J. ANTONAKIS, 4172
DARNELL C. BALDINELLI, 5106
CHARLES B. BARBEE, 8185
MICHAEL A. BAROODY, 5615
DALE K. BATEMAN, 9418
DAVID E. BECK, 1234
ALAN L. BLUME, 6682
COREY BONHEIM, 4292
GEOFF R. BORREE, 0669
JEROME K. BRADFORD, 2523
KEVIN F. BRUEN, 5482
MARK J. BRUYERE, 3692
DAVID A. BULLOCK, 8374
GREGORY A. BURG, 3658
JOSEPH S. CALNAN, 9741
MARK A. CAMACHO, 7230
JOSEPH M. CARROLL, 7982
GREGORY L. CARTER, 4883
STEPHEN H. CHAMBERLIN, 2878
GERALD M. CHARLTON, 8996
PETER J. CLEMENS, 0025
AMY B. COCANOUR, 4543
TODD M. COGGESHALL, 7828
BENJAMIN A. COOPER, 7446
JONATHAN E. COPLEY, 2674
TIMOTHY M. CUMMINS, 7240
DEAN J. DARDIS, 0951
MICHAEL H. DAY, 3995
ANDRES V. DELGADO, 4086
TIMOTHY D. DENBY, 5821
PAUL E. DITTMAN, 6630
MARK P. DORAN, 4701
JEFFREY D. DOW, 0481
MICHAEL J. DREIER, 7589
THOMAS P. DURAND, 1970
JAMES E. ELLIOTT, 8492
KENT W. EVERINGHAM, 0210
MARK J. FEDOR, 7373
BOB I. FEIGENBLATT, 3202
LEE S. FIELDS, 0941
PAUL A. FLYNN, 8239
CHARLES E. FOSSE, 2203
DANIEL J. FRANK, 2707
MICHAEL L. GATLIN, 6788
ROBERT C. GAUDET, 7670
KEVIN P. GAVIN, 2370
CLAUDIA C. GELZER, 9810
SHANNON N. GILREATH, 1402
LAWRENCE E. GREENE, 6482
DUSTIN E. HAMACHER, 8681
RICHARD C. HAMBLET, 0051
ROBERT T. HANNAH, 3298
THOMAS W. HARKER, 4473
LONNIE P. HARRISON, 5328
ROBERT T. HENDRICKSON, 0629
GLENA T. HERMES-SANCHEZ, 7643
GLENN C. HERNANDEZ, 4723
CHRISTOPHER M. HOLLINGSHEAD, 7500
RONALD S. HORN, 6378
RICHARD E. HORNER, 4386
PEDRO L. JIMENEZ, 6978
ERIC G. JOHNSON, 5236
KEVIN A. JONES, 1620
TERI L. JORDAN, 9940
VIRGINIA J. KAMMER, 9874
KEVIN M. KEAST, 3538
BRENDA K. KERR, 9130
LAWRENCE A. KILEY, 4150
SUSAN R. KLEIN, 8937
NATHAN E. KNAPP, 8375
SUZANNE E. LANDRY, 5581
WILLIAM J. LANE, 9117
JOHN H. LANG, 1369
MICHAEL P. LEBSACK, 4986
JOSEPH F. LECATO, 6574
SCOTT B. LEMASTERS, 5679
CAROLA J. G. LIST, 6683
CHRISTIAN R. LUND, 5728
KEVIN C. LYONS, 6836
THOMAS S. MACDONALD, 5194
EDWARD J. MAROHN, 8571
KIRSTEN R. MARTIN, 0449
JOHN W. MAUGER, 8006
TIMOTHY A. MAYER, 1491
DAVID G. MCCLELLAN, 6193
ROBERT S. MCCLURE, 9393
JEFFREY R. MCCULLARS, 7683
PATRICK S. MCELLIGATT, 5040
DARRAN J. MCLENON, 3263
KEITH P. MCTIGUE, 7716
STEPHEN M. MIDAS, 5966
NATHAN A. MOORE, 7425
MARK J. MORIN, 3347
MITCHELL A. MORRISON, 4017
ANDREW D. MYERS, 0257
MICHAEL C. NEININGER, 3157
DANIEL R. NORTON, 6438
PETER C. NOURSE, 4926
RANDAL S. OGRYDZIAK, 0384
DAVID J. PALAZZETTI, 9992
ANDREW M. RAIHA, 0199
STEPHEN E. RANEY, 8980
MICHAEL W. RAYMOND, 0124
SEAN P. REGAN, 7012
PAUL E. RENDON, 4860
JONATHON N. RIFFE, 7230
BRADLEY J. RIPKEY, 6639
MELISSA L. RIVERA, 5312
GREGORY S. ROBERTSON, 8289
BRIAN W. ROCHE, 3389
RICARDO RODRIGUEZ, 1803
PATRICK A. ROPP, 1397
MICHAEL T. RORSTAD, 4118
WILLIAM E. RUNNELS, 1652
ORIN E. RUSH, 9876
JOSE A. SALICETI, 7461
THOMAS J. SALVEGGIO, 7018
EDWARD W. SANDLIN, 3671
KARA M. SATRA, 4619
DAVID SAVATGY, 0697
TIMOTHY J. SCHANG, 7250
HARRY M. SCHMIDT, 1114
PATRICK H. SCHMIDT, 7410
DOUGLAS M. SCHOFIELD, 5991
JOSEPH R. SIEMIATKOWSKI, 9516
ROBERT L. SMITH, 8190
ROGER A. SMITH, 7076
JONATHAN S. SPANER, 7533
MIKEAL S. STAIER, 5988
JAMES A. STEWART, 7155
SCOTT D. STEWART, 4231
EDWARD M. STPIERRE, 2981
TODD R. STYRWOLD, 4299
ERICH M. TELFER, 9847
STEVEN C. TESCHENDORF, 4091
JEFFERY W. THOMAS, 6751
PHILLIP R. THORNE, 3245
RICHARD V. TIMME, 7617
WILLIAM R. TIMMONS, 3983
TIMOTHY A. TOBIASZ, 1010
GARY L. TOMASULO, 8972
CARLOS A. TORRES, 7003
JONATHAN W. TOTTE, 6718
MICHAEL T. TRIMPERT, 4105
RANDALL G. WAGNER, 6500
ROBERT W. WARREN, 1499
BRIAN P. WASHBURN, 1209
TIMOTHY J. WENDT, 4072
EDWARD A. WESTFALL, 3384
JEFFREY C. WESTLING, 5924
BRIAN R. WETZLER, 3371
GERARD A. WILLIAMS, 0659
KARL R. WILLIS, 9921
JOSE M. ZUNIGA, 0534

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE

AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RAYMOND E. JOHNS, JR., 3483

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT D. BISHOP, JR., 9524

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. CHARLES C. CAMPBELL, 6999

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH F. PETERSON, 2747

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES D. THURMAN, 8182

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. PETER W. CHIARELLI, 6598

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. PAUL S. STANLEY, 7882

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be colonel

RUSSELL G. BOESTER, 7873

To be lieutenant colonel

CHARLES E. CLARK, 3900
EDWARD CULTER, 1238
PANKAG GOYAL, 4883
ANDREA HILLERUD, 4180
ROBERT J. JOHNSON, 2500
ALAN R. NEEFE, 9222
JOHN POAGE, 5715
DUANE C. TUCKER, 6494
MUSSARET A. ZUBERI, 4900

To be major

JOSEPH COLLICA, 8069
PATRICIA E. DALEY, 7784
DIANN B. GORDON, 2382
CHRISTINE M. HOUSER, 1150
LAWRENCE KOSS, 2522
DAVID M. LEVITT, 9134
JULIANA MIRODONE, 8238
BRENDA L. OWEN, 4210
JUAN PACKER, 0628
JAMES M. SCOTT, 1038
VLAD V. STANILA, 0338

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

ILIN CHUANG, 3124

To be lieutenant commander

WILLIAM P. SMITH, 2350

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, September 21, 2006:

DEPARTMENT OF JUSTICE

KENNETH L. WAINSTEIN, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

DEPARTMENT OF DEFENSE

FRANK R. JIMENEZ, OF FLORIDA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE NAVY.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. THOMAS F. ATKIN
CAPT. CHRISTOPHER C. COLVIN
CAPT. CYNTHIA A. COOGAN
CAPT. DAVID T. GLENN
CAPT. MARY E. LANDRY
CAPT. RONALD J. RABAGO
CAPT. PAUL F. ZUKUNFT

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

STEPHEN GOLDSMITH, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2010.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

SANDRA PICKETT, OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2010.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

ROGER L. HUNT, OF NEVADA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2009.

JOHN E. KIDDE, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2011.

NATIONAL INSTITUTE FOR LITERACY

ELIZA MCFADDEN, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING JANUARY 30, 2009.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JANE M. DOGGETT, OF MONTANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2012.

DEPARTMENT OF LABOR

RANDOLPH JAMES CLERIHUE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

NATIONAL SCIENCE FOUNDATION

ARTHUR K. REILLY, OF NEW JERSEY, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2012.

DEPARTMENT OF EDUCATION

LAUREN M. MADDOX, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR COMMUNICATIONS AND OUTREACH, DEPARTMENT OF EDUCATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE COAST GUARD

COAST GUARD NOMINATION OF TINA J. URBAN TO BE LIEUTENANT.

PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH JUDITH LOUISE BADER AND ENDING WITH RAQUEL ANTONIA PEAT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2006.

EXTENSIONS OF REMARKS

ONE NATION UNDER GOD

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. POE. Mr. Speaker, big changes can come from small places. For President Eisenhower and every American born since his time, big change came from a dusty old church pew.

One early Sunday morning, Eisenhower ceremoniously went to Abraham Lincoln's former church, where a new preacher, an immigrant, would re-shape Ike's ideology.

That preacher described, in his Scottish accent, how he had no answer for his children when asked why God wasn't in the Pledge of Allegiance.

He eloquently assured his children God was what made America better than any other country. So eloquently that Ike would see the pledge changed in a matter of months.

While activist judges and militant atheists want you to believe that taking God out of school and government is the right thing to do, 91 percent of Americans disagree. They still believe "in one nation, under God, indivisible, with liberty and justice for all."

We have proved that we will not bow to terrorists. But 91 percent of Americans also vow not to bow to extremist judges and a tiny atheist minority.

Americans overwhelmingly support "One Nation Under God" so much that they are giving their children's lives to save it.

That's just the way it is.

RESOLUTIONS OF INQUIRY ON MAHER ARAR

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. MARKEY. Mr. Speaker, I rise today to speak about Maher Arar, whose treatment at the hands of American officials is a stain upon our national conscience.

During a layover in New York's JFK airport in September 2002, Mr. Arar, who was born in Syria but who now holds Canadian citizenship, was seized by American officials. He was held without access to a lawyer for 2 weeks in the United States, then transferred briefly to Jordan, and finally to Syria. Mr. Arar was imprisoned in Syria for 10 months, most of the time in a dark underground dungeon the size of a closet. He was tortured both physically and psychologically, and forced to make false confessions, including that he had attended an al-Qaeda terrorist training camp in Afghanistan. Maher Arar was finally released a year after he was seized in New York, never having been charged with any crime.

When he was in American custody in New York, Maher Arar demanded to speak to a lawyer. He was denied. He demanded to speak to a judge. He was denied. He asked the American officials not to send him to Syria, as he knew he would be tortured there. Of course, the Americans did not need to be told that Syria routinely tortures its prisoners, as the U.S. State Department lists Syria in its annual Human Rights report as a country that practices torture. Yet Maher Arar was sent to Syria for interrogation, where he was brutally tortured, just as the American officials involved in his rendition must have known he likely would be.

Maher Arar was the victim of the Bush administration's program of "extraordinary rendition," whereby prisoners in American custody are sent abroad for interrogation in other countries, sometimes to places such as Syria and Uzbekistan that are known to routinely practice torture. This is a disgusting practice that brings dishonor to the United States of America, and ultimately endangers our troops in the field by validating the use of torture all over the world. Extraordinary rendition is nothing more than the outsourcing of torture, and this program must come to an immediate halt. The Torture Outsourcing Prevention Act, which I introduced in this House over a year and a half ago, would end the practice of extraordinary rendition. But the Republican leadership has refused to bring the Torture Outsourcing Prevention Act to the floor for a vote.

Mr. Speaker, we don't have many details on the case of Maher Arar, because the Bush administration has refused to divulge any information on its program of extraordinary rendition and the rubber-stamp Republican Congress have refused to conduct any meaningful oversight over this program. Now that the President has admitted that the CIA operated secret prisons all over the world, the Congress must step up to the plate and conduct true oversight on the President's program of extraordinary rendition.

This week, the official Canadian inquiry into the case of Maher Arar, which focused on the role that Canadian officials played in his rendition, released its report. The Arar Commission report clears Maher Arar of any wrongdoing, and concludes that he was indeed transferred to Syria by the United States, where he was tortured. American authorities were invited to testify before the Arar Commission, but refused.

Canada has now completed its investigation into the injustice done to Mr. Arar by Canadian officials, who without any evidence of wrongdoing told the U.S. he had connections with terrorist organizations. Mr. Speaker, now this Congress must initiate our own investigation into the role that U.S. officials played in this affair. We must know the truth of what happened to Maher Arar, why it happened, upon whose orders, and upon what justification.

That is why I have today introduced five separate Resolutions of Inquiry requesting copies of all documents in the possession of the United States Government that may relate, in any way, to Maher Arar. These five Resolutions direct the Secretary of State, the Secretary of Defense, the Secretary of Homeland Security, and the Attorney General to provide Congress with all documents and records in their possession relating to Maher Arar. The same request is made of the President, in order to ensure that any documents in the possession of the White House or the Intelligence Community are also provided forthwith.

The Congress, and the American people, must learn the truth of what was done to Maher Arar. I urge my colleagues to support these Resolutions of Inquiry.

RECOGNIZING JASON ANDREW HEJL FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jason Andrew Hejl, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 633, and in earning the most prestigious award of Eagle Scout.

Jason has been very active with his troop, participating in many scout activities. Over the many years Jason has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Jason held the principal leadership position of Venturing Crew President and has actively supported VFW Post 7356 in Parkville, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Jason Andrew Hejl for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING BALDWIN SCHOOL DISTRICT

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mrs. McCARTHY. Mr. Speaker, I rise today to recognize the exceptional individuals at Baldwin School District, an institution which renders significant contributions to the educational development and social enrichment of youth.

The future of this country depends on the hopes and dreams of its children, our community, and our Nation, and is enhanced by the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

contributions of those who serve as mentors and those who make mentoring programs safe and strong.

The Baldwin School District and its leadership have promoted and supported mentoring programs through an innovative partnership which brings together dedicated teachers, businesspeople, and community volunteers with students. Baldwin's programs have been a bridge of understanding which have highlighted the talents and determination of its young people and the devotion of the teachers, businesspeople, and community volunteers who give their time and commitment to mentoring.

The mentoring process brings benefits to youth, the caring adults who guide them, and by extension to the community, the business world, and the region, and Baldwin's innovative mentoring program is outstanding.

Mr. Speaker, it is with pride and admiration I offer my thanks and recognition to the Baldwin School District.

IN HONOR OF HOSPICE OF THE WESTERN RESERVE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of Hospice of the Western Reserve as it celebrates the opening of its Lakewood office. The new office will enable the Hospice to provide more quality care to the people of Lakewood.

Hospice of the Western Reserve is a community-based agency that provides comfort and care as well as emotional support to its patients and their families. Regardless of age, disease, or ability to pay, all are welcomed to the Hospice. Serving more than 1,000 patients daily, The Hospice of the Western Reserve is the largest program of its kind in Ohio and the fourth largest in the country.

In addition to pain alleviation, the Hospice also offers social, psychosocial and spiritual support for both patients and family members. The Hospice is ever increasing its ability to provide quality care and support and enhancing quality of life.

Mr. Speaker and colleagues, please join me in honor and recognition of the Hospice of the Western Reserve and the opening of its Lakewood office. Providing quality assistance to those who need it most, the Hospice stands as a monument to palliative care and end-of-life service.

RECOGNIZING AMERICAN CADET ALLIANCE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. RADANOVICH. Mr. Speaker, I rise to express my support and appreciation for the American Cadet Alliance and its recent establishment of a cadet unit located at the Hammer Field Army National Guard Armory in Fresno, CA. Tracing its heritage to 1909, the American Cadet Alliance is America's oldest nationwide Cadet Corps.

The American Cadet Alliance was founded as the Colonel Cody's Boy Scouts by Captain James H.C. Smyth in 1909. Shortly thereafter, the Colonel Cody's Boy Scouts was reorganized as the American Naval and Marine Scouts. The American Naval and Marine Scouts continued to evolve and through numerous reorganization efforts, the efforts of the American Nautical Alliance, Inc., and the Maritime Brigade came full circle with the eventual merger of the two to form the American Cadet Alliance, Inc.

The American Cadet Alliance is led by a team of professional officers who currently serve on a voluntary basis. The American Cadet Alliance is a career-exploration program, providing young men and women with realistic view of military life, allowing them to make informed decisions regarding future service in the Armed Forces. Through a multifaceted cadet program, the importance of national pride, service to others, and maintaining a drug-free and gang-free lifestyle serve as hallmarks of the American Cadet Alliance message.

Under the leadership and sponsorship provided by the Central California Chapter of the Association of the United States Army, and with assistance from the Fresno Recruiting Company of the United States Army Recruiting Command, and guidance from local, State, national Military leaders, current and prospective participants will prove to benefit from the character building skills evident throughout the cadet program.

Mr. Speaker, I rise to express my support of the American Cadet Alliance unit in Fresno, CA, and to extend my sincere appreciation to all of the local efforts to ensure this program's success. I urge my colleagues to join me in wishing the American Cadet Alliance many years of continued success.

HONORING THE CONTRIBUTIONS OF POLAND IN AFGHANISTAN AND IRAQ

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today in recognition of the contributions Poland has made in the ongoing operations in Afghanistan and Iraq. Poland has been a steadfast ally of the United States, and I thank the Polish people and government for their friendship.

America has enjoyed strong ties with Poland since our Nation's founding. During the American Revolution, Polish patriots such as Casimir Pulaski and Tadeusz Kosciuszko made valuable contributions in securing our Nation's independence. Today, over 30 percent of my district and 9 million Americans across our country can claim Polish ancestry.

The Polish and American Governments have enjoyed close, bilateral relations since 1989, when Poland became a free, democratic, and independent nation. Since that time, Poland has made dramatic strides in securing its democracy, improving its economy, and developing strong relationships with its neighbors in Europe and abroad. This is evident in Poland's joining of NATO in 1999 and the European Union in 2004.

In addition to its membership in NATO, Poland's military has been very active in United Nations' peacekeeping forces and has played a vital role in the operations in Iraq and Afghanistan. Poland currently has 1,000 troops deployed in Iraq, and when a recent call went out to NATO nations asking for reinforcements to Afghanistan, Poland was the first to respond, pledging 900 additional troops to that country.

Today, along with the Caucus on Central and Eastern Europe, I had the honor of hosting the chief of general staff of Polish Armed Forces, General Gagor. General Gagor is a distinguished soldier and a proven leader. I have no doubt that under General Gagor's watch the Polish military will continue to make valuable contributions to peace around the world.

I ask my colleagues to join me today in honoring Poland's contributions in Afghanistan and Iraq and to recognize Poland as one of our Nation's most important allies.

NATIONAL ADDICTION RECOVERY MONTH

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise today to call our attention to National Addiction Recovery Month this September, and I encourage all my colleagues to join me in recognizing and commending those who commit their time and effort to addiction recovery.

In 2005, an estimated 19 million Americans used illicit drugs. The impact of this pandemic is felt not only by individuals and their families, but by society as well. Addiction costs our society and economy billions of dollars each year, in health care costs, property damage, and lost productivity. It also costs lives, and causes immense amounts of grief and pain. Addiction is a disease, and it must be attacked as such. No one is immune from addiction, as it afflicts people of all ages, all races, all classes, and all professions.

As with any serious disease, the treatment for addiction relies on great amounts of research and advances in health sciences. There have been tremendous strides in the fight against addiction. Congress allocates billions of dollars each year on addiction research at the National Institutes of Health. The NIH is a leader in this regard, and it has committed funds to research on addiction, including research on how addiction takes over the brain, the body, and the central nervous system. We must continue to fund NIH at the level it deserves so scientists can unlock the mysteries of addiction and its impact on individuals and society.

Today, September 20, 2006, is National Addiction Professionals Day, and I applaud the hard work and dedication of addiction counselors who must encounter daily the difficult task of prevention, intervention, and treatment. The research on addiction that NIH conducts can only support and complement the addiction counselors' efforts in helping many Americans afflicted with addiction. We need to give them all of the support we can.

Mr. Speaker, I ask all of my colleagues to join me in recognizing the valuable contributions of all those who devote their time and energy to addiction recovery. We should honor and appreciate their hard work. Congress has shown strong support for this issue. However, we are far from victory, and we must continue our steadfast fight against drug and alcohol addiction. I look forward to the day when addiction to drugs and alcohol are eradicated, and these wonderful professionals can take their final bow.

RECOGNIZING JESSE CASH FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jesse Cash, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 633, and in earning the most prestigious award of Eagle Scout.

Jesse has been very active with his troop, participating in many scout activities. Over the many years Jesse has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Jesse held the principal leadership position of Venturing Crew President and has actively supported the ministry of Heartland Presbyterian Center.

Mr. Speaker, I proudly ask you to join me in commending Jesse Cash for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN REMEMBRANCE OF EVY DUBROW

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in memory and recognition of Evelyn Kahan Dubrow who passed away on June 20, 2006. Known to her friends and colleagues as "Evy", she dedicated her life to the public service of worker's rights in the United States for over 5 decades. Known on Capitol Hill as the lobbyist everyone loves, Evy had the ability to be a uniter and inexorable activist for the power of the people. As a union activist and general advocate for working families from across the country, Evy's accomplishments ranged from being named one of Washington Magazine's Top 100 Women to winning the Presidential Medal of Freedom.

From a humble upbringing as the daughter of immigrant Belorussian factory workers, Evy rose to become one of America's most notable labor organizers. Her ability to not stray from her roots while still embracing a wide variety of viewpoints led to her success as a civil rights activist and a champion of the average American.

Her distinguished career in labor organizing eventually led her to Washington, DC, where she became a pillar of the movement as an unflinching and vigilant lobbyist for the International Ladies Garment Workers Union.

Her accomplishments were honored in 1999 nationally when President Clinton named her a recipient of the Presidential Medal of Freedom. Upon meeting Evy Dubrow, President Clinton said that she was a tiny woman, larger than life. The President went on to note her candor, strength, and dedication to being the champion of the impoverished.

Indefatigable until the end, Evy lived until age 95 and never lost her passion for human rights and the spirit of each individual person.

Mr. Speaker and Colleagues, please join me in honoring the memory and recognizing the great accomplishments of Evy Dubrow in the field of labor organizing. For over 50 years, Evy Dubrow stood for the strength, resolve, and gritty integrity of millions of working class Americans.

PENIEL RESIDENTIAL DRUG AND ALCOHOL TREATMENT CENTER CELEBRATES 25TH ANNIVERSARY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. MURTHA. Mr. Speaker, I rise today to recognize the 25th anniversary of a community service organization in my congressional district. Housed in Tanneryville, a suburban area near the city of Johnstown, PA, Peniel Residential Drug and Alcohol Treatment Center is a successful comprehensive treatment program that offers help to both men and women 18 years of age and older who are suffering from the effects of substance abuse.

Through the use of an individualized treatment plan, each client has his or her needs addressed on a personal level for the length of the treatment period, which is between 12 and 18 months.

The aim and driving force behind the Peniel program is to help people overcome their addictions and learn how to live effective and productive lives as contributing members of their communities.

Treating roughly 45 patients at a time on a revolving basis, Peniel has helped hundreds of people break the chains of drug and alcohol addiction through a religious, community-centered program.

One of the best and most gratifying by-products of the program is the considerable number of graduates who now call the Johnstown area their home, having successfully integrated back into society as business owners and community leaders leading a healthy life.

In addition to equipping each resident with the ability to maintain his or her sobriety, Peniel empowers clients to manage their immediate environment and to have a positive influence in their homes, churches and communities following completion of the program.

Again, I offer my congratulations to Peniel for reaching the milestone of its 25th anniversary. I am confident that, with such excellent programs, the organization will continue to be a vital asset to the region for another 25 years and beyond.

IN HONOR OF MABEL BURCH NORWOOD'S 100TH BIRTHDAY

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. MCCAUL of Texas. Mr. Speaker, I rise today to honor the 100 birthday of Mabel Burch Norwood. Mabel was born on September 20, 1906 in Del Valle, Texas to John Clarence Burch and Ida Mae Jones.

On February 8, 1924 Mabel married James Edward Norwood. Together they had 6 daughters, Marie Roberts, Betty Ball, Harriet Humphrey, Dorothy Burchard, Earline Hocker and Barbara Parr. She has 14 grandchildren, 15 great grandchildren, 11 great, great grandchildren, 3 great, great, great grandchildren and 47 living descendants. What an accomplishment.

In the earlier years of her life, Mabel enjoyed staying home raising her family. She also enjoyed teaching Sunday school at Haynie Chapel United Methodist Church where she taught for 41 years.

On this, her 100th birthday, I know I speak for her family, friends, my constituents and the Members of the House of Representatives in wishing her a very happy birthday.

RECOGNIZING JOHN WILLIAM PERKOWSKI FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize John "Will" Perkowski, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 633, and in earning the most prestigious award of Eagle Scout.

"Will" has been very active with his troop, participating in many scout activities. Over the many years Will has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Will held the principal leadership position of Venturing Crew Secretary and has actively supported recreational therapy programs within regional hospitals. Will has donated over 100 man-hours of concert time through his chorus and barbershop quartet performances.

Mr. Speaker, I proudly ask you to join me in commending John Perkowski for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN REMEMBRANCE OF FLOSSIE COLLINS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in memory and recognition of Flossie Perry Collins who passed away on September 8, 2006. A beloved mother, grandmother, and local democratic organizer, Flossie embodied the true spirit of the Democratic Party both publicly and in her daily life.

Born in Newville, Alabama, Flossie moved to Cleveland, Ohio after high school where she married Frederick Douglas Collins and began a career as a nurse. Upon her retirement, Flossie dedicated herself to her community by becoming an active volunteer for organizations including the Cub Scouts, Girl Scouts, War 19 Democratic Club, the Parent Teacher Association, and the Gunning Recreation Center. Her service to her community stands as a beacon of the American Spirit of dedication to civic improvement and rich cultural development.

Her steadfast loyalty to volunteering for charitable and meaningful causes locally earned Flossie lifetime friendships and the respect of many that knew her. The programs she spearheaded, including after school activities for at-risk youth and an effort to improve undeveloped neighborhoods through community interaction, became staples to the cultural development of the Cleveland area.

Flossie's unwavering courage and commitment to core values such as honesty, integrity, grace, and love were strengthened and reinforced by a deep faith in God and a sturdy foundation in the true principles of Christianity. For over 60 years, Flossie embodied these principles through being an active member and leader in the Gethsemane Baptist Church. Though she held many titles and performed many duties for the church, her passion was in singing. To her, the choir brought together the voices of many people and bound them together in unity and community—just as she did in her life.

Mr. Speaker and Colleagues, please join me in honoring the memory and recognizing the accomplishments of Flossie Collins as a woman who stood for true American values.

PERSONAL EXPLANATION

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. KENNEDY of Minnesota. Mr. Speaker, I was unavoidably detained yesterday, September 15, 2006, however, my vote on the following rollcalls would have been as follows: roll No. 451, H. Con. Res. 210—"yea," roll No. 452, H. Res. 622—"yea," roll No. 453, H. Con. Res. 415—"yea."

PAYING TRIBUTE TO THE 40TH SEASON OF "BOUND FOR GLORY"

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. HINCHEY. Mr. Speaker, I rise today to honor the beginning of the 40th season of "Bound for Glory." This radio show is a weekly live broadcast from Cornell University in Ithaca, New York. Over the years this nationally acclaimed program has become a distinguished and beloved musical institution in the Ithaca community and beyond. I am very proud of my constituents who have produced this esteemed radio show that has become so widely enjoyed.

From its creation in 1967, "Bound for Glory" has been committed to producing outstanding folk music and showcasing a broad range of musicians. "Bound for Glory", with its founder and long-time host Phil Shapiro, has produced over 1,200 live folk concerts and is North America's longest running radio show that still features live concerts. In this era where spontaneity is the exception rather than the norm on commercial radio, Bound for Glory provides a welcome reprieve. Today, the show is also broadcast online through the Internet and is accessible far beyond WVBR's FM listeners.

American folk music is in its renaissance due in no small part to programs like "Bound for Glory". Society and culture have changed greatly since 1967, but "Bound for Glory" has remained a consistent and enduring treasure.

Mr. Speaker, it gives me great pleasure to recognize "Bound for Glory" as it enters its 40th year on the air. I believe that the passion of its listeners, programmers, and guest artists will ensure that this program continues to thrive.

PERSONAL EXPLANATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. WOLF. Mr. Speaker, earlier today I was at Arlington National Cemetery attending the funeral with full military honors for LCDR James Edwin Plowman, a missing-in-action Navy pilot shot down in 1967 in Vietnam, whose remains were positively identified after military investigators found his crash site several years ago. He was the father of James Plowman, Jr., Commonwealth's attorney for Loudoun County in my congressional district.

Had I been present and voting, I would have voted "yea" on rollcall 454, the motion to consider H. Res. 1015, the rule for H.R. 4844, Federal Election Integrity Act of 2006.

RECOGNIZING THOMAS LAWRENCE WILLIAMS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Thomas Williams, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 633, and in earning the most prestigious award of Eagle Scout.

Thomas has been very active with his troop, participating in many scout activities. Over the many years Thomas has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Thomas held the principal leadership position of Venturing Crew Treasurer and has actively supported VFW Post 7356 in Parkville, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Thomas Williams for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF THOMAS J. HARRINGTON FOR OVER FORTY YEARS OF SERVICE TO LOCAL 33 OF THE UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. LYNCH. Mr. Speaker, I rise today in honor of a man whose professional life has been dedicated to improving the lives of working men and women in Massachusetts and across our nation. Tommy Harrington is a remarkable labor leader with a long and illustrious career in the United Brotherhood of Carpenters and Joiners of America, Massachusetts.

Tommy joined the Carpenters Apprenticeship Program in 1966 after graduating from Boston Trade High School. During his tenure, he held several prestigious positions in Carpenters Local 33, the Massachusetts State Council of Carpenters and the New England Regional Council of Carpenters. In 1989, after twenty-three years in the field as a carpenter and Union Steward, he became a Business Agent for Local 33. In 1990, he was elected President of the Massachusetts State Council of Carpenters, an office which he held until 1993. Following this esteemed position, he became the Business Manager of Local 33 and was elevated to the position of Financial Secretary.

In September of 2001, Tommy reached the pinnacle of his career when he achieved the position of Executive Financial Secretary-Treasurer of the New England Regional Council of Carpenters. Tommy's personal integrity, hard work and determination illustrate the best qualities of those who serve the working men and women of this country.

Although he has held many of the most official positions in Local 33, Tommy is best known for the personal relationships he cultivated with the men and women he worked with on a daily basis. Anyone who has had the privilege to call Tommy a colleague or friend knows that he is one of the most thoughtful, caring and compassionate individuals, always putting the safety and welfare of his union carpenters and their families first.

Tommy has also set an example as a model citizen. His civic involvement can be seen in the numerous causes he has actively supported. Tommy has worked tirelessly on behalf of the pine Street Inn and Rosie's Place volunteering his time and energy. He has participated in charity events for organizations like the Boys and Girls Clubs of Boston and the South Boston Health Center.

Despite his various accomplishments, as his friend I can honestly say that the title that Tommy has always been most proud of and which he cherishes most, is the title of husband and father. Tommy has had the enormous pleasure and tremendous good fortune to be married to his wife Ginny for over thirty-five years. They are the proud parents of two lovely and adoring daughters, Heather and Cindy.

Mr. Speaker, it is my distinct honor to take the floor of the House today to join with Tommy Harrington's family, friends and brothers and sisters of labor to thank him for forty years of remarkable service to the American Labor Movement. I hope my colleagues will join me in celebrating Tommy's distinguished career and wishing him good health and God's blessing in all his future endeavors.

RECOGNIZING THE 80TH ANNIVERSARY OF THE DADE CITY WOMEN'S CLUB BUILDING

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, unfortunately, I am unable to be with you for the 80th anniversary celebration of the Historic Dade City Women's Club Building. I know that you have worked long and hard to make this a successful event, and today's ceremony is clear proof that your efforts were successful. Unfortunately, I am unable to attend the celebration because I have to vote in Congress in Washington, DC.

For nearly 100 years, the Women's Club has played a leading role in the Dade City community. From city beautification efforts, to educational seminars, to helping meet the needs of area residents during times of war, the Women's Club has many achievements of which to be proud.

This year marks the 80th anniversary of the construction of the current Women's Club historic building. Since 1926, the clubhouse has been a meeting place for thousands of Pasco County women. Today, the site is used as a community center for area residents, in addition to being the home of the Dade City Women's Club.

A building with so much history within its walls, in 1985 the clubhouse was designated as an historical site by the Pasco Historical Society. In 2003 was added to the prestigious National Register of Historic Places. Generations of Pasco County women have called this building home, and today's anniversary celebration is a fitting testament to its beauty, longevity and historic value to the entire Dade City Community.

Although I was unable to attend the 80th anniversary celebration, I appreciate the Women's Club's continued support and commitment to the residents of Dade City. Keep up the good work and know that you have my thanks for improving the lives and economy of Pasco County residents.

RECOGNIZING BYRON DEVLIN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Byron Devlin, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 633, and in earning the most prestigious award of Eagle Scout.

Byron has been very active with his troop, participating in many scout activities. Over the many years Byron has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Byron held the principal leadership position of Senior Patrol Leader and has actively supported the ministry of Heartland Presbyterian Center.

Mr. Speaker, I proudly ask you to join me in commending Byron Devlin for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING SPELMAN COLLEGE ON THE OCCASION OF ITS 125TH ANNIVERSARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. RANGEL. Mr. Speaker, I rise before you today to join with my colleagues in congratulating Spelman College on the occasion of its 125th anniversary.

One of our country's most distinguished colleges, this historically Black college for women founded in 1881 by Harriet E. Giles and Sophia B. Packard in Atlanta, Georgia, was ranked this year by U.S. News & World Report as being among the top 75 Best Liberal Arts Colleges.

Since its inception, Spelman College has provided women with access to education since the post-Civil War era, promoting academic excellence in the liberal arts and developing the intellectual, ethical, and leadership potential of its students. As a member of the Atlanta University Center (AUC) consortium, Spelman students enjoy the benefits of a small college while having access to the faculty and physical resources of five other historically black institutions.

Spelman College has grown from its roots as the Atlanta Baptist Female Seminary, to become one of the Nation's most prominent institutions of higher learning promoting both academic excellence and leadership development.

Spelman's steadfast commitment to preparing black women for service and leadership is clearly evident in the more than six generations of Spelman women who have reached the highest levels of academic, community, and professional achievement.

Spelman's most notable alumnae include Marian Wright Edelman, founder and president of the Children's Defense Fund; Ruth A. Davis, director general of the U.S. Foreign Service; Aurelia Brazeal, U.S. ambassador to Ethiopia; and Alice Walker, Pulitzer Prize winning novelist.

Spelman can well be proud of its achievements and exemplary service not only to its students, but to the City of Atlanta. May this outstanding college enjoy many more years of continued success.

TRIBUTE TO SISTER KATHRYN SCHLUETER

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. BISHOP of New York. Mr. Speaker, I rise to recognize an exceptional constituent and community leader, Sister Kathryn Schlueter, CSJ, of Southampton, New York, who has dedicated herself to Catholic education on Long Island for nearly 40 years.

Sister Kathy, as she is affectionately known, joined the Sisters of Saint Joseph in 1963. After graduation from Brentwood College with a Bachelor of Science in Education in 1967, she began her teaching career at the Saint Patrick School located in Smithtown, Long Island. Sister Kathy subsequently received her Masters in Educational Administration from Hofstra University in 1977 while continuing her teaching career at the Sacred Heart Academy in Hempstead, Long Island.

In 1987, Sister Kathy arrived on the east end of Long Island as Principal of Our Lady of the Hamptons Regional Catholic School in Southampton where she has worked faithfully to improve the quality of that institution for the past 20 years.

Under Sister Kathy's diligent stewardship, Our Lady of the Hamptons Regional Catholic School has been designated as a Blue Ribbon School of Excellence by the U.S. Department of Education and has received further accreditation by the Middle States Association of Colleges and Schools. As Our Lady of the Hamptons prepares to celebrate its twenty-fifth anniversary as a Regional Catholic School, Sister Kathy should be recognized as the driving force behind its success.

Mr. Speaker, on behalf of New York's First Congressional District, I express our sincere appreciation to Sister Kathy for her extraordinary commitment to excellence in education. We wish her continued success and happiness in the years to come.

CONGRATULATING SPECTROLAB ON ITS 50TH ANNIVERSARY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. BERMAN. Mr. Speaker, I rise today with my colleague BRAD SHERMAN (CA–27) to pay tribute to Spectrolab, a subsidiary of the Boeing Company, on its 50th anniversary and to celebrate the delivery of its two millionth solar cell. We are honored to represent many of Spectrolab's employees and are proud of their great accomplishments.

Spectrolab is the world's leading manufacturer of space solar cells and solar panels. Throughout the years, Spectrolab solar cells and solar panels have powered more than 500 satellites and interplanetary missions, including the Spirit and Opportunity rovers, which are still exploring the surface of Mars. Also, all of the solar panels on spacecraft on Mars are manufactured by Spectrolab.

In 1956, Spectrolab was founded by a group of engineers who began providing high-quality optical filters and mirrors for government systems. In 1958, Pioneer 1 carried the company's first body-mounted solar panels into space. Shortly thereafter, Explorer 6 was the first satellite to use Spectrolab' s solar arrays, and Spectrolab's first solar cell panel was placed on the moon by Apollo's mission in 1969. Galaxy 111C, the world's highest capacity satellite, launched on June 15, 2002 carrying the latest solar cell technology developed and manufactured at Spectrolab. Its contributions to the space industry cannot be overstated.

Spectrolab is well respected in its industry and has received a myriad of well deserved accolades. NASA's George M. Low Award for Supplier Quality and Excellence was given to Spectrolab in 2004. Also, Spectrolab's multijunction cells were inducted into the Space Technology Hall of Fame by the United States Space Foundation that same year.

Currently, Spectrolab scientists are working to build and test solar cells for concentrator systems that may one day generate inexpensive and renewable electricity for America's cities and towns. Their expertise in space photovoltaic products earned Boeing the contract to build solar concentrator cells for a leading renewable energy company.

Spectrolab's product portfolio includes terrestrial concentrator solar cells and panels, searchlight systems, solar simulators and photodetector products. More than 90 percent of all law enforcement aircraft and helicopters worldwide use Spectrolab's Nightsun searchlights.

It is with pleasure and gratitude that we salute Spectrolab for its extraordinary accomplishments over the past 50 years.

TERRORIST ATTACKS ON 9/11

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. STEARNS. Mr. Speaker, it has been more than five years since the terrorist attacks of September 11. In looking back, we have made great progress uprooting the terrorists from their havens and liberating millions of people. We also have provided our law enforcement and intelligence agencies with new tools to combat these threats.

Yet, there is so much more to do. We are at war against terror and we must protect our borders. If we cannot control our borders, how can we prevent those who would murder us from entering our nation?

Millions attempt to enter our nation illegally every year, and many are apprehended. I commend our border patrol for their fine work under difficult conditions. However, millions have crossed the border successfully in the past five years, and we do not know how many are terrorists.

Our borders are another battlefront in the War on Terror.

THE CHARLES B. RANGEL INTERNATIONAL AFFAIRS PROGRAM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. RANGEL. Mr. Speaker, I rise to share with my colleagues the presence in the House of the participants in an important and exciting program today, The Charles B. Rangel International Affairs Program, and to welcome these extraordinary young people to their period of service in the Congress. The Charles B. Rangel International Affairs Fellowship Program was initiated from my desire that the State Department's Diplomatic Corps abroad would reflect the rich diversity represented by the American people at home. The program presents young adults from diverse backgrounds the opportunity to learn, participate, and become a part of the United States' diplomatic corps.

This program is a successful collaboration between the Congress, the State department, and Howard University, which administers the program with a cross-section of colleges and universities across the country. Former Secretary of State Colin L. Powell introduced the program on May 17, 2002 at a State Department ceremony and Secretary of State Condoleezza Rice has expressed her profound support for continuing and expanding this initiative.

In the last 2 years, the components of the Rangel Program were reviewed and evaluated by the State Department and were found to satisfy the stringent requirement for inclusion in the Department's prestigious Diplomacy Fellows Program. This milestone achievement has included the program in the distinguished ranks of such programs as the Presidential Management Interns, the American Association for the Advancement of Science, and the Boren, Fascell, and Pickering Fellows Programs. As a result, fellows who successfully complete the Rangel Program and the State Department requirements will automatically receive employment offers and appointments to the Foreign Service.

In addition, I would like to personally welcome the 2006 Charles B. Rangel Fellows to Capitol Hill. We currently have Jacob Choi, a graduate of Brigham Young University, who will attend Harvard's Kennedy School of Government in the Fall, serving Rep. ELIOT ENGEL's office; Christopher Hartfield, a graduate of Stanford University, who will attend Tuft's Fletcher School of Law and Diplomacy in the Fall, serving in Rep. ADAM B. SCHIFF's office; Teresa Williamson a graduate of Dillard University who will attend Yale University in the Fall, serving in Rep. DONALD M. PAYNE's office; Sara Marti a graduate of the University of Central Florida who will attend the University of Denver's School of International Studies, serving in Rep. JOSE E. SERRANO's office; Chansonett Hall, a graduate of Penn State University, who will attend the University of Pittsburgh's School of Public and International Affairs serving in Rep. GREGORY W. MEEKS' office; Yehia Hanan, a graduate of Howard University, who will attend Georgetown University's School of Public Policy, serving in Sen. JOSEPH R. BIDEN's office; Marcus Jackson, a graduate of Florida A&M University who is serving in Rep. ENI F.H. FALEOMAVAEGA's office; Paloma Gonzalez, a graduate of Lewis and Clark College, who will attend Georgetown University's School of Foreign Service, serving in Rep. BARBARA LEE's office; and Brandon Jackson, a graduate of Cornell University, who will also attend Georgetown University's School of Foreign Service, serving in my office.

I have been eagerly awaiting your arrival. I have read each and every single one of your bios and I am extremely impressed with all of your diverse areas of study and accomplishments. I know your experience on the Hill will be an invaluable help to you in the Foreign Service.

I also want to take this opportunity to thank my colleagues and friends for the invaluable experiences that they are providing and for personally hosting a Rangel Fellow in their offices. The experiences to be obtained during their time in the House of Representatives will provide insight that is a special and unique part of this program. This Capitol Hill exposure and experience will be particularly useful as they enter the State Department as junior Foreign Service Officers. Thank you for the wonderful opportunities that you are providing this summer.

I am extremely proud of this program and its contribution to the country. I believe that in America, diversity is our strength. With our Nation's growing international involvement, there could be no better time than now to attract the very best, the brightest, and the most diverse talent available to represent the American people and champion our interests in every corner of the globe.

RECOGNIZING CHRISTOPHER RAY DEAN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Christopher Dean, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and in earning the most prestigious award of Eagle Scout.

I join with your family and friends in expressing best wishes on your significant achievement. I commend you on attaining such a high honor and your superior contributions to your community. Showing particular dedication to the children at Children's Mercy Hospital, Christopher developed an activity for the patients. Being recognized for your remarkable achievement reflects both your hard work and dedication. I am sure you will continue to hold such high standards in the future.

Mr. Speaker, I proudly ask you to join me in commending Christopher Ray Dean for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Christopher in the United States House of Representatives.

IN HONOR OF FRANK H. BASS

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. BRADY of Texas. Mr. Speaker, I rise today in honor of a dear friend, Frank H. Bass from The Woodlands, TX who passed away after suffering a stroke on September 15, 2006. Mr. Bass was a true servant to society and left a lasting impression on all he encountered.

Frank was proud to call The Woodlands his home since 1985 where he served in numerous positions throughout public, private, and corporate sectors. Before this he graduated from Mercer University where he received his undergraduate and Doctorate degrees and served valiantly in the United States Navy.

After a lengthy career with Florida Power Corporation in St. Petersburg Florida, he came to Texas to serve as the Director of Legal Services for the Texas Municipal Power Agency. Following this, he served Montgomery County first as an Assistant County Attorney and then as the elected County Attorney for two 4-year terms.

In 2001, Mr. Bass was appointed Associate Judge to hear cases relative to Children's Protective Services in several Texas counties. Judge Bass was truly a natural on the bench and was renowned for his kindness, fairness, compassion, even handedness, and his intolerance for those who mistreated children.

Continuing in his serving nature, Judge Bass also served on the boards of The Woodlands Community Association and the Montgomery County Women's Center. Notably, he was also a founding member of the Town Center Improvement District.

Judge Bass was an active leader in many areas of the community and his leadership, service, and the example he set will be missed by all. He is survived by his wife of 29 years Diane, and their four grown children Mark, Jeff, Marcia, and Michele.

Mr. Speaker, Frank was a rare individual whom I will miss greatly. Thank you for helping me honor Judge Bass, one of the most kind-hearted individuals I know.

IN RECOGNITION OF THE RETIREMENT OF CHIEF PETTY OFFICER PHILLIP P. WHITE, UNITED STATES NAVY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. MILLER of Florida. Mr. Speaker, it is my great honor to recognize Chief Petty Officer Phillip P. White's retirement on September 1, 2006, from the U.S. Navy. Chief White proudly held the line among the brave sailors of the U.S. Navy for more than two decades.

On a daily basis he diligently worked for the betterment of the Florida Gulf Coast region. While an active duty sailor he participated in naval operations that assisted in locating and identifying numerous historic shipwrecks in the Pensacola Bay area. In the wake of the tragic hurricanes of last year, Chief White valiantly returned to active duty status to lend his brawn to the recovery effort.

On behalf of a grateful nation, I extend my deep appreciation to Phillip Paul White for his service to Florida and our country. My best wishes on a happy retirement, and continued success, Chief.

CELEBRATING THE RIGHT EXCELLENT DR. MARCUS MOSIAH GARVEY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. RANGEL. Mr. Speaker, it is my honor and privilege to stand on the floor of the United States House of Representatives to pay tribute to Jamaica's favorite son and national hero, The Right Excellent Dr. Marcus Mosiah Garvey. Dr. Marcus Mosiah Garvey had "One God, One Aim, One Destiny" for his life. That venerable aim was the "Redemption of Africa." He was born in St. Ann's Bay, Saint Ann, Jamaica on August 17, 1887. Marcus Garvey was a publisher, journalist, entrepreneur, crusader for Black Nationalism, and founder of the Universal Negro Improvement Association and African Communities League.

Garvey advanced proposals that were designed to promote social, political and economic freedom for Blacks, including launching the Black Star Line Corporation and its successor company, the Black Cross Navigation and Trading Company. He was at the forefront of developing Liberia based upon the belief that Blacks should have a permanent homeland in Africa. Marcus Garvey asserted, "Our success educationally, industrially and politically is based upon the protection of a nation founded by ourselves. And the nation can be nowhere else but in Africa." Garvey was a deep believer in race improvement through self-empowerment which undercut the "Doctrine of Inferiority" that plagued the minds of Blacks throughout the Diaspora. The Garvey Movement was an emerging force that spoke to the pride of being Black and the richness of Black ancestry. Garvey sought respect for Africa and dignity for those dispersed from its' shores.

Garvey furthered the paradigm of redemption and uplift of his race by establishing the Universal Negro Improvement Association and African Communities League in 1914 in Jamaica. Through the UNIA–ACL Garvey championed the cause of Africa and proclaimed that until Africa is free and redeemed, not only in name but dignity, no one would be free, Black or White. Garvey was a firm believer in the "Brotherhood of Man", that is to say, all of our destinies are inextricably linked together by the "Parenthood of God." Moreover, the Creator has a purpose for everyone that he has created and that purpose does not include slavery or subjugation for any circumstances.

Garvey held that dignity and self-esteem were the most powerful and only weapons against racism and white supremacy. Garvey stated, "the man or woman who has no confidence in self is an unfortunate being, and is really a misfit in creation. God Almighty created earth and every one of us for a place in the world, and for the least of us to think that we were created only to be what we are and not what we can make ourselves is to ipute an improper motive to the Creator for creating us." Garvey wanted every Black throughout the Diaspora to commit to self-awareness, confidence, conviction and actio. Only then would Africa become free and the bonds of condemnation fall and shatter.

Marcus Garvey was a scholar, a leader and a statesman who gave his life to mother Africa and Black people. History records that Garvey attracted an unprecedented fallowing, enjoyed by no previous Negro leader. Garvey sought to eradicate the evils that plagued Black existence. He believed that "Chance has never yet satisfied the hope of a suffering people," but it will take measurable deliberate action toward the destiny that God has prepared.

In the 1920's, Marcus Garvey built the largest Black-led mass movement this country has ever seen. There was never a leader like him, before or since. In nearly all matters relating to the resurgence of African people, in this country and abroad, there is recognition of this man and his movement that seemed impossible in his lifetime. His prophesy has been fulfilled in the independence explosion that brought more than 30 African nations into being. The concept of Black Power that he advanced, using other terms, is now a reality in large areas of the world now governed by people of African origin. From the year of his arrival in the United States, in 1916, until his deportation in 1927, the community of Harlem, my home, was his window on the world. I am so proud that, from the work in my community he launched a great movement and became one of the most significant leaders of the 20th century.

Mr. Speaker, Jamaica's first national hero, the Right Excellent Marcus Garvy is honored in many ways throughout the world. If you visit New York City's Harlem neighborhood, you will find a park named after his Excellency. If you travel across the shores and visit Nairobi, Kenya, you can walk down a major street named after Marcus Garvey. If you should visit Lenton, Nottingham, you can drop in to the Marcus Garvey Centre. In Kingston the building housing the Ministry of Foreign Affairs bears his name, and in St. Ann there is a secondary school named after him. Marcus Garvey is celebrated and memorialized all across the world and now it is my pleasure to honor him now in the "People's House."

Mr. Speaker, on August 17th, people from all over the world will celebrate Marcus Garvey's birthday. We will celebrate him as a leader, a friend of Africa and a lover of Black people throughout the world. Even now, I can hear the reverberation of his words, "Up you mighty race, accomplish what you will."

CONGRATULATING AUDREY RUST FOR HER WORK AT THE PENINSULA OPEN SPACE TRUST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. LANTOS. Mr. Speaker, I rise today to honor Ms. Audrey Rust for her tireless efforts to preserve the natural beauty of the San Francisco Peninsula. For nearly twenty years, Audrey Rust has been the CEO of the Peninsula Open Space Trust, an organization that has been highly effective in protecting well over 55,000 acres of land in San Mateo and Santa Clara Counties, California. I congratulate her for this great achievement, and I am proud that she resides in my congressional district.

The Peninsula Open Space Trust (POST) owes much of its great success to Ms. Rust's ability to create partnerships between public agencies and private landowners to bring significant tracts of land under permanent protection. Highlights of POST's work include securing the preservation of the 7,357-acre Cloverdale Coastal Ranches, the 3,681-acre Driscol Ranch, the 1,623-acre Bair Island in Redwood City, and the 2,438-acre Rancho Cañada del Oro in San Jose. Also, POST played a significant role in the creation of Cowell Ranch State Beach. When it opened in 1995, it was the first state beach created in California since the early 1980s.

Mr. Speaker, one of the most impressive preservation efforts by Ms. Rust and POST was saving the Rancho Corral de Tierra from planned development. The 4,262-acre region contains awe-inspiring views, rich farmlands, important watersheds, miles of public trails, and diverse wildlife. Under Ms. Rust's leadership, POST was able to secure millions from private donors to purchase this beautiful land. Senator FEINSTEIN and I were inspired by the pristine grandeur of Rancho Corral de Tierra and introduced to include the ranch within the boundaries of Golden Gate National Recreation Area. We were successful in that effort with the passage of Public Law 109–131 in this Congress.

Prior to her years of leadership at POST, Ms. Rust worked with the Sierra Club, and Yale and Stanford Universities. She has served on the boards of numerous local, state and national organizations, primarily in the fields of conservation and housing. Over the years, Ms. Rust has received several major awards, including the Times Mirror-Chevron National Conservationist of the Year Award, the League of California Voters Environmental Leadership Award, the Cynthia Pratt Laughlin Medal, the Garden Club of America's top environmental honor, and the Jacqueline Kennedy Award from JFK University for her achievements in land conservation.

Mr. Speaker, I urge my colleagues to join me in congratulating Audrey Rust for her integral role in preserving the natural landscape of one of our nation's most beautiful regions. I am inspired by Ms. Rust's dedication to maintaining the pristine beauty of the San Francisco Peninsula.

RECOGNIZING DANIEL CUMMINGS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Daniel Cummings a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 312, and in earning the most prestigious award of Eagle Scout.

Daniel has been very active with his troop, participating in many Scout activities. Over the many years Daniel has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Daniel Cummings for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE 15TH ANNIVERSARY OF ARMENIA'S INDEPENDENCE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. CONYERS. Mr. Speaker, today I rise to honor and recognize the 15th anniversary of Armenia's independence. Armenia's independence was first recognized on September 21, 1991, marking it as one of the first nations to declare its independence from the former Soviet Union. Building upon the foundations of the first Armenian Republic of 1918, today's Armenian Government has, in the years since independence, strengthened democracy and the rule of law, promoted free-market reforms, and sought a just and lasting peace in the region.

Since declaring independence from the former Soviet Union, Armenia emerged from its Soviet-styled centrally planned economy, based on industry and highly dependent on outside resources, to an economy developing and relying on new sectors, such as precious stone processing and jewelry making, information and communication technology, and even tourism.

With its steady economic progress, Armenia has rightfully earned increasing support from international institutions. As the 2005 Transparency International Corruption Perception Index chart, where Armenia ranked 88th out of 158th, shows, Armenia has earned this support. Furthermore, according to the 2005 U.N. Human Development Report, Armenia has a Human Development Index of 83 out of 177, and ranks the highest among the Transcaucasian republics. Finally, in recognizing the country's continuing efforts to move away from its Soviet past, it cannot be overlooked that in this year's Index of Economic Freedom, Armenia ranked 27th best, tied with Japan and ahead of countries like Norway, Spain, Portugal and Italy. The rank puts Armenia in the category of "Mostly Free" countries, making it the most economically free state in the Commonwealth of Independent States.

No recognition of Armenia would be complete without acknowledging the fantastic contributions of the Armenian diaspora living here in America. It is estimated that the Armenian community in the United States numbers in the hundreds of thousands and represents the largest Armenian community in the world outside Armenia. In Michigan, my hometown of Detroit was itself one of the great historical centers where Armenians set down roots after they came to our great Nation. Armenian-Americans have also made contributions to every aspect of American life. Among the most notable have been William Saroyan, Academy Award and Pulitzer Prize winning author; Howard Kazanjian, producer of Star Wars and Raiders of the Lost Ark; Raffi, children's singer and songwriter; System of a Down, multi-platinum alternative/metal group; Steve Zallian, Academy Award winning screenwriter of Schindler's List; Ray Damadian, inventor of Magnetic Resonance Imaging (MRI), and, of course, Andre Agassi, professional tennis player.

However, our relationship with Armenia has certainly been by no means a one-way street. Our Nation's Armenian diaspora has provided the greatest number of high ranking officials in the new republic: the young Minister of Foreign Affairs, Raffi Hovannisian, a lawyer and political scientist, whose father, Richard, professor of Armenian history at UCLA, is the foremost authority on the first republic; the minister of energy, Sebuh Tashjian, also from Los Angeles; Jirair Libaridian, historian and former director of the Zoryan Institute, who is a personal advisor to President Levon Ter Petrosian; and Mathew Der Manuelian, a Boston lawyer with a high post in the Ministry of Foreign Affairs.

I'll conclude my statement by wishing Armenia and Armenian-Americans a happy independence day.

IN RECOGNITION OF THE MANRESA JESUIT RETREAT HOUSE

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. KNOLLENBERG. Mr. Speaker, I want to recognize the Manresa Jesuit Retreat House as it celebrates its eightieth year of service to Oakland County.

Founded by a group of laymen in 1926, the Manresa Jesuit Retreat House has grown and evolved over the years to become a center for thousands of people to get away to a quiet place for meetings, seminars, workshops, and worship.

In its beginnings, the Manresa Jesuit Retreat House struggled to secure the funds to fully provide food service and other amenities to its guests, However, through perseverance and strong leadership, Manresa has become a fixture in the community, providing thousands of people with a place to worship, reflect, learn, and work in a nurturing atmosphere. Its board of directors has guided the Manresa Jesuit Retreat House's ministry to the community, including the establishment of the Internship in Ignatian Spirituality which trains both laymen and ordained people of many denominations for ministry in their communities.

September 23, 2006 will mark the eightieth anniversary of the first retreat ever held at the Manresa Jesuit Retreat House, located on the thirty-nine acre "Deepdale Estate" on the corner of Woodward and Quarton Road in Bloomfield Hills. At the time of its establishment as the Manresa Jesuit Retreat House, this area was part of the expanding metro Detroit area. As the area grew, so did Manresa with a series of additions and renovations that have enlarged the original capacity of retreat guests from 23 to its current capacity of 78.

The Manresa Jesuit Retreat House has provided a foundation upon which thousands of metro Detroiters have grown, both personally and spiritually. I am proud to recognize its importance in forging the character of the community as we celebrate the eightieth anniversary of Manresa's inaugural retreat.

TRIBUTE TO AUSTIN MALCOLM "MIKE" ALLEN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. McCOTTER. Mr. Speaker, today I rise to honor the extraordinary life of Austin Malcolm "Mike" Allen, former Mayor of Northville, Michigan, and mourn his passing at the age of 91.

For more than nine decades, Mike served the people of the City of Northville, where we served as its Mayor from 1958–1978. Born on October 3, 1914, he left his world on September 9, 2006. In his magnificent life, Mike embodied the virtues of honesty and duty—and good old fashioned common sense—for which he was widely admired and never equaled. (Though, admittedly, few tried to emulate his love of suspenders!)

Mike is survived by his wife, Betty; his children, Jim, Sharon, and Patricia; and his siblings, Doris, Naomi, Jerome, Flora, and Hoy. He will be remembered for his witty sense of humor, unfaltering dependability, and endearing concern for others. Mike touched everyone he met; and, by his absence, we are all diminished.

Mr. Speaker, I ask my colleagues to join me in honoring Austin Malcolm "Mike" Allen for his lifetime of dedication and service to his fellow human beings.

CONGRESSMAN CHARLIE MELANCON WELCOMES TO THE UNITED STATES PRESIDENT NURSULTAN NAZARBAYEV OF THE REPUBLIC OF KAZAKHSTAN

HON. CHARLIE MELANCON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. MELANCON. Mr. Speaker, Today I welcome President Nursultan Nazarbayev of the Republic of Kazakhstan to the United States.

When the Soviet Union collapsed, there was great concern about the political and economic future of the former Soviet republics. The world wondered whether these nations would join democratically developed nations, and whether they would be able to overcome the communist ideology that had been imposed on them for so long. Furthermore, as a result of the disintegration of the Soviet Empire, nuclear weapons were scattered, uncontrolled and therefore even more dangerous. The colossal number of nuclear weapons was a real threat to peace and the possibility loomed of bloody territorial and international conflict.

Unfortunately, in some cases our concerns were valid. For many of these emerging states, the burden of building a stable, flourishing and democratic society appeared to be a difficult task. Not everyone could handle this historic mission. The world witnessed several conflicts, sometimes bloody, in the former Soviet bloc, which not only destabilized the region, but also caused economic stagnation.

All indicators showed that Kazakhstan, with its enormous territory, vast natural resources and multinational and multiethnic population, should have been the epicenter of instability. But instead, Kazkahstan was one of only a few former Soviet states that avoided bloodshed. Kazakhstan withstood the pressure of reform and today has made staggering economic and political progress, largely due to President Nazarbayev's vision and leadership.

President Nazarbayev's stewardship of Kazakhstan's vast natural and strategic resources has given the world confidence in his government. His commitment to harmonize Kazakhstan's political and business climate with Western standards has allowed Kazakhstan to assume a leadership role among the former Soviet states of Central Asia. And Kazakhstan has risen up as a model in disarmament and nonproliferation and should be applauded by all nations of the world.

In November of last year I visited Kazakhstan. The warm and hospitable Kazakh people reminded me of the people from my own home state of Louisiana. During that trip, I was proud to be one of the first leaders to congratulate President Nazarbayev on his reelection. I also met with the elected leaders of the legislative and executive branches of government and of several opposition parties. I am glad to report that democracy in Kazakhstan is growing.

If you have never seen Kazakhstan's capitol city, Astana, you must. The brand new city rises up out of the Steppes, with cranes and skyscrapers studding the horizon. Astana is a truly awesome testament to the will of the Kazakh people to move into the future. It is a symbol of the progress Kazakhstan has made from Soviet dominance to independence.

I would also like to commend President Bush's Administration for seeing what I have seen for some time. Kazakhstan wants to be a partner with the United States. They are an ally in the Global War on Terror and Kazakh troops have shed their blood alongside Americans in Iraq. As we work to secure our nation from terrorism, we should thank the Kazakhs for their sacrifice. Kazakhstan's military and economic security is linked to America's. I hope to see our nations walk together down a path of prosperity and stability.

It is with great enthusiasm that I look forward to Kazakhstan's continued success in the years ahead and wholeheartedly support the future strengthening of the U.S-Kazakhstan strategic partnership. I am confident that with President Nazarbayev's leadership we will bring our two nations closer together.

Welcome to the United States, Mr. President.

DARFUR ACCOUNTABILITY AND DIVESTMENT ACT OF 2006

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Ms. LEE. Mr. Speaker, I rise to introduce the Darfur Accountability and Divestment Act of 2006.

As a Member of Congress who traveled to Darfur and visited the refugees in camps along the Chadian border, I am confident that now is the time for a two-pronged approach of diplomacy and divestment to end the genocide in Darfur.

As many of you know, divestment was a successful tool in ending the apartheid in South Africa. Similarly, we must make sure that the federal government prohibits contracts to multinational businesses enterprises if they maintain business relationships and investments with Sudan and other national, regional, and local governments involved in genocide or participating in business activities with any warring parties or rebel groups perpetrating genocide.

Today, state legislatures, colleges, and universities are leading divestment campaigns to pressure the Khartoum regime and show the international community that to achieve an end to the fighting, peace, truth, and reconciliation are needed immediately in Darfur.

The hard earned money of American citizens should not be used to support a pariah government that is killing its own people and supporting terrorists.

State legislatures in Illinois, New Jersey, Oregon, and Maine have passed legislation mandating divestment of State funds from companies that conduct business in Sudan. California, Massachusetts, Rhode Island, North Carolina, Kansas, Wisconsin, Indiana, Georgia, Maryland, New York, Iowa, and Texas have considered or are considering legislation to divest State funds from companies that conduct business in Sudan. Connecticut, Ohio, and Vermont have passed nonbinding divestment legislation with respect to Sudan; and Arizona, Louisiana, Missouri, and Pennsylvania have adopted screening processes for investments in companies that conduct business in countries that are sponsors of terrorism, including Sudan.

Additionally, Students Taking Action Now: Darfur (STAND) has launched successful student campaigns across the country, driving their respective colleges and universities to divest from companies doing business with Sudan.

Amherst, Boston University, Brandeis, Brown, Columbia, Dartmouth, Harvard, Middlebury, Oberlin, Princeton, the Reconstructionist Rabbinical College, Samford, Simmons, Smith, Stanford, Trinity, the University of California, the University of Maryland, the University of Pennsylvania, the University of Southern California, the University of Vermont, the University of Washington, Williams, and Yale have all divested their funds from, or placed restrictions on investment of their funds in, certain companies that conduct business in Sudan.

The Darfur Accountability and Divestment Act aplauds the divestment efforts of the state and local government, colleges, and universities.

Mr. Speaker, my bill would also require the Securities and Exchange Commission's (SEC) Division of Corporate Finance and the U.S. Treasury to require all companies listing securities on United States capital markets, either directly or through a parent or subsidiary company, including partly-owned subsidiaries, have business operations in a country with a genocide declared by the Department of State or Congress, to disclose the nature of their business operations.

The Darfur Accountability and Divestment Act of 2006 would require:

(1) The Securities and Exchange Commission's (SEC) Division of Corporate Finance and the U.S. Treasury to require all companies listing securities on United States capital markets, either directly or through a parent or subsidiary company, including partly-owned subsidiaries, have business operations in a country with a genocide declared by the Department of State or Congress, to disclose the nature of their business operations.

(2) The United States Government (federal) to prohibit contracts with multinational business enterprises if:

(a) They maintain business relationships and investments with national, regional and local governments involved in genocide; and

(b) They participate in business activities with the government or government entities.

(c) Exemptions for businesses who are working in areas of Sudan that have been neglected by the Khartoum regime (Darfur, Southern Sudan, Kordofan/Nuba Mountain State, Blue Nile State or Abyei) or who are providing immediate humanitarian assistance (delivery of food aid, road construction, basic sanitation, education, etc.).

(3) Recognition and support of:

(a) States and Cities that have divested or are in the process of divesting State and City funds from companies that conduct business in Sudan; and

(b) United States colleges and universities that have divested their funds from, or placed restrictions on investments of their funds in, companies that conduct business in Sudan.

(c) Provides preemption protection for states and universities who have sponsored their own divestment campaigns.

(4) Within 180 days, the Government Accountability Office (GAO) to investigate the existence and extent of all Federal Retirement Thrift Investment Board investments with national, regional and local governments involved in genocide; or business activities with any warring parties perpetrating genocide; or related to debt-obligations issued by the government of Sudan;

(5) The following reports not later than 60 days after enactment:

(a) The Chairman of the Securities and Exchange Commission shall report to Congress the names of the business enterprises and the details of their business operations in Sudan;

(b) And biannually thereafter, the Office of Global Security Risk shall report to Congress the names of the business enterprises and the details of their operations in Sudan;

(6) The Chairman of the Securities and Exchange Commission (SEC) to maintain and publish a list of the names of the business enterprises identified by the Securities and Exchange Commission as having ties with perpetrators of genocide.

Please join me in sending a message to the international community and out national pension funds that we do not want blood on our hands.

Mr. Speaker, I encourage you to lend your support to the Darfur Accountability and Divestment (DADA) Act of 2006.

TRIBUTE TO MATTHEW KENNEDY

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. COOPER. Mr. Speaker, I rise today to salute a man who has touched the lives of so many in my community of Nashville, as well as around the world, through his music and his commitment to sharing his talent with others.

Matthew Kennedy was born in the segregated South in 1921, the son of a strict, school teacher mother and postal worker father. Only months after his birth, his father dies of a heart attack leaving his mother on her own to care for the family. Despite the challenges, Matthew's mother is determined that her young son and will be able to take "serious" piano lessons with the town's white music teacher. The teacher agrees to lessons and in exchange Matthew and his cousin agree to clean her studio.

Even at this very young age, Matthew's talent is evident. The famous Russian pianist Sergei Rachmaninoff comes to his hometown of Macon, Georgia and Matthew and his mother somehow get tickets to hear the master from the segregated balcony. Matthew says his life was changed by that experience forever. Soon, Matthew is heading to New York, having won a scholarship to continue his music studies at the Julliard School.

While in New York he performs at Carnegie Hall and the Apollo Theatre. But before long he is on his way to Nashville. His Julliard teacher encourages him to return to the South to use his talents to help his people. Matthew arrives at Fisk University where he is welcomed by the director of the world-famous Fisk Jubilee Singers. He agrees to take on the role of piano accompanist for the Jubilee Singers and begins what will be a lifelong commitment to the school, the Jubilee Singers and his belief in the power of music.

Matthew Kennedy served as the director of the Fisk Jubilee Singers from 1957 to 1985. During that time, he traveled and performed with them in the world's most famous concert halls in Europe, South America, the Middle East and the Caribbean. He influenced the lives of hundreds of young students during those years, and inspired thousands who witnessed his performances and his musical direction.

On this coming Monday evening, September 25, Matthew Kennedy will be honored at a special event at the Tennessee Performing Arts Center. That evening Nashville will salute Dr. Kennedy at the premiere of a new documentary film that is a tribute and testimony to his accomplishments and talent. The film is directed by his daughter Nina, also a recognized pianist and filmmaker. It will be a special night for Dr. Kennedy and his family. But it will also be a special night for all Nashvillians and music lovers everywhere as we pause to celebrate the life of a truly gifted and generous artist and community leader.

INTRODUCTION OF THE SONS AND DAUGHTERS OF AMERICA ACT

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. TIAHRT. Mr. Speaker, today I rise to speak about an important piece of legislation I am introducing, the Sons and Daughters of America Act.

Families who have suffered the loss of a loved one are not able to grieve in peace with dignity and respect because of people who want more than freedom of speech. They want taxpayers' compensation for their legal fees when they challenge local, State and Federal laws. "We're going to get rich off the stuff they're doing. This is finger-lickin' good," one protestor said.

It is appalling that people would profit at the cost of the honorable men and women who have served our country with courage and valor. We should all be offended by their actions and take away any opportunity for financial compensation. Families should be allowed to grieve in peace.

Many States have been forced to pass legislation to ban the picketing and protesting of funerals, including military funerals, because of protestors who refuse families the right to mourn in peace. A protestor from my home State of Kansas sued city and state officials and was awarded a total of $217,000 in attorney's fees.

That is why I am introducing the Sons and Daughters of America Act, which will provide legal protection against frivolous lawsuits directed at statutes prohibiting picketing at military and other funerals. We already have Son of Sam laws to ensure that murderers cannot profit off of their crimes. Unfortunately, it's come to the point where we need to ensure that those who violate the sanctity of mourning cannot profit from their callousness.

I am proud to introduce today the Sons and Daughters of America Act and ask my colleagues to support this bill.

INTRODUCTION OF MARGARET THATCHER CONGRESSIONAL GOLD MEDAL ACT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. KIRK. Mr. Speaker, today I am introducing a bill with Congressman JIM MATHESON awarding the Congressional Gold Medal to Margaret Thatcher.

The Congressional Gold Medal is the Nation's highest and most distinguished civilian award. First presented to General George Washington in 1776, the Congressional Gold Medal is awarded to individuals who perform outstanding acts of service to the security, prosperity, and national interest of the United States. Margaret Thatcher's distinguished service to the West included helping to win the cold war and reviving the economies of Europe. During her tenure as prime minister, America had no better ally.

Margaret Thatcher was the first female head of state of a Western nation, and the longest serving British prime minister in the 20th century. Soviet leaders called her the "Iron Lady." And so she was in the West's final chapter against the Soviet empire. The end of the cold war was due in no small part to her close partnership with the United States with the shared goal of defeating Eastern European communism.

Margaret Thatcher was a woman of principle and a strong leader. She resurrected a stagnant British political landscape and forever strengthened the Anglo-American relationship. For her unwavering friendship to the United States, I can think of no greater honor than bestowing on her the prestigious Congressional Gold Medal.

I want to thank my good friend Congressman JIM MATHESON for being the lead cosponsor of this legislation. I look forward to working with him and my other colleagues on this important initiative.

RECOGNIZING CHARLES M. WINFREY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Charles M. Winfrey a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 82, and in earning the most prestigious award of Eagle Scout.

Charles has been very active with his troop, participating in many scout activities. Over the many years Charles has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Charles M. Winfrey for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CELEBRATING THE 217TH ANNIVERSARY OF THE UNITED STATES MARSHALS SERVICE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. CONYERS. Mr. Speaker, I rise today to honor the 217th anniversary of the United States Marshals Service, our Nation's oldest Federal law enforcement agency. The men and women who proudly wear "America's Star" have been involved in some of the most historic events in our Nation's history, and I am proud to commend them on this significant occasion.

The first 13 United States Marshals were appointed by President George Washington in 1789 with their primary mission being to support the Federal courts. As times changed, so did the mission of the U.S. Marshals Service. However, they have answered the call to duty without exception.

In the early years, U.S. marshals and deputy U.S. marshals executed warrants, distributed presidential proclamations, protected the president, registered enemy aliens in times of war, pursued counterfeiters, and helped conduct the national census. The Marshals Service maintained law and order in the "Wild West," kept the trains rolling during the Pullman strike, and enforced the 18th amendment during Prohibition.

On November 14, 1960, four deputy U.S. marshals accompanied 6-year old Ruby Bridges to elementary school after a Federal judge ordered the desegregation of the New Orleans public school system. In 1962, when James Meredith sought to legally become the first black person to attend the University of Mississippi, the duty of upholding the Federal law allowing him to do so fell upon the shoulders of 127 deputy marshals from all over the country. They acted with the highest degree of professionalism and honor during this turbulent season in civil rights history.

Their accomplishments in recent decades are too numerous to cite, but extraordinary in their commitment to law and order. The U.S. Marshals provided security to 18 airports in the hours and days following the attacks on 9/11, played an instrumental role in the "D.C. sniper" investigation, were deployed to the gulf coast after Hurricane Katrina, and provided security for the trials of Oklahoma bombing suspect Timothy McVeigh and Al-Qaeda conspirator Zacarias Moussaoui.

Over the past 217 years, the Marshals Service has grown and evolved into a modern law enforcement agency, still charged with protecting the Federal judiciary, but also apprehending dangerous fugitives, conducting protective operations, ensuring the security of witnesses and their dependents, providing for the custody and transportation of Federal prisoners, managing the Federal Government's seized asset program, and conducting special operations as required by the Attorney General. No other law enforcement agency has as many diverse missions as the U.S. Marshals Service. Among their most innovative efforts is their newly created Fugitive Safe Surrender Initiative, a unique fugitive apprehension program that has already netted the peaceful surrender of hundreds of fugitives across this country in a community coordinated and faith-based environment.

Every day, deputy U.S. marshals carry out complex and life-threatening missions with integrity, skill, and valor. I commend Director John Clark and the 5,000 men and women of the Marshals Service, who are justifiably proud of their agency and their history. I am proud of them as well, and appreciate their contribution to this Nation as they celebrate their 217th anniversary.

IN RECOGNITION OF THE 15TH ANNIVERSARY OF THE INDEPENDENCE OF ARMENIA

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. KNOLLENBERG. Mr. Speaker, I rise today to commemorate the 15th anniversary of the Republic of Armenia's declaration of independence from the Soviet Union.

On September 21, 1991, one of the world's oldest and most historically significant civilizations was able to re-establish their place among the autonomous nations of the world by declaring its independence following the collapse of the Soviet Union. The founding of the Republic of Armenia was an historic event that exemplifies the strength and perseverance of a people in pursuit of freedom and self-determination through democracy.

Armenia's road to independence was not easy. Enduring centuries of foreign domination, the genocide against its people in the early 20th century, and suffering through seven decades of totalitarian dictatorship did not discourage the Armenian people. In the face of oppression, the Armenian people never wavered in their pursuit to secure freedom and a democratic nation of their own.

Since its independence, Armenia has emerged as a viable, vibrant society and has played an important role in stabilizing the South Caucasus region. Armenia continues to be a trusted partner of the United States in a strategically important area of the world, a regional leader in political and economic reform, and a nation committed to the principles of democracy and the rule of law.

Mr. Speaker, today, on the 15th anniversary of Armenia's independence, I rise to celebrate the determination of a people who refused to relent in their quest for freedom.

HONORING LYLE VAN HOUTEN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. McCOTTER. Mr. Speaker, today I rise to honor Lyle Van Houten, former mayor of Dearborn Heights, MI, and to mourn him upon his passing at age 77.

For over seven decades, Lyle dedicated his life to public service and bettering the lives of others. As an integral member of the community, Lyle was first elected to the Dearborn Heights City Council in 1967, where he served until he was elected Mayor in 1986. Upon completion of his mayorship in 1993, he continued to strengthen the Michigan Republican Party, serving as Republican Committee chairman of the 16th and 15th congressional districts.

Moreover, during his distinguished career, he was appointed to the Michigan Judges Retirement Board of Directors by past Governor John Engler, and also served as a member of the Dearborn Heights Kiwanis Club and the Divine Child Men's Club, among other community organizations. Throughout his years, Lyle established a legacy of benevolence, compassion, and unwavering commitment to the community.

On September 7, 2006, after a 4-year battle with cancer, Lyle passed away. He will be remembered as a confident and patriotic American, who served his country with honor and dedication. To his wife, Mary; his children Julie Panetta and her husband Mark, L. Carter, Jr. and his wife Pamela, John, and Margaret; his grandchildren Ellen, Susan, and Nicolas; his sister Jean Linderman; and to everyone who knew and loved him, he was a noble statesman who will be sorely missed.

Mr. Speaker, during his lifetime, Lyle Van Houten enriched the lives of everyone around him. As we bid farewell to this extraordinary individual, I ask my colleagues to join me in mourning his passing and honoring his legendary service to our community and country.

TRIBUTE TO COMMODORE JOHN BARRY

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. SHAYS. Mr. Speaker, on September 16, the Fairfield County Ancient Order of Hibernians celebrated the official recognition of Commodore John Barry as the First Flag Officer of the United States Navy. In 2005, the House passed, and the President signed into law, H.J. Res. 38, which made this recognition official, and I was proud to support this legislation. I am happy to submit the text of Master Chief Richard Iannucci's informative address at this ceremony to be entered into the RECORD.

Selectmen, honored guests, veterans, citizens of Fairfield, stalwarts of Gaelic descent, and shipmates

This is a replica of the First Navy Jack. This flag, more properly this "jack," was flown by Commodore John Barry and at the bow of ships of the Continental Navy.

This same jack was ordered flown on the jackstaff of every US Navy warship on 9/12/2001. This jack had not be flown by an American warship at war in over two hundred years.

At sea a flag or jack always signifies something. This jack, the jack of Commodore Barry and the Continental Navy, signifies that the US Navy is today functioning at its grimmest, most deadly earnest level of national survival.

Barry and the men who fought alongside him, were heroes in the traditional sense of the word. They were not victims as the word "hero" seems to be evolving today, but men of courage who voluntarily thrust themselves "in harm's way" to use a phrase made famous by another Continental Navy captain, John Paul Jones.

This flag symbolizes John Barry and the Continental Navy's proud and courageous legacy.

BARRY: THE FIRST CRUCIBLE

John Barry, the father of the United States Navy, was fired in three crucibles. His legacy is a function of those three crucibles and the trials they represented.

The first crucible was the unsettled nature of the country of his origin, Ireland. John Barry was born in 1745, in a cottage in County Wexford, Ireland, the southeasternmost part of Ireland. Wexford had a strong maritime tradition, but Barry's father was a poor tenant farmer who was eventually evicted from his farm by his British landlord. The family was forced to relocate to the village of Rosslare. It would have been at an early age that Barry learned of the bloody fall of Wexford to an invading British force led by Oliver Cromwell in 1649.

Barry had to be aware of his countrymen's general fear of British oppression and governmental administration. Today there are people who parrot that thought that "there is nothing worse than war." John Barry knew there was at least one thing worse than war . . . losing a war and he only needed to look around himself in Ireland to draw that conclusion. Today you hear the cant, "War never accomplishes anything." John Barry would have known that to be a wrongheaded conclusion.

Personally, as a descendant of highlanders and seafarers forced to leave the Isle of Raasey of the Inner Hebrides, on the western coast of Scotland, during the Highland Clearances, I am aware of the strong formative influence of having to leave your home under the cloud of a sense of injustice.

The plight of his native land had to have left its mark on John Barry.

BARRY: THE SECOND CRUCIBLE

The second crucible was the demanding, unforgiving nature of the sea. John Barry's uncle was the captain of a fishing skiff, and at an early age he chose to follow his uncle as a seafarer. The sea meant freedom and independence. It was easier to jump ship, if life became unfair or oppressive, than move from one farming tenancy to another. Barry started as a cabin boy, and worked his way up. Going to sea was no easy career choice, but it gave a young man independence, and opportunities tied to merit, for the sea holds little regard for nationality or economic status. Only performance counts. A sea captain sailed one of the technological marvels of the day. A captain had to know sophisticated mathematics, astronomy, meteorology, navigation, carpentry, metal working, oceanography, chemistry, physics, civil engineering, business law, and psychology, among other disciplines. A merchant ship was the second most complex convergence of technology of the 18th Century. He had to learn all this, control and lead dozens of men at a time, fight the elements, and turn a profit. He was an established ship's captain by the age of 30, plying the trade route between Philadelphia and the West Indies.

What was the most complex convergence of technology of the 18th Century? A naval warship was the first most complex convergence of technology, because it carried the added element of naval guns and other weaponry.

BARRY: THE THIRD CRUCIBLE

In 1775, John Barry was dropped into his last and third crucible, when he offered his services to the Continental Congress. His ship *Black Prince* was purchased by the Continental Congress and renamed *Alfred*. His lieutenant was a fiery Scotsman, named Jones, John Paul Jones.

John Barry was then given command of *Lexington*, 14 guns, in December of 1775. *Lexington* sailed in March of 1776. That April, off the Capes of Virginia, John Barry engaged *Edward*, tender to the British man-of-war *Liverpool*. After a heated battle he captured *Edward*, the first American naval prize of the war and brought her into Philadelphia. He captured several private armed British ships not long after.

His next command was *Effingham*, which was only partially completed and used her to patrol the Delaware Bay and Capes. A British agent offered Barry 20,000 pounds sterling to change sides and bring *Effingham* with him. In the 18th Century, 20,000 pounds was a fortune. Barry would not turn his coat.

In October of 1776, the Continental Congress assigned the rankings of officers of the Continental Navy, ranking John Barry No. 7 among Continental Navy captains.

Barry was a thorough warrior. Barry's contribution to the war was not limited to sea duty. He could have stuck with *Effingham* and his naval specialization, but in December of 1776, Barry recruited a company of volunteers for landing party duty. He and his company took part in the Trenton campaign. He organized the boatmen and assisted George Washington in his famous crossing of the Delaware. Barry subsequently assisted in the defense of Philadelphia and operations in the upper Delaware.

When the British took possession of Philadelphia in September 1777, Captain Barry was ordered to take his uncompleted frigate *Effingham* up the Delaware River to a place of safety. In October, the ship was ordered sunk or burned. Barry scuttled her in November, near Bordentown, New Jersey, to deny her use to the British.

In March of 1778, Captain Barry captured the British schooner *Alert* of 20 guns, and two ships loaded with supplies for the British Army using a fleet of small boats.

Taking command of *Raleigh*, 32 guns, he sailed from Boston in September 1778, and two days later was chased and attacked by three of Royal Navy vessels. After a nine hour running battle, he ran *Raleigh* ashore on an island near the mouth of Penobscot Bay in what is now known as Maine, but was foiled by a turncoat crewman and unable to completely destroy *Raleigh*. He escaped to the mainland with most of his crew. He then assumed command of the privateer *Delaware*, 10 guns.

In November of 1780, Barry was ordered to command *Alliance*, 32 guns, and took John Laurens, Special Commissioner, to France. *Alliance* would be his most famous command. To and from France, he captured the British Privateers *Alert*, 12 guns; *Mars*, 26 guns; and *Minerva*, 10 guns.

In May of 1781, Barry engaged the British sloops-of-war, *Atlanta*, 20 guns, and *Trepassy*, 14 guns. This was to be Barry's most famous engagement. Barry conducted a relentless defense from the quarterdeck until a projectile of langridge (broken nails and metal fragments) or canister (small spherical projectiles) struck him in the left shoulder. He remained on deck bleeding from many wounds until losing consciousness. He was carried below to the cockpit for medical care by the ship's surgeon.

As the battle increased in intensity, *Alliance*'s colors were shot away. Barry's second in command, appeared before him as his wounds were being dressed.

I asked you to bear with me. 18th Century dialogue sound wooden and strangely formal to the 21st Century.

Barry's second in command stated, "I have to report the ship in frightful condition, Sir. The rigging is much cut, damage everywhere great, many men killed and wounded, and we labor under great disadvantage for want of wind. Have I permission to strike our colors?"

Barry replied angrily.

"No Sir, the thunder! If this ship cannot be fought without me, I will be brought on deck; to your duty, Sir." A new flag was raised using the mizzenbrail for a halyard, and the fight continued. Just as they reached the deck, a gust of wind filled *Alliance*'s sails. Replying to her helm, the battered *Alliance* swung about and the officers and crew pressed their new advantage to victory.

He continued in command of *Alliance*, taking numerous prizes in 1782.

In 1783, John Barry fought the last Continental Navy engagement of the Revolutionary War against the British man-of-war *Sybylle*, 28 guns. Though the ship surrendered to him he was obliged to abandon it to escape from the rest of the squadron of which *Sybylle* was a part. At the time, Barry was convoying *Duc de Lauzane*, carrying money and supplies from the West Indies to the Colonies. His defense enabled *Duc de Lauzane* to escape and reach the Colonies.

After the close of Revolutionary War, Captain Barry returned to the merchant marine.

Upon reorganization of the Navy, in June of 1794, Captain Barry was appointed No. 1 on the list of Captains and his commission was signed by George Washington. As senior captain, this status entitled him to the positional title of "commodore" in any group of US Navy ships. The US Navy would have no admirals until the Civil War. The title "admiral" was thought to be to aristocratic and undemocratic. The army could have generals, but the navy would have only commodores.

Barry was ordered to superintend the building of the frigate *United States*, 44 guns, and to command her when finished. He fought in the Quasi-War with France, 1798–1801, capturing a number of French vessels in the West Indies. By the direction of the Navy Department he brought *United States* to Washington, where she was laid up. This ended Barry's active service.

He was employed in testing cannon for the Government 1801–1802, and was selected to command the Mediterranean Squadron, but was too ill to take the duty. He died at his country residence near Philadelphia.

Commodore Barry was indeed the Father of the United States Navy, he was there at the beginning and he stayed the course through two wars. He set the example and what an example it was. He was courageous, tenacious, and versatile.

FULL CIRCLE

Let's take one last look at this First Navy Jack. We have come full circle.

On July 7, 1779, as you left Southport Harbor and looked over your port beam (or larboard beam as Commodore Barry would have known it), you would seen the smoke from the British punitive raid on Fairfield. On September 11, 2001, as you left Southport Harbor and looked over your starboard beam, you would see the smoke from the burning towers of the World Trade Center. Here we are in the Southport section of Fairfield, a crossroads of history and yet even here in Fairfield we failed to give due deference to history. The Fairfield School system willfully fails to observe Veterans Day, for example, as a holiday.

We are at war, but have we learned from history? It is all to easy to put the present war aside and go about our business. Let someone else address the problem. Perhaps another John Barry will turn up, or perhaps it doesn't matter.

We need more John Barrys, men of bravery and determination, we can never have enough.

Barry knew there were things worse than war and his life was determined by that knowledge. He knew there were things far worse than war. Do we? He acknowledged that there were objectives that war could accomplish, do we?

HONORING JOEL B. ROSEN

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. ANDREWS. Mr. Speaker, I rise today to commend the Honorable Joel B. Rosen, United States Magistrate Judge of the New Jersey District, for his exceptional service to his community. I consider Joel a close friend, and commend him for his continuing commitment to the practice of law.

After graduating from Rutgers School of Law at Camden, with honors, Judge Rosen served as an Assistant United States Attorney. For a time, he was the attorney-in-charge of the United States Attorney's Office in Camden where he received several commendations from the Department of Justice for prosecuting organized crime and political corruption. He also served as the Chief of the Special Prosecutions Section as a Deputy Attorney General in the New Jersey Division of Criminal Justice. In 1987, Judge Rosen was sworn in as a United States Magistrate Judge for the District of New Jersey.

Judge Rosen was awarded the Rutgers School of Law Honorable Joseph M. Nardi Jr. Distinguished Service award in 2004. In 1999, he received the Reverend Martin Luther King Jr. "Champions for Social Justice and Equality Award" from the Black Law Students Association at Rutgers School of Law. He was the recipient of the Special Achievement Award from the Department of Justice in 1976 and received Special Commendation of Outstanding Service in the District of New Jersey, Department of Justice in 1975. Judge Rosen is a Former Member of the Judicial Conference Committee on Federal-State Jurisdiction and the Federal Judicial Center, Magistrate Judge Education Committee. He was also the Former President of the Federal Magistrate Judges Association.

I have known Joel both personally and professionally for over a decade and have found him to be a man of outstanding moral character. His compassion and integrity are only matched by his keen mind and superior knowledge of the law. I am proud to call Joel a friend.

FREEDOM FOR OSCAR ELIAS BISCET

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to remind my colleagues about Dr. Oscar Elias Biscet, a Cuban hero who is a political prisoner in totalitarian Cuba.

Dr. Biscet is a leading pro-democracy activist in totalitarian Cuba and one of the leaders of the democratic Cuba of tomorrow. Dr. Biscet is a medical doctor and the founder of the Lawton Foundation for Human Rights. He has dedicated his life to freedom and democracy and is a follower of Mahatma Ghandi and Martin Luther King, Jr. Dr. Biscet is a man who has constantly opposed the tyranny in Cuba, and who has paid a tremendous price for his belief in freedom.

In 1998, he was sentenced to 3 years in the gulag because he flew the Cuban flag upside down to protest the subhuman treatment of the Cuban people at the hands of the Castro tyranny. When he was "released" in October of 2002, he was out of prison only a few weeks when he was rounded up again and sentenced this time for "association with enemies of the State," and he was sentenced, along with over 75 other peaceful pro-democracy leaders and independent journalists, to 25 years in the Cuban gulag.

For the vast majority of the last 8 years, Dr. Biscet has lived in a gulag that can only be described as a living hell. Dr. Biscet has been placed in what is called "the tomb." He is underground in solitary confinement, in a punishment cell. And so that he fully understood the dimension of his punishment, a serial killer was placed along with him in "the tomb."

Dr. Oscar Elias Biscet recently spoke by telephone with Mr. Amado Gil, a journalist in Miami, FL. The Coalition of Cuban-American Women transcribed, edited and translated this interview from Spanish to English.

Prison Conditions

The government of Cuba has tortured me during eight years; they have done so trying to drive me insane, though, thank God, I have been able to preserve my sanity . . . in reality, they continue torturing me because I live in a box with no windows or natural light, no water . . . with a mattress that feels as if one were sleeping on a plank, a stone . . . unfit for a human being . . . surrounded by criminals and under the threat, as it has happened on previous occasions, of being attacked by the government who instigates these dangerous prisoners . . .

I believe that what the government is doing is torturing me to humiliate me so that I abandon the struggle on behalf of the freedom of my country but, thank God, I have been able to keep up my stance and will continue doing so with God's help . . .

Symbolic Fast as of July 13, 2006

I began this fast (in prison) because I believe we should pray to God and demand our rights before the government, the right to be free which belongs to every person just for being a citizen. Our country has lived so long without any rights, under a dictatorship . . . I believe that we must demand rights that belong to us and, in everyone's interest, these liberties must be observed . . . In order to live a full life, it is essential to live in freedom and the Cuban people are denied these rights . . . that is why I'm initiating a fast along with other brothers (in prison) to demand that the government sign the international covenants of civil, political, economic, cultural and social rights—the Cuban regime must sign them and abide by them so that the Cuban people may live in freedom at last. . . .

Message to the Cuban People

The Cuban people must do their utmost in their struggle to win their freedom and succeed in obtaining the international support of all free and democratic countries. I trust that the Cuban people will prove their dignity as they have done so on other occasions, so that we may enjoy FREEDOM. . . .

My colleagues, despite the hell that has been described, Dr. Biscet is unrelenting in his resolve for freedom for the people of Cuba. Dr. Biscet is a great patriot, a man of peace, and an apostle of freedom for Cuba. Dr. Biscet is a hero in the tradition of the great figures of Cuba's long struggle for liberty. Quintin Banderas, Carlos Manuel de Cespedes, Ignacio Agramonte, Antonio Maceo, and thousands of other Cuban heroes established a tradition of heroism that today is being continued by countless men and women who have given their best years and often their lives for the freedom of Cuba. Dr. Oscar Elias Biscet is a hero in that same admirable tradition.

Mr. Speaker, it is completely unacceptable that, while the world stands by in silence and acquiescence, Dr. Biscet languishes in the gulag because of his belief in freedom, democracy, human rights and the rule of law. We cannot permit the brutal treatment by a demented and murderous tyrant of a man of peace like Dr. Biscet for simply supporting freedom for his people. My colleagues, we must demand the immediate and unconditional release of Oscar Elias Biscet and every political prisoner in totalitarian Cuba.

COMMEMORATING THE 15TH ANNIVERSARY OF THE REPUBLIC OF ARMENIA'S INDEPENDENCE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. MARKEY. Mr. Speaker, I rise today to recognize and celebrate the 15th anniversary of the independence of the Republic of Armenia. Today, we congratulate and pay tribute to the citizens of Armenia, as well as people of Armenian descent in the United States and around the globe on this important anniversary of their independence from the former Soviet Union.

Since its independence in 1991, the Republic of Armenia has been a trusted and valuable friend of the United States in the strategically important South Caucuses region. During that time, the United States and Armenia have developed a strong relationship based on shared democratic values.

Throughout their history, the Armenian people have persevered over unspeakable tragedy and hardship. Despite oppression, occupation and the genocide committed against the Armenian people, the unique Armenian culture, heritage and values have flourished.

However, Armenia still faces significant obstacles. It is surrounded by hostile neighbors who have erected blockades to prevent the flow of key resources into Armenia, hindering its ability to develop economically. Despite these difficulties, Armenia's economy has continued to grow at an impressive pace. The United States must continue to provide economic and military assistance and do everything in its power to end these blockades so that Armenia's economy can continue to grow and its young democracy can thrive.

I join my colleagues in the House of Representatives today in commemorating Armenia's independence. I look forward to the bonds of friendship between the United States and Armenia becoming even stronger in the coming years and I wish all Armenian people well on this day.

30TH ANNIVERSARY OF THE MARS INCORPORATED PLANT IN WACO, TEXAS

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. EDWARDS. Mr. Speaker, I rise to commemorate the 30th anniversary of the Mars Incorporated manufacturing facility in Waco, Texas—an important institution in our community since its opening on September 23, 1976.

For decades, this facility has produced the Snickers® Bar and other Snickers® varieties for American consumers, and it is now the only facility in the country that produces Skittles® Bite Size Candy and Starburst® Fruit Chews. Roughly 700 people are employed at the Waco facility, many of whom have worked at this facility their entire careers. The loyalty of its associates is a testament to Mars' commitment to providing associates with an environment in which it is a pleasure to work.

I have been proud to have a Mars facility in my district all these years. Approximately $30 million worth of Texas-grown peanuts are used in the Waco facility to produce Mars' popular snackfood products. In addition to the hundreds of jobs that this facility brings to our economy, Mars has also embraced its role in our community through numerous charitable contributions and community sponsorships.

Mars has also been a pioneer in its industry for the installation of water-saving treatment facilities at some of its plants, and it has incorporated a Wetlands Wastewater Treatment Facility in its Waco facility which saves 3 to 5 million gallons of water each year. In Texas, where we've experienced severe drought in recent years, water conservation is increasingly important. I commend Mars for being a leader on this and other sustainability issues, and I encourage similar facilities in Texas to use the Mars model as an example of environmentally conscious production.

Again, I congratulate Mars for reaching this 30-year milestone and hope that this facility will continue to be a member of our community for many more decades to come.

ON THE 150TH ANNIVERSARY OF THE FOUNDING OF WISE COUNTY, TEXAS

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Ms. GRANGER. Mr. Speaker, I rise today to recognize the 150th anniversary of the establishment of Wise County, a Texas county that is part of the 12th Congressional District which I have the honor to represent in Congress.

The area that today is known as Wise County, located northwest of the Fort Worth/Dallas area, initially was home to Native American Indians. The Coronado Expeditions in 1540 found the Wichita Indians roaming the region. By the mid-1800s, Texas was being settled to the north and west of the Gulf Coast. The first settlers, lead by Sam Woody and his family, came to the Wise County region in 1854 attracted by an abundance of land, game and other natural resources. The Woody family and other pioneers who came from other southern states found their new home ideal for farming and ranching.

On January 23, 1856, the Texas Legislature officially created a new county from the larger Cook County and named it for Henry A. Wise, a U.S. Senator from Virginia who had supported the annexation of Texas into the United States a decade earlier. By a popular vote, the community of Taylorville, named for President Taylor, was selected to the county seat where the first of four county courthouses was constructed. Later, the town's name was changed to Decatur in honor of U.S. Naval hero Stephen Decatur at the urging of Col. Absolam Bishop, recognized as the founder of Decatur. The present courthouse on the Decatur town square is the fourth, a majestic pink granite structure constructed in 1895 and remodeled several times since.

By 1860, Wise County had more than 3,000 residents. Although Wise County was one of the Texas counties that voted against secession from the United States, it did recruit five Confederate military companies from among its male residents who fought in the Civil War. Following the Civil War, agriculture continued to be the prime focus of the Wise County economy. Over time, dairy farming, brick and limestone production and oil and gas production became important segments of the county's economic base. At the turn of the century, 99 percent of Wise County's 27,116 residents still lived in unincorporated areas.

Wise County has the distinction of being the birthplace of the first established junior college when Decatur Baptist Junior College was created in 1892 to serve as a "feeder school" to Baylor University in Waco. In 1965, the junior college took a step forward by moving to Dallas and becoming Dallas Baptist University.

Throughout its history, the many men and women of Wise County have served proudly in the U.S. military with distinction and honor. In recognition of some of its sons and daughters who fought during World War II and who were members of the famed "Lost Battalion," Allied soldiers who became Japan prisoners of war, the Wise County Heritage Museum has dedicated a room to members of the Lost Battalion.

Since World War II, Wise County has continued to flourish. Today, the county has a population of 60,400. While agribusinesses continues to be an important part of its economy, a growing number of residents are employed in a wide array of industries spread across the North Texas landscape. Wise County has developed a reputation as having a small town lifestyle with urban amenities nearby. Seventeen incorporated towns and cities are part of Wise County. They include: Alvord, Aurora, Boyd, Bridgeport, Briar, Chico, Decatur, Greenwood, Lake Bridgeport, Newark, New Fairview, Paradise, Pecan Acres, Rhome, Runaway Bay and Slidell.

To celebrate its heritage, Wise County commemorates its founding from September 30 through October 7, 2006, with the Wise County Sesquicentennial celebration. The Wise County Sesquicentennial celebration honors the past and recognizes the future with events in every corner of the county.

Mr. Speaker, it is my honor to recognize Wise County on the 150th anniversary of its establishment and to offer sincere appreciation for the many contributions Wise County and its great citizens have made to Texas and the United States over the last 150 years.

TRIBUTE TO STATE SENATOR TOMMY ED ROBERTS

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to Alabama State Senator Tommy Ed Roberts. Senator Roberts has represented Limestone, Madison, and Morgan Counties in the Alabama State Senate since 1994 and served in the Alabama House of Representatives from 1974 through 1982. Senator Roberts recently announced his retirement from public service and in April concluded his final legislative session.

I consider it a privilege to have worked with Senator Roberts on a wide variety of issues facing Morgan County. He has done a great deal to help further the quality of life for all individuals in our community.

During his many years of service in the State Legislature, Senator Roberts' peers elected him to numerous legislative leadership positions. He served as the Chairman of the Senate Business and Labor Committee and the Senate Governmental Affairs Committee.

Senator Roberts' well known legislative accomplishments include his work to create Alabama's identity theft protection laws and his bill to allow Morgan County to give a portion of its sales tax to help fund volunteer fire departments.

In addition to serving Morgan County as a State Legislator, Senator Roberts was a champion of economic development and expansion. He served as Executive Director of the Morgan County Industrial Development Association and the Decatur-Morgan County Port Authority for many years and is credited with helping to create over 14,000 jobs. He played a large role in successfully recruiting the Boeing Delta IV Rocket Plant and Nucor Steel plants to Decatur, Alabama.

Mr. Speaker, Senator Roberts is well respected throughout our local community and the entire State of Alabama. On Saturday, September 23rd, the North Alabama community will gather to honor and celebrate all of Senator Roberts' achievements. I rise today, to join in their celebration and to thank Senator Roberts for his many years of dedicated service.

HONORING THE BRAVE WARRIORS WHO HAVE ENLISTED IN THE FIGHT AGAINST NARCO-TERRORISM

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. CUMMINGS. Mr. Speaker, I rise today to honor the brave warriors who have enlisted in the fight against narco-terrorism. Some, like Edna McAbier of Baltimore, have narrowly escaped death. Others, like Carnell and Angela Dawson and their five beautiful children, were not so lucky.

The front page of the Tuesday, September 19, 2006 edition of the Baltimore Sun tells the story of Ms. McAbier, a tireless community activist who made it her personal mission to fight back drug trafficking in her neighborhood of Harwood.

For her efforts, her car was keyed, her tires were slashed, bricks were thrown through her windows, and finally—18 months ago—her house was firebombed.

Ms. McAbier survived the attack, but only to be exiled from the neighborhood she loved enough to try to save.

Sadly, stories like hers are not unprecedented in Baltimore. This October marks the 4-year anniversary of one of the most terrible tragedies I have witnessed in my lifetime.

Mrs. Dawson, like Ms. McAbier, was a warrior for her community. She fought to get drug dealers off her street, and away from her five young children. She paid for her efforts with her life.

Drug dealers one night filled the Dawson family home with gasoline, and set it up in flames. All five children and their mother died in the attack. Mr. Dawson, who sustained burns over 85 percent of his body, died a week later.

When I sat at the Dawson family funeral 4 years ago, looking at those five small caskets and one big casket, I thought to myself: How did we get here?

I have lived my whole life in inner city Baltimore. I have seen the innocent little girls who used to play hopscotch on my block grow up to sell their bodies for drugs. I have seen brilliant little boys with endless potential head off to jail instead of college.

The disease of drugs plagues every facet of our community, robbing children of their childhood, and denying decent people the opportunity to thrive.

It is a pervasive disease that reaches far beyond our inner cities, tormenting the lives of people in communities across our Nation.

Mr. Speaker, I am as committed to the global war on terrorism as any member of this body, and I commend our brave warriors who risk their lives every day so that we might be safer.

But don't be fooled: Terrorism lives here at home as well.

Warriors like Mrs. Dawson and Ms. McAbier have fought for our freedom with their livelihoods and their lives.

Just as we honor our soldiers in Iraq by providing them with the most sophisticated defense technology on the market, we must honor our domestic warriors by providing law enforcement officials with the best tools available to protect them.

That is why I introduced the "Dawson Family Community Protection Act" (H.R. 812) and the "Witness Security and Protection Act" (H.R. 908).

The "Dawson Family Community Protection Act," which would provide protections to neighborhood activists, passed the House in March as part of the "Office of National Drug Control Policy Reauthorization Act" (H.R. 2829).

I want to thank my colleagues in the House for their support of this vital initiative and I urge our colleagues in the Senate to follow suit by passing the ONDCP reauthorization.

The "Witness Security and Protection Act" would provide much-needed federal funds to state-run witness protection programs.

I implore my colleagues, in honor of Ms. McAbier, the Dawson family, and the countless others who have suffered and continue to suffer from the violent fallout of the drug trade and the ravages of drug abuse, to support the "Witness Security and Protection Act," H.R. 908.

CELEBRATING 50 YEARS AT L.D. BELL HIGH SCHOOL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. BURGESS. Mr. Speaker, I rise today to honor Hurst-Euless-Bedford Independent School District's L.D. Bell High School as it celebrates its 50th anniversary of providing quality education for its students. L.D. Bell has been a fixture in the H-E-B community since 1957. Lawrence Dale Bell High School was opened on a site donated to the school district by the late Larry Bell, Founder and President of Bell Helicopter Textron in Hurst.

Rapid student growth and academic excellence have been the cornerstone of Bell High School. During its 50-year history, L.D. Bell has earned state and national recognition in academics, athletics, fine arts, leadership training and service disciplines. These numerous honors resulted in the recognition of L.D. Bell as a National Blue Ribbon School during the 1994–1996 school terms.

L.D. Bell's high school motto affirms that they "Do not imitate but are a role model for others." The accomplishments that L.D. Bell High School has achieved in its first 50 years certainly exemplify this. With half a century of success behind them, I am confident that L.D. Bell will continue to educate and inspire the young adults that walk its halls today.

Mr. Speaker, it is with great pride that I stand here today and honor the 50th anniversary of L.D. Bell High School for their dedication and continuing commitment to education in my congressional district.

TRIBUTE TO MR. EDUARDO ANDRES LUCIO, SR.

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Mr. Eduardo Andres Lucio, Sr., the father of the Texas State Senator Eddie Lucio, Jr., who recently passed away on September 4, 2006 at 89 years of age.

Eduardo Andres Lucio, Sr., was born on November 10, 1916, in the City of Brownsville in the State of Texas to his parents, Teodoro Lucio and Maria Antonia Lopez Lucio. He then was baptized into the Roman Catholic Church at the historic Immaculate Conception Cathedral in Brownsville on June 11, 1916. He was one of 11 children: eight brothers and three sisters.

Mr. Lucio also has a long familial lineage that stretches all the way back to King Ferdinand the Catholic of Spain, and several of his ancestors were conquistadores who fought with Hernan Cortez in the early 1500s in Mexico. Some of the descendants of his ancestors include the founders of Matamoros, Monterrey, Mier, Saltillo, and Camargo, Mexico.

In 1937, during the Great Depression, he worked at the Chapman Ranch in Kingsville, Texas, and joined the Civilian Conservation Corps in Bonita Canyon in the small town of Douglas in Arizona. He later met and fell in love with his wife, Josefa Liendo, who would become his future wife of 65 years and mother to his 10 children. He then joined the United States Army Air Corps on December 30, 1941, in San Antonio, Texas, to fight on behalf of the United States of America in World War II. He was a part of the 46th Service Squadron which served in North Africa and in Italy.

Mr. Lucio was honorably discharged from the Army of the United States on July 3, 1945, for a near-fatal injury which he had suffered in battle. He has various decorations and citations which include the EAME Ribbon, Good Conduct Medal, four Bronze Service Stars, and four Overseas Bars. In 1996, during a ceremony held in the City of McAllen in the State of Texas, other World War II medals and ribbons were given to him by Vice President Al Gore.

He worked hard for his family by achieving his goals of a higher education, first with the diploma from Brownsville High School on May 30, 1949, and then an Associate in Business Degree from Texas Southmost College in Brownsville, Texas, on May 29, 1950. He then worked at the Cameron County Courthouse in the Sheriff's Office for almost 30 years, and in his last 3 years, he served as Head Office Deputy Sheriff with great pride. Mr. Lucio retired from his civil service in 1979, and enjoyed his retirement as a member of the Veterans of Foreign Wars, the American Legion, and the Disabled American Veterans of America. He also took great strength from his faith as a Roman Catholic parishioner of St. Mary's Catholic Church.

Mr. Lucio is survived by his 19 grandchildren, four step-grandchildren, six great-grandchildren, and four step-great-grandchildren. His eldest son, Texas State Senator Eddie Lucio, Jr., has served as a public official for over 33 years. He has left behind a remarkable legacy in his children, who have degrees in education, administration, supervision, business, engineering, classical music, law, medicine, theater arts, school counseling, chemistry, biology, pharmaceutical sciences, and technology. He truly led by example and inspired his children to be the best they could be in achieving their dreams and goals.

Mr. Speaker, I am honored to have had this time to recognize Mr. Eduardo Lucio, Sr.

WORDS OF CONDOLENCE CONCERNING A DEDICATED EDUCATOR

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. HOLT. Mr. Speaker, it is with much sadness that I rise to recognize a teacher and friend, Sona Polakowski. She succumbed to cancer on September 15. I join her husband Bob, her daughter Jen, her son Mark, her family, friends and admirers in mourning her loss and in celebrating her life.

Born in Jersey City, NJ, Sona resided in Lawrenceville, NJ for the past 35 years. A graduate of Seton Hall University, she was project director for math and science at the Lawrence Township Board of Education. Sona was a member of the New Jersey Education Association, National Science Teachers Association and Congregation Brothers of Israel.

For the past 15 years, it has been my privilege to work with Sona to improve children's education. Her cheerful determination was her most apparent characteristic. She gave hundreds of teachers the confidence and knowledge to teach science; and, most of all, she shared her determination. Her effect on others will remain with thousands of students for generations to come. She will be missed by me, my staff, and the many teachers and others with whom she worked.

IN HONOR OF FRANCIS ANTHONY DAVILA-LAWRENCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. RANGEL. Mr. Speaker, I rise today to inform my colleagues of the passing of Mr. Francis Anthony Davila-Lawrence, a loving father, veteran, public servant, union leader and community activist who passed away in Brooklyn, New York, on August 5, 2006. I would like to enter into the CONGRESSIONAL RECORD his obituary which captures his many contributions and achievements to the great State of New York. We will never forget him. Thank you.

FRANCIS ANTHONY DAVILA-LAWRENCE, JANUARY 9, 1921–AUGUST 5, 2006

Francis Anthony Davila-Lawrence, known by some friends as Frank and by other friends as Francisco, left this life on August 5, 2006 at 85 years of age. Francis was born in Harlem Hospital on January 9, 1921 to a Panamanian-Caribbean mother and a Cuban father.

Francis was a New Yorker. He spent the majority of his life working and building businesses in and about New York City. Francis married twice, raising three children, whom he loved dearly. With his first wife, Eunice Williams, they raised a son, Michael, and a daughter, Aleta. Later in life, he married Louise Simon, and raised a second son, Jason.

With Frank's passing goes a library of stories and experiences. He grew up during the Great Depression. He attended the very first World's Fair, seeing a microwave decades before they would ever come to use in an American household. He traveled throughout the Bronx, Harlem, and Jamaica, Queens during his youth in a Ford Model T, which he said had terrible brakes. He served in the Navy during World War II, and then went on to serve with the Merchant Marines as a civilian worker, and in the Coast Guard during the 1950s.

He was a hard worker. Frank worked as a cook at several of the large hotels and restaurants in Manhattan before going to work at the New York City Board of Education, where he worked 30 years, retiring as a Senior IBM TAB Operator. He had been one of the few Black or Latino workers to be trained to work on the then-massive IBM computers, which took up whole floors to do what we do today with a laptop. While at the Board of Education, he was an active unionist, serving in several union leadership positions. He was an active participant in the fight for dignity and fair wages for working people.

Francis dreamed of bigger and better things for his family and worked to provide opportunities for his children. He worked to exhaustion to make sure his family had what they needed. Later, as a haustion real estate investor, he amassed properties across New York City and elsewhere. Frank worked so much that his family often joked that he worked eight days per week. In addition to his full-time job, he maintained a number of supplemental jobs, including working as a cook at Brooklyn's famous Junior's Restaurant, working weekends for the Free Sons of Israel, and as a security guard for the ILGWU (International Ladies Garment Workers Union).

After his retirement at age 65, he purchased a small newsstand 'in Manhattan's Wall Street district "just to keep himself busy." Frank's personality and laughter lit up rooms. He had a gleam in his eye, and hardly held his tongue. He was an excellent dancer. Throughout his life, he was an avid reader, taking his glasses off and squinting one eye to get a clear look at the words on the pages of the New York Post or the Amsterdam News. He thoroughly enjoyed the fantastic stories of the National Enquirer.

He had a gentle place in his heart that was untouched by life's hardships. He loved dogs and cats. He also loved children, putting a ship's silver dollar for luck into many babies' hands. He was an optimist about his health, the future, and his ability to do things at any point in his life.

As a youth, he adventured widely, seeing many parts of the world. When asked about his life's long list of adventures, he said that more than anything he accomplished during this lifetime, he found joy in seeing his children brought into the world. He instilled a sense of family, honor, and justice in his children, maintaining these things mattered most in life.

He loved his children passionately. Family was the most important thing in his life and he was more than anything else, a proud father of three wonderful children whose successes filled him with pride throughout his life.

Frank leaves to mourn his loss wife Louise, ex-wife Eunice, children Michael, Aleta and Jason, daughter-in-law Norma, sisters Gloria, Angela, and Marie, and a host of nieces, nephews, extended family and friends.

MARK BRICKMAN—A MAN IN THE KNOW

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. LANTOS. Mr. Speaker, the transparency that makes our legal system the best in the world requires that the public have access to its proceedings, and a chance to view the record. Although often overlooked, the court reporter is an integral component of this system as he or she sits quietly in the courtroom diligently producing a transcript of the trial. In addition to their work in the courtroom, freelance court reporters are hired to work at depositions and to transcribe conversations between parties. I recently read about the extraordinary work of one court reporter named Mark Brickman, a constituent of mine from San Mateo, CA, and wanted to share his story with my colleagues.

Mark was born in San Francisco, but moved to Millbrae, CA as a teenager. A talented musician, he graduated from Mills High School and went on to San Francisco State University intent on pursuing his interest in music. At his parent's request he agreed to consider a more "typical" career and like many college students he explored multiple options before finding his calling as a court reporter.

Mr. Speaker, after passing the California State Court Reporters exam, Mark worked for a couple of different firms before his entrepreneurial spirit lead him to start his own firm Brickman Deposition Reporting in 1986. Like so many successful enterprises this company was started out of his house, before growing and now operating out of San Francisco. Mark's success has taken him across the country and around the globe. However, even more impressive is the fact that Mark is still able to make sure he is always around for his wife Cynthia, herself a court reporter, and their children. Although able to type over 100 words a minute, Mark is taking the time to write a book with advice for step-fathers.

I urge all of my colleagues to join me in paying tribute to Mark Brickman, a professional court reporter and a terrific guy and to read more about him in the following article from the San Mateo Daily Journal.

A MAN IN THE KNOW

(By Heather Murtagh)

Mark Brickman isn't an ordinary reporter, but the man is in the know.

He can type fast. He knows a lot about many topics and he can keep a secret.

Brickman, 49, is one of thousands of court reporters paving their own way tailoring a job that fits their lifestyle. It wasn't the path Brickman believed he would end up on—music was his passion.

Brickman moved from San Francisco with his family to Millbrae when he was 13. He graduated from Mills High School in the early 1970s. Before leaving the school, Brickman made his mark in the music department. By playing the clarinet and saxophone, Brickman was able to partake in all things music around the campus. The musical love even brought him over to Europe for a class trip.

He began San Francisco State University wholeheartedly committed to studying music. At his parent's request he looked into studying a more lucrative area—like business. It was the first of many changes before a neighbor introduced him to court reporting.

"It was right up my alley. I was always into words and I love politics and being social," he said.

Once he found the right career the motivation just hit Brickman. Since private school allowed him to focus on the court reporting rather than general education, Brickman was able to finish in two years—graduating in 1978. While in school Brickman worked as a typist for a court reporting firm. It took him two tries to pass the court reporting exam, but once he did his hard work paid off as he was offered a job.

There are two types of court reporters—actual court reporters and freelance reporters. Court reporters sit in the courtroom transcribing what is being said. Freelance reporters complete depositions, transcribe conversations and complete any paperwork outside of the courtroom. Brickman is primarily a freelance reporter but he dabbles in courtrooms from time to time—only for topics that interest him.

He produces hundreds of pages in a day, and it's not because of his typing skills. Brickman can type over 100 words per minute but court reporters use a different method of typing. The language is a special kind of shorthand, which sometimes consists of typing two letters simultaneously. To type the, for example, Brickman just presses "t," and the word if is the letters t and p pressed at the same time. It's a difficult language to master, said Brickman, but the work is worthwhile.

Brickman worked for a couple of firms before opening Brickman Deposition Reporting in 1986, the firm is currently in San Francisco but started in his bedroom in Foster City. It's the kind of job, which can be as consuming or low maintenance as a worker could want. Reporters are paid between $4 to $10 per page. Brickman's work has taken him to multiple states and as far as Tokyo. He's listened in on the personal information of Debbi Fields, the woman behind Mrs. Fields, and self-help guru Deepak Chopra.

Brickman loves being in the know of personal and political situations going on around the nation. The career, he said, is great for anyone needing flexibility in a work schedule. It's also something that requires lots of work, accuracy and studying to get right. Brickman had one professor who would read names and numbers out of the phone book for hours as they transcribed it—a task he hated at the time.

"I could kiss his forehead. Twenty-six years later and I still use those skills," he said.

Despite his busy schedule, Brickman still makes time to have a life. He lives in San Mateo with his wife of four years, Cynthia, and her 18-year-old daughter Erika. Cynthia has four children, two girls and two boys. Brickman adopted Beverlee, the older daughter, just a few months before he married Cynthia.

Brickman met Beverlee at a convention for court reporters, which they both are, when Brickman first started dating his wife. He instantly felt protective of her. When the idea to adopt her was brought up, Brickman never looked back.

Even with success in business Brickman said it's important to have a balance with family and an outside life. He spends much time with his wife and children. He'd love to help with a national election one day. When he has the chance he loves to write. In fact, he's currently working on a book detailing his experiences with mixing families and tips for stepfathers.

TRIBUTE TO GOVERNMENT AND PEOPLE OF ARMENIA ON THE 15TH ANNIVERSARY OF THEIR INDEPENDENCE FROM THE SOVIET UNION

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. McKEON. Mr. Speaker, I rise today to recognize the Republic of Armenia on the occasion of the 15th anniversary of their independence from the Soviet Union.

Since September 21, 1991, Armenia has faced the daunting challenge of building a modem free market economy on the crumbling foundations of Communism. In spite of the situation as they inherited it, Armenia's story has been one of increasing success against long odds. As a member of the World Trade Organization, and a country committed to privatizing their economy, Armenia has seen positive economic growth rates since 1995. While there remains much work to be done, I am confident that the people of Armenia, with their long history of triumph over adversity, will succeed again in making their country a beacon of hope in its troubled part of the world.

Throughout their history, the Armenian people have proven both their desire and determination to be free. I am proud to join my colleagues in acknowledging the anniversary of independence for the free government of the Armenian people who have been ruled by the Roman, Byzantine, Arab, Persian, Ottoman empires as well as the Soviet Union.

On this important occasion, I extend my congratulations to the people and government of Armenia.

ARMENIAN INDEPENDENCE DAY REMARKS

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. GARRETT of New Jersey. Mr. Speaker, today marks the 15th anniversary of the independence of Armenia. On this day in 1991, Armenia was finally given the opportunity for self-rule for the first time in centuries. After suffering under harsh rule of the Turks, who attempted to slaughter them, and then the Soviets, who imprisoned them and persecuted them for their Christian beliefs, Armenia is now heading for a bright future filled with liberty and economic growth.

After decades of stagnation under the failed communist economic system, Armenia now ranks as the 27th most economically free nation in the world. A member of the World Trade Organization, Armenia is working through the World Bank and International Monetary Fund to grow its economy. I have strong faith that Armenia will continue to grow despite the harsh embargoes of its neighbors in Georgia and Turkey.

Armenia is justifiably proud of its deep cultural roots that go back to the dawn of recorded civilization. Ninety-nine percent of Armenians are literate and they have preserved both a distinct language and alphabet. Located in the shadow of the famed Mt. Ararat, Armenia's growing tourist industry prides itself on the nation's fascinating history.

Armenian-Americans are contributing to the development of their homeland by investing and promoting the nation on the international stage. Today is a great day for them and their homeland. I congratulate Armenia on 15 years of freedom and progress and trust that our nations will grow even closer in the future as we seek to promote liberty around the world.

ANOTHER NASA SUCCESS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. PAUL. Mr. Speaker, the National Aeronautics and Space Administration (NASA) successfully completed another space shuttle mission with this morning's landing of the Space Shuttle *Atlantis* and the completion of the STS–115 mission. Launched on September 9, STS–115 is the 116th space shuttle mission, and the first since 2002 to include work on assembling and expanding the International Space Station. The successful completion of the STS–115 mission puts the space station back on the road to completion.

The major accomplishments of the STS–115 mission include the delivery and installation of the massive P3/P4 truss—an integral part of the space station's backbone—and two sets of solar arrays that will eventually provide one quarter of the space station's power. The crew's other accomplishments include preparing an important radiator for later activation, installing a signal processor and transponder that transmit voice and data to the ground, and performing other tasks to upgrade and protect the space station's systems.

The STS–115 mission is the first time a procedure called "camp out" was implemented. A "camp out" is where astronauts sleep in the Quest airlock prior to their space walks. The process shortens the "prebreathe" time during which nitrogen is purged from the astronauts' systems and air pressure is lowered so the space walkers avoid the condition known as the bends. The "camp out" procedure enabled the astronauts to perform more than the number of scheduled activities on each of the mission's three space walks.

The *Atlantis*'s crew preformed unprecedented robotics work on this mission. The crew used the shuttle's arm in a delicate maneuver to hand off the school bus-sized truss to the space station's arm, and also moved the space station's robotic arm to a position where it will assist in the next phase of station construction. Perhaps most significantly, the Atlantis crew preformed the first full fly around of the space station since before the Space Shuttle *Columbia* accident. Thanks to the fly around, ground crews now have a better perspective on the space station's environment and overall exterior health.

Coming less than 2 months after the successful mission of the Space Shuttle *Discovery*, the *Atlantis* mission is another demonstration of the skills and dedication of all NASA personal. I therefore urge all my colleagues join me in extending congratulations to NASA for the successful completion of the *Atlantis* mission. And extend a special thank you to *Atlantis*'s crew of Commander Brent Jett, Mission Specialist Joe Tanner, Mission Specialist Steve MacLean, Pilot Chris Ferguson, Mission Specialist Dan Burbank, and Mission Specialist Heide Stefanyshyn-Piper, and the ground team that worked with the shuttle crew to make this mission a success.

RECOGNIZING THE ACHIEVEMENT OF BETTY BUCK

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. HOYER. Mr. Speaker, I want to offer my congratulations today to my good friend and Fifth District constituent, Betty Buck of Upper Marlboro, Maryland, who was recently elected as the Chairman of the National Beer Wholesalers Association. Betty is well known for her leadership in the State of Maryland, and this week she made history by being elected the first woman to lead this important national business trade association.

Betty is the President of Buck Distributing, a beer wholesaler in my District, where she oversees a business with annual sales of more than $40 million and employs more than 100 workers. This is not the first time that Betty's professional vision and competence have elevated her to a leadership position. She has been recognized for her business acumen by serving on the Committee of America's Women Business Leaders and as a past Director of the Greater Washington Board of Trade. In addition, she was named one of the Most Powerful Women in Washington in 1997, and was selected to be a member of the Top 500 Women Owned Business Group and the Top 25 Women Who Mean Business by the Washington Business Journal.

Betty is also a dedicated public servant who is deeply concerned about our community. She has served on numerous boards and foundations in the greater Washington, D.C., area, including the Prince George's Hospital Foundation, the University of Maryland's Foundation Board of Directors, and United Cerebral Palsy.

In addition to her charity work, Betty has also given her time and expertise to her community by serving as a member of the Maryland Judicial Compensation Committee, the Anne Arundel Planning Advisory Board, and the University of Maryland Commission for School Cooperation.

It is a testament to Betty's talents that she has accomplished so much in the professional world while also raising a wonderful family, including her children Kelly, Erin, Tim and Dan.

Mr. Speaker, Betty Buck is an inspiration to all those who desire a career in business and who also want to raise a family and be engaged in their community. I salute her efforts, as she rises to the position of Chairman of the National Beer Wholesalers Association.

CONGRATULATING SILVER STREET ELEMENTARY SCHOOL ON CELEBRATING 90TH ANNIVERSARY OF NEW ALBANY, INDIANA

HON. MICHAEL E. SODREL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. SODREL. Mr. Speaker, I would like to take a minute to recognize an elementary school in my district for a truly signficant occasion. Silver Street Elementary School in New Albany, IN will celebrate its 90th Anniversary on September 11, 2006, and will welcome another class this year to continue its history of educating the youth of New Albany.

Silver Street Elementary first opened its doors in 1916. Since then, many generations have passed through its halls. The long history of Silver Street allows grandparents to watch their grandkids walk the same halls they once did years before.

Silver Street has continued to be an excellent education institution. Last month, the school received the first Exemplary Award from the State for improving each year in the Indiana Statewide Testing for Educational Progress test scores.

The philosopher Jean-Jacques Rousseau once wrote, "We are born weak, we need strength; helpless, we need aid; foolish, we need reason. All that we lack at birth, all that we need when we come to man's estate, is the gift of education." Silver Street Elementary has provided this gift for 90 years and the teachers, administrators and parents involved who provided this valuable service to the New Albany community should be commended.

Mr. Speaker, it is an honor to recognize this fine elementary school that has educated many Hoosiers from Southern Indiana. It is an honor to have a historic building still being utilized for educational purposes in the district I represent. Congratulations to Silver Street Elementary for 90 years of success.

HONORING SEAN T. CONNAUGHTON

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. WOLF. Mr. Speaker, it is an honor for Mr. TOM DAVIS of Virginia and myself to recognize The Honorable Sean T. Connaughton, former Prince William Board of County Supervisors chairman. Sean was recently confirmed as Maritime Administrator in the Department of Transportation and his education and experience will serve him well at the federal level.

We want to take this opportunity to recognize the dedication that Mr. Connaughton showed the people of northern Virginia as Prince William chairman. At a time when northern Virginia was experiencing heavy population growth, Mr. Connaughton took his responsibilities as an elected official very seriously. Prince William's financial resources were well managed and Mr. Connaughton made significant improvements in terms of education, economic development, public safety, and transportation. On behalf of Virginia's 10th and 11th districts we want to thank Chairman Connaughton on his exemplary service.

Mr. Connaughton is a U.S. Naval War College graduate and alumni of the Merchant Marine Academy. While serving as Prince William chairman he also worked as an attorney dealing with maritime laws and is a part of the Maritime Law Association. A U.S. Naval Reserve commander and former active-duty member of the U.S. Coast Guard, his accomplishments speak for themselves. We have every reason to believe that Mr. Connaughton will be an asset to the Department of Transportation and want to congratulate him upon his confirmation.

IN RECOGNITION OF JAMES BARR III

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. GREEN of Wisconsin. Mr. Speaker, it is my honor and pleasure to recognize before this House TDS Telecommunication Corporation's President and Chief Executive Officer (CEO) James Barr III.

For seventeen years, James Barr has been an exemplary leader of a growing Wisconsin business and has served the telecommunications industry with both integrity and distinction. He has played an integral role in the development of TDS Telecom, quintupling annual revenue to more than $900 million and successfully elevating the company to the sixth largest independent telephone company in the country.

Not only did Barr build a customer-focused organization that has won many awards for customer care, he touched the lives of numerous employees which helped him create a vibrant organization with 3200 employees serving 1.2 million customers in 29 states.

But beyond his hard work and dedication on the job Barr is above all else an upstanding person. Barr has been an excellent leader of several telecommunications boards and service organizations including the United Way of Dane County as well as a caring and supportive husband, father and grandfather.

Mr. Speaker, Mr. Barr should be commended for his outstanding contributions to the telecommunications industry as well as the great state of Wisconsin. I congratulate him on his years of service and exemplary citizenship and wish him the best in his retirement.

CONGRATULATIONS TO BAY HAAS ON THE OCCASION OF HIS RETIREMENT FROM THE MOBILE AIRPORT AUTHORITY AFTER 24 YEARS OF SERVICE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise today to recognize the outstanding service and leadership of Bay Haas upon the recent announcement of his plans to retire. For the past 33 years, Mr. Haas has served the Mobile community in a distinguished manner.

Following 9 years at IBM, Mr. Haas began his career in public service in 1972 when he was elected to serve on the Mobile County Commission, one of the youngest men at the time to serve in such an important post. He has since devoted his life to the well-being and development of south Alabama. In addition to his two terms on the Mobile County Commission, Bay Haas has served as executive director of the Mobile Airport Authority since 1983.

Following 24 years at the Mobile Airport Authority, Mr. Haas announced his plans to retire in June of next year. For nearly a quarter of a century at the Mobile Airport Authority, Bay has been committed to aiding Mobile's industrial growth. His efforts have been critical in recruiting what is now ST Mobile Aerospace Engineering for Brookley, Mobile's largest industrial employer, and more recently, EADS North America. Bay's distinguished work has helped gain Mobile greater recognition in the international aerospace field.

Not only has Bay served the Mobile community with his role at the Mobile Airport Authority, but he has various other leadership positions throughout the city. He currently serves as a member of the vestry at St. Paul's Episcopal Church, the Cruise Ship Task Force, the Chamber of Commerce Legislative Affairs Task Force, the Mobile Area Education Foundation, and as chairman of the Salvation Army Advisory Board, among many others.

Mr. Speaker, I ask my colleagues to join with me in commending Bay Haas for his tireless service to Mobile. I know Bay's colleagues, his family, and his many friends join with me in praising his significant accomplishments and extending thanks for all his efforts over the years on behalf of the citizens of the First Congressional District and the state of Alabama.

A TRIBUTE TO COLONEL WILLIAM S. "BILL" McARTHUR

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. MCINTYRE. Mr. Speaker, I rise today to pay tribute to Colonel William S. "Bill" McArthur for his valiant service as an Astronaut with the National Aeronautics and Space Administration (NASA). Colonel McArthur's dedication, determination and devotion are an inspiration to America and particularly to the citizens of his home county of Robeson and all of southeastern North Carolina.

A native of the community of Wakulla, and a graduate of nearby Red Springs High School, Colonel McArthur has heroically served his country for 33 years. After graduating from West Point in 1973, Colonel McArthur was commissioned as a Second Lieutenant in the U.S. Army and was assigned a tour with the 82nd Airborne Division at Fort Bragg. Following his tour, he entered the U.S.

Army Aviation School from which he graduated at the top of his flight class and was designated an Army aviator. He then served as an aeroscout team leader and brigade aviation section leader with the 2nd Infantry Division in Korea and later as a company commander, platoon leader, and operations officer with the 24th Combat Aviation Battalion. After receiving a Master of Science degree in aerospace engineering from the Georgia Institute of Technology in 1983, he was assigned to the Department of Mechanics at West Point as an assistant professor. Four years later, Colonel McArthur graduated from the U.S. Naval Test Pilot School and was designated an experimental test pilot. As a dedicated Master Army Aviator, he completed over 4,500 flight hours in 39 different air and spacecraft.

In 1987, McArthur began his career with NASA as a Space Shuttle vehicle integration test engineer at the Johnson Space Center. Determined to be an astronaut, Colonel McArthur applied 7 times before he was selected by NASA in January 1990 and was officially designated an astronaut in July 1991. Since then, McArthur has worked in various positions within the Astronaut Office and has served as the Chief of the Astronaut Office Flight Support Branch. He has flown on four space flights including the *Columbia* in 1993; the *Atlantis* in 1995; the *Discovery* in 2000; and *Expedition 12* in 2006 of which he was the Commander and International Space Station Science Officer. During his devoted service, Colonel McArthur has logged 224 days, 22 hours, 28 minutes and 10 seconds in space, including 24 hours and 21 minutes of EVA time in space walks, and he has completed 556 orbits of the Earth.

Mr. Speaker, in 1962 President John F. Kennedy said, "We set sail on this new sea because there is new knowledge to be gained, and new rights to be won, and they must be won and used for the progress of all people." Colonel Bill McArthur reminds us that there is still much to be gained—for the benefit of all mankind—as we continue to explore space. On behalf of all the citizens of southeastern North Carolina and the United States, we thank him for all he has done to make this a better place. May God bless him and his family.

TRIBUTE TO DR. BILLY TAYLOR

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Ms. NORTON. Mr. Speaker, as an original Co-Chair of the Honorary Congressional Host Committee for the Duke Ellington Jazz Festival, with Representative JOHN CONYERS, I rise today to recognize one of America's great jazz musicians and celebrated music innovators, Dr. Billy Taylor. As we look forward to and celebrate the second annual Duke Ellington Jazz Festival in the District of Columbia, we recognize the talented individuals who contributed to the unique sounds that form modern jazz. As a world-renowned jazz artist who uses his talent not only to entertain, but also to educate and inspire, Dr. Billy Taylor will be honored this year with the Festival's Lifetime Achievement Award. He joins last year's inaugural honoree, David Brubeck, as a recipient of this award.

I am proud that Dr. Taylor grew up in the District of Columbia in a family that valued artistic expression through music. His talent was undeniable. Dr. Taylor experimented with the sounds of the saxophone, drums, guitar and piano, receiving lessons from Henry Grant, who taught classical piano to the legendary Duke Ellington 20 years earlier. By the age of 13, Dr. Taylor had made his first professional appearance at the Republic Gardens on U Street.

After graduating with a Bachelor of Science in music from Virginia State University, Dr. Taylor took time off to continue to study, practice and perfect his musical skills. In 1944, he set out for New York City and became instantly emerged in the music scene. Soon after his arrival, Dr. Taylor was invited to play piano in saxophonist Ben Webster's quartet. He also performed on 52nd Street with the legendary Dizzy Gillespie. In 1946, Dr. Taylor embarked on an 8-month tour of Europe with Don Redman's Orchestra, the first American band to visit the continent after World War II. Upon his return, Billy Taylor became the house pianist at Birdland, the historic jazz venue where he was surrounded by pioneering jazz musicians and played with greats such as Ella Fitzgerald and Miles Davis.

As an eminent jazz musician, Billy Taylor began to educate the public on the world of jazz. In the early 1960's, Dr. Taylor became the first black artist to host a daily radio show, "The Billy Taylor Show," on WNEW, a major New York station. Dr. Taylor also brought jazz back to Harlem and the surrounding communities through the revolutionary Jazzmobile project, which he co-founded with Daphne Arnstein, a fellow member of the Harlem Cultural Council. The Jazzmobile began with a float borrowed from the Budweiser Beer Company that was converted into a bandstand-on-wheels. The organization produced summer outdoor concerts, lectures and special programs for disadvantaged inner-city youth. Renowned artists such as Dizzy Gillespie, Duke Ellington, Lionel Hampton, Buddy Rich, and Milt Jackson all contributed to the Jazzmobile by performing free outdoor concerts for the public. In particular, Dr. Taylor recalled the excitement of the audience when Duke Ellington performed, saying, "I don't know who was more excited, the audience, or Duke. He loved playing for the people of Harlem, and they loved him, madly." The program continues today throughout the United States.

Billy Taylor's recording career is nothing short of extraordinary. With more than two dozen albums recorded over a span of six decades, Dr. Taylor is renowned within the recording community through such compositions as, "I Wish I Knew How It Would Feel to be Free" and "Peaceful Warrior," a work inspired by and dedicated to the memory of Dr. Martin Luther King Jr. In 1990, Dr. Taylor was awarded the National Medal of Arts by President George H.W. Bush and also has received two Peabody Awards, an Emmy, and a Grammy.

Dr. Taylor continues to be the country's spokesman for jazz. From 1977 until 1982, Dr. Taylor hosted "Jazz Alive," National Public Radio's most listened-to jazz program of its time.

In March 1993, he was appointed Jazz Adviser to the Kennedy Center, where he was responsible for dramatically expanding and enhancing its jazz program—and although he has officially retired, Dr. Taylor is busier than ever, continuing to provide his expertise to the institution. As with Jazzmobile, Billy Taylor continues to create outreach activities and public performances to expose people of all ages to the genre of Jazz at the Kennedy Center. At the University of Massachusetts, where he is the Wilmer D. Barrett Professor of Music, Dr. Taylor leads the annual Jazz in July program.

As we prepare for the 2nd Annual Duke Ellington Festival to be held in October, it is my pleasure to recognize Dr. Billy Taylor for his lifetime achievements and contributions to the genre of jazz and to the world at large. He is not only an extraordinary artist, but also a renowned and celebrated professional who has dedicated his life to bringing music to the masses. Dr. Billy Taylor inspires the next generation of musicians to continue in his footsteps and not only excel in their musical performances, but also to motivate and educate.

INTERNATIONAL DISASTER RISK REDUCTION ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. BLUMENAUER. Mr. Speaker, from hurricanes and floods in Latin America to earthquakes in Asia, natural disasters are increasingly becoming a regular feature of life for large numbers of people around the globe. By 2050, two billion people are expected to be especially vulnerable to floods due to growing populations, indiscriminate logging on hillsides, rapid urbanization, and increasing development along coasts and in other hazardous regions.

Thankfully, as I have seen on trips to disaster-affected area, the devastating impacts of natural disasters can be mitigated by building in safer locations, constructing sturdier dwellings, enforcing sound building practices, and protecting natural ecosystems. For example, communities in Indonesia that had intact mangrove stands along their coastlines were protected from the full force of the December 2004 tsunami and faced less damage and fewer lives lost. In many Indonesian towns, the only buildings left standing were the mosques, having been built to a higher standard.

In 2004, the United States spent $529 million responding to disasters in foreign countries, making us the largest donor for disaster relief, recovery, and rehabilitation. However, according to a study by the World Bank and the United States Geological Survey, during the 1990s, $40 billion invested globally in preventive measures could have saved $280 billion in disaster relief funds and saved countless lives.

To address these issues, Mr. BURTON and I are introducing the International Disaster Risk

Reduction Act. This bill promotes the use of disaster mitigation efforts in foreign countries, authorizes assistance to help in those efforts, and requires that U.S. disaster relief efforts help make communities less vulnerable to future disasters.

IN HONOR OF PLANTRONICS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. FARR. Mr. Speaker, I rise today to congratulate Plantronics of Santa Cruz, California on being recognized as one of the "Top 25 medium companies places to work for in America" by the Society for Human Resource Management (SHRM). This honor is bestowed only upon the most deserving companies in the country who meet high standards of employment.

Plantronics is a hardware company from Santa Cruz that specializes in lightweight headsets and is the market leader worldwide. The company was founded in 1961, and was the first to introduce the lightweight communication headset in 1962, and in 1969 a Plantronics headset carried Neil Armstrong's first words from the moon. Plantronics have remained on the cutting edge of headset technology ever since it's founding and continue to raise the bar in the field.

Each of the companies recognized by SHRM is dedicated to communicating clearly with their employees and encouraging their workers to voice their opinions. In addition, these companies provide generous salaries and benefit packages. In return, their employees are motivated and invested in the organization, making these companies some of the most successful medium-sized businesses in their industries.

Plantronics is known to have flexible hours for its employees, allowing them to take time to participate in exciting activities that Santa Cruz has to offer such as surfing, cycling, and hiking. They have a subsidized on-site cafeteria which serves locally grown, organic fruits and vegetables. Importantly, Plantronics is active in the community, and contributes to local service organizations.

Mr. Speaker, it is my honor to acknowledge Plantronics for their recognition as one of the best places to work in the country and I wish them continued success.

CELEBRATING THE CAREER OF UNION REPRESENTATIVE GERI OCHOCINSKA

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. HIGGINS. Mr. Speaker, it is my distinct honor to recognize the career of Union Organizer and Negotiator Geri Ochocinska, who is retiring after a distinguished career as Director of UAW Region 9.

Ms. Ochocinska has been a leader of Buffalo's Labor movement since 1965 when she helped organize Rich Ice Cream Co. Following this success, she joined UAW Local 55 as a Technical, Office and Professional unit Chair. She was then promoted up the ranks of Local 55, serving at various times as Office Manager, Administrative Assistant to retirement and welfare funds, Business Representative, Vice President and Financial Secretary.

In 1976, Ms. Ochocinska was appointed International Representative, servicing 60 companies in the Western New York area for her local UAW. She held this post until her election as UAW Regional Director.

Elected in 1998, Ms. Ochocinska became the first woman to hold the post of Regional Director of the UAW. As Regional Director of UAW Region 9, Ms. Ochocinska represented the 91,898 active and retired members of the UAW from Western and Central New York, New Jersey, and most of Pennsylvania. She was re-elected to her post in 2002.

A recent article printed in Western New York's Business Newspaper, Business First, pointed out that Geri Ochocinska has risen higher than any woman in the history of organized labor in Western New York. Geri receives recognition as a great negotiator. She is a woman who takes firm stands in negotiations. She also is known for her compassion and for the nurturing ways she cared for and fought for UAW workers.

Ms. Ochocinska's retirement is a loss to the Labor Community of Western New York, Mr. Speaker, and I'd like to take this opportunity to thank her and congratulate her for a lifetime of service to the working men and women of Western New York.

HONORING THE HONORABLE MARY DENNY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize Representative Mary Denny for her service in the Texas House of Representatives.

Representative Denny has played an intricate part in the development of the Republican Party in Denton and the North Texas region over the past 20 years. She has helped in over 300 State, Local and National elections in her career and has represented Denton County in both State and National Republican conventions.

As a local businesswoman and former teacher, she graduated from the University of North Texas with a bachelor's degree in Education. She is presently serving her 6th term as State Representative for the 63rd district in Texas. Currently Mrs. Denny is assigned to several House Committees including; Chairman of Elections, House Criminal Jurisprudence, House Administration committee, and the Select Committee on Ethics.

Throughout her amazing career Mrs. Denny has received several awards recognizing her achievements as both a businesswoman and a legislator. She has been recognized for the past four consecutive terms as a Leader of Excellence by the Free Enterprise Committee, a special honor given to the top ten percent of conservative legislators. She has also been recognized as a Friend to the Taxpayer and honored as an Outstanding Legislator by the American Family Association of Texas.

Mr. Speaker, it has been my distinguished honor to work alongside Mrs. Mary Denny for the improvement and development of Denton, Texas. Her leadership and commitment to the citizens of Denton County is remarkable and it has been a privilege to know such a dedicated individual.

IN TRIBUTE TO LEONARD SYKES

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Ms. MOORE of Wisconsin. Mr. Speaker, I rise to pay tribute to the life and work of Mr. Leonard Sykes, Jr., a highly respected, deeply principled and thoroughly knowledgeable Milwaukee journalist. Mr. Sykes died September 17, after suffering a stroke earlier this summer.

Mr. Sykes dedicated his professional life to ensuring that the practice of journalism in Milwaukee and across the country should grow to reflect the full range of life in communities of color. He came to Milwaukee in 1986, having already established a strong journalism career with stints at Jet Magazine and the Waukegan, IL, News-Sun. During his tenure at the Milwaukee Journal Sentinel, he covered issues that were at the heart of the urban, African American experience, including civil rights, poverty, job training, and anti-violence efforts. He was dedicated to highlighting community efforts that helped hold families and neighborhoods together. A one-time city editor at the Journal Sentinel, he was working as urban affairs reporter at the time of his death.

An award-winning journalist and consummate professional, Mr. Sykes was known throughout the Milwaukee area for bringing dignity and passion to his work. His writing never failed to highlight a keen understanding of the issues. His unique insights derived from skillful research and encyclopedic knowledge of Milwaukee and its people. His no-nonsense approach to the issues sometimes touched a nerve with policymakers, power brokers, and the community at large. Perhaps because of his commitment to seeking truth and airing out the assumptions that underlay conventional wisdom, his work was well respected among the powerful and disenfranchised alike.

As chair of the Journal Sentinel's Minority Caucus, and through his work with the Wisconsin Association of Black Journalists, Mr. Sykes endeavored to expand coverage of communities of color across the state and throughout the country. Notwithstanding this effort—and the glimpse it afforded into the African American community—his reach, focus and scope transcended race. I will miss his powerful intellect and his commitment to using his position to speak truth to power. His death leaves a void not only in the Milwaukee Journal Sentinel newsroom, but in the Milwaukee community as a whole.

HONORING THE PLAINVILLE UNITED METHODIST CHURCH ON ITS 125TH ANNIVERSARY

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I rise to honor the leadership and congregates of the Plainville United Methodist Church on the occasion of its 125th anniversary.

Every day, the members of the Plainville United Methodist Church give testament to the church's mission to faithfully participate in the ministries of the church through their prayers, presence, gifts and service.

This mission began in the late 1870s when "The People called Methodist" began their witness in Plainville. A tent was used as their place of worship while the church was constructed. On December 26, 1881, the cornerstone was laid for the old building on Canal and Broad Streets, and the edifice was made ready for occupancy on November 15 of the following year.

For many families and communities, the beliefs held and shared in places of worship play an important role in their daily lives. The congregation of the United Methodist Church has proven through the years that its faith is as firm and unshakeable as the foundation of the building in which it worships today. I hope that the 125th anniversary celebration represents the beginning of many more years of worship and community for the Plainville United Methodist Church and the many individuals and families who comprise its congregation.

HONORING ERIKSON INSTITUTE'S 40TH ANNIVERSARY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to congratulate the Erikson Institute of Chicago on its 40th anniversary. The Erikson Institute is an innovative institution dedicated to cultivating superior early childhood educators of minority and low-income children. The Erikson Institute was founded as a response to increased government programs for early childhood education. With the inception of the Head Start program in 1965, three esteemed child advocates—Maria Peirs, Lorraine Wallach, and Barbara Taylor Bowman—recognized the need for quality early child educators, especially those trained to teach minority and low-income children. Erikson Institute, with financial help from Irving B. Harris, opened its doors in 1966 and has upheld its commitment to excellence throughout the past four decades.

Erikson's mission of ensuring that every adult who works with young children is knowledgeable, aware, and skilled is more important now than ever. Early childhood education is especially important to low-income children. Therefore we know that prekindergarten programs have a positive impact on the cognitive performance of children living in poverty. A critical component in the process of educating young children is having well-trained teachers. In 2001, 72 percent of all urban public school elementary students in prekindergarten programs came from families classified as low-income by the Early Childhood Longitudinal Study. This study also found that roughly half, 51 percent, were minority students. In Chicago there are 19,053 pre-school students, 2,659 of which are special needs children. The 7th District of Illinois, my congressional district, is home to 11,966 pre-school students. Clearly, there is a need for quality early childhood educators. The Erikson Institute fulfills an important role in training these instructors.

Graduates of the Erikson Institute have learned every aspect of childhood development. Not only does the Erikson Institute provide a superior education, they also conduct important research on the needs of young children. Professors and researchers at Erikson are committed to sharing their knowledge with both the academic community and the general public. The Erikson Institute is dedicated to outcomes—understanding what works and how—as well as the repetition of successful models. The Erikson Institute's formula for success has greatly benefited numerous programs in the Chicago area, including: Early Head Start; Chicago Public Schools; Illinois Department of Children and Family Services Early Childhood Unit; and Children's Place Project to name a few. Their impact is felt nationwide with over 2,500 graduates a year working in various regions of the country.

Mr. Speaker, as W.E.B. DuBois once said, "We must insist upon this, to give our children the fairness of a start which will equip them with such an array of facts and such an attitude toward truth that they can have a real chance to judge what the world and what its greater minds have thought it might be." It is my great honor to commend the Erikson Institute on four decades of excellence in training those who educate our youngest children.

NATIONAL PSORIASIS FOUNDATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. GERLACH. Mr. Speaker, I rise today in recognition of the National Psoriasis Foundation and of August as Psoriasis Awareness Month to bring much-needed attention to an often overlooked and serious disease that affects constituents in each of our districts. According to the National Institutes of Health, NIH, as many as 7.5 million Americans are affected by psoriasis—a chronic, inflammatory, painful, disfiguring and disabling disease for which there are limited treatments and no cure. Ten to 30 percent of people with psoriasis also develop psoriatic arthritis, which causes pain, stiffness and swelling in and around the joints. Psoriasis is widely misunderstood, minimized and undertreated. In addition to the pain, itching and bleeding caused by psoriasis, many affected individuals also experience social discrimination and stigma. Many people also mistakenly believe psoriasis to be contagious. Psoriasis typically first strikes between the ages of 15 and 25 and lasts a lifetime. As such, psoriasis and psoriatic arthritis impose significant burden on individuals and society; together they cost the Nation 56 million hours of lost work and between $2 billion and $3 billion in treatments each year.

Despite the serious adverse effects that psoriasis and psoriatic arthritis have on individuals, families and society, psoriasis and psoriatic arthritis are underrecognized and underfunded by our Nation's research institutions. The NIH has spent less than $1 per person with psoriasis on average each of the last 10 years. At the historical and current rate of psoriasis funding, NIH funding is not keeping pace with research needs. The scientific advisors of the National Psoriasis Foundation believe that between 5 and 10 additional psoriasis-specific investigator-initiated research grants are needed each year to begin to make real progress toward improved treatments and, eventually, a cure.

There are an average of 17,000 people living with psoriasis and psoriatic arthritis in every congressional district—estimate based on 2000 Census Data/Census apportionment population with the average size of a congressional district of 646,952 and prevalence rate of 2.6 percent. Approximately 320,000 people are affected by psoriasis in Pennsylvania.

Fortunately, we have two support groups in Pennsylvania affiliated with the National Psoriasis Foundation. I am pleased that my constituents have a welcome and knowledgeable support group to help them know they need not face their disease without help. Support group interaction and discussion provides individuals affected by this debilitating disease with much-needed comfort, assistance and resources. The work of the support groups in Pennsylvania is invaluable, and I commend the efforts of those involved.

I thank the National Psoriasis Foundation for all of its efforts and leadership over the last 38 years and am grateful to the foundation and its members for their ongoing commitment to improving the quality of life of people who have psoriasis and psoriatic arthritis. Moreover, I thank the constituents, Kathleen Brickley, Carl and Sandy Christofano, Eileen Gallant and Lara Wine Lee, who visited my Washington, DC, office earlier this year to educate me and my staff about the challenges associated with psoriasis and psoriatic arthritis. This year, the National Psoriasis Foundation had nearly 100 participants join in its Capitol Hill Day to elevate awareness and understanding of psoriasis and psoriatic arthritis and have policymakers take action to address access to care and boost the Nation's research efforts.

Too many people suffer needlessly from psoriasis and psoriatic arthritis due to incorrect or delayed diagnosis, inadequate treatment options, and/or insufficient access to care. I stand ready to work with my constituents and the National Psoriasis Foundation to help elevate the importance of expanding psoriasis and psoriatic arthritis research and ensuring access to care and treatment for this disease. I urge my colleagues to learn more about psoriasis and psoriatic arthritis, to take action to support their affected constituents and to support the National Psoriasis Foundation in its important endeavors.

75TH ANNIVERSARY OF THE TOPEKA HIGH SCHOOL BUILDING

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. RYUN of Kansas. Mr. Speaker, I rise today to honor the 75th anniversary of the Topeka High School building. Topeka High is the largest high school in the Kansas capital, with more than 2,000 students in the student body. It is also a focal point of pride for the entire community.

Most recognized by its 165-foot bell tower, the school owes its gothic architecture to Chester Woodward, a local financier and bibliophile, who led the Board of Education during the school's construction. At least three British landmarks inspired the Troy campus, including Henry VIII's Great Hall at Hampton Court Palace and the College Tower of Magdalen College, Oxford.

But the school's gothic architecture is not its only notable feature. Topeka High also has a unique relationship with the Navy's oldest warship, the U.S.S. *Constitution*, "Old Ironsides." Its cross jack spar is the school's main flagpole on THS Constitution Plaza. In June 2005, the building was placed on the National Register of Historic Places.

More important than the physical structure though, are the men and women who have taught and studied at Topeka High School since its doors opened in 1871. Over 40,000 students have proudly worn the colors of black and gold since then. Its alumni include a Vice President of the United States, a U.S. Senator, a university president, a Fortune 500 CEO, a World War II fighter pilot, and four Rhodes Scholars among many other distinguished alumni.

Like any venerable institution, Topeka High School's faculty and student body has earned numerous awards. Topeka High has boasted numerous State and National champions in debate, forensics, Junior ROTC drill, music, foreign language, math, and athletic competitions. As an institution, THS has previously been recognized with the Bellamy Flag Award as best school in the State, and the U.S. Department of Education recognized Topeka High in 1989 as a School of Excellence.

So on the occasion of this 75th anniversary, it is with great respect and admiration that I recognize the students, teachers, and administrators of Topeka High School. The school continues to be a cornerstone of the Topeka community. It is my hope that we can honor the legacy of those who have created this great school by committing to the education of the next generation of leaders for Topeka, Kansas, and the Nation.

IN HONOR OF MS. LISA BLUNT-BRADLEY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Ms. Lisa Blunt-Bradley in recognition of her service as president and CEO of the Metropolitan Wilmington Urban League.

The Metropolitan Wilmington Urban League, MWUL, actively works to assist the disproportionate number of African-American, Latino, and other ethnic populations who remain susceptible to wide-ranging disparities in income and educational attainment for themselves and their children. Under Lisa's leadership, the MWUL has built opportunities for people of color by setting the tone of the public policy discourse, engaging in principled advocacy, and creating strong community partnerships.

In 2004, Ms. Blunt-Bradley became President of the MWUL and under her leadership the organization successfully implemented the Achievement Matters Education Program. The Achievement Matters Campaign is an academic achievement initiative that will provide community and school-based interventions for children in Wilmington from grade 6 through to graduation. The program is designed to provide underprivileged children with the skills they will need to be competitive in the job market of tomorrow.

Ms. Blunt-Bradley's successful career did not begin at the MWUL; she has a long legacy of successful advocacy work. The American Council of Young Political Leaders honored Ms. Blunt-Bradley with the Gary L. McPherson Distinguished Alumni Award in 2003. Additionally, prior to working at the MWUL, Ms. Blunt-Bradley served as Secretary of Labor and Deputy Secretary of Health and Social Services for the State of Delaware. In those roles she oversaw the day-to-day management of the largest agency in the State of Delaware with approximately 4,500 employees. Her supervisory responsibilities included providing services to individuals with disabilities, and providing emergency shelter for the homeless. In addition, as the State agency's liaison to the Delaware General Assembly, she worked on issues such as child support enforcement legislation and regulation of managed healthcare.

Mr. Speaker, in closing, I would like to once again commend Ms. Blunt-Bradley on her success while at the helm of the Metropolitan Wilmington Urban League. Lisa's constant professionalism, tireless leadership, and appetite for hard work have improved the lives of countless children and adults in Wilmington and throughout the State of Delaware.

IN HONOR OF 15TH ANNIVERSARY OF ARMENIA'S INDEPENDENCE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. RADANOVICH. Mr. Speaker, I rise today to commemorate and honor the nation of Armenia and all people of Armenian descent. Today marks the 15th anniversary of Armenia's independence, and is a proud day for the people of a country that has struggled for so long and succeeded so greatly.

The mass killing of 1.5 million Armenians by the Ottoman Empire was the first genocide of the 20th century. I am proud that the United States stood by as an ally to Armenia at that time and has continued to do so throughout the last century. During the cold war, the United States championed the rights of the Armenian people to be independent, and was one of the first countries to recognize that independence in 1991.

As one of the first countries in post Soviet Union Europe to embrace the ideals of freedom and democracy, Armenia has taken great strides down the path of democratic change and development. All of this has been done in the shadow of the great adversity that these proud people have endured. Over the last fifteen years the Armenians have proven their commitment to democratic values and a secure and stable Caspian region.

My district in California is home to thousands of Armenians who I am grateful to have worked with and become friends with during my time in Congress. They, and all Armenian people, deserve our most heartfelt congratulations on this momentous anniversary.

FISHING RULES TAKE THEIR TOLL

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, in my representation of the City of New Bedford, I have of course spent a significant amount of time on matters affecting the fishing industry that is so vitally important to that community, economically, culturally, and in every other relevant way. In doing so, I have benefited from the wisdom and experience of a number of people involved in the fishing industry, one of whom is Deb Shrader, the executive director of an excellent organization called Shore Support Inc.

As part of a very useful series that the New Bedford Standard Times is carrying on the fishing industry, Deb Shrader published an article in the Standard Times for September 20, which gives an excellent summary of the difficult economic position in which current fishing policy puts so many hardworking people and their families. I hope my colleagues will read this because they will understand why I am working as hard as I am for amendments to the Magnuson Act, which will thoroughly recognize the legitimate economic interests of people in the fishing industry and will do so in ways that do not jeopardize any valid environmental concerns.

Mr. Speaker, no one should be voting on fishing issues without having a full understanding of the matters that Deb Shrader discusses so well, and for that reason I ask that her article from the Wednesday, September 20, Standard Times be printed here.

[From the Standard Times, Sept. 20, 2006]

FISHING RULES TAKE THEIR TOLL

(By Deb Shrader)

How fishing regulations affect the people in a fishing community is nearly a taboo subject. Though the Magnuson Act of 1976 requires that the social and economic impact of fishing regulations be studied, in fact the impacts are rarely measured, the information that is gathered is considered anecdotal or it's ignored. Measuring the cumulative effects of these omissions is impossible, much like retracing the steps of a dinosaur after their extinction.

Presently, Shore Support, Inc. is working with UMass Dartmouth and its School for Marine Science and Technology, and economics Professor Dan Georgianna, to study the most recent effects of regulations on groundfishermen. We have been meeting with fishermen, aboard their boats, to talk with them. I recently spoke with members of a crew who, after spending 10 days at sea, working two nine-hour shifts with three hours rest in between, came home to a paycheck of $750. If you work out the 18 hour day, multiply by 10, and then divide the $750 by the 180 hours worked, these fishermen worked for well below minimum wage at about $4 an hour. The high cost of fuel, coupled with the low prices for fish make me wonder why they still "go down to the sea in ships," and I'm not afraid to ask that question of groundfishermen. The answer is usually that they are fishermen through and through, and with most of the men in their mid to late forties, the idea of starting at the bottom of a ladder in a new trade is more than depressing. They are used to the unique lifestyle of commercial fishing with its sense of independence, competitiveness and chance to work close to nature.

In 2005, Professor Georgianna and I published a study called "Employment, Income and Working Conditions in New Bedford's Offshore Fisheries." As part of this study, we visited and spoke with the captains and crews from more than half of the offshore scallop and groundfish boats that call New Bedford home port, and are 50 feet or longer.

In this study, working with fishermen and settlement houses, we put a human perspective on the industry. After meeting with crew from more than 200 boats, we found that the workers in the industry are rapidly aging. The average age of a scalloper is 40 with 19 years at sea; the average age of a groundfisherman is 46 with an average of 26 years at sea. These fishermen are professionals with many years of experience, in some cases more than half their lives. During our entire process, we spoke with only four groundfishermen who were 25 years old or younger. We attribute this to the fact that fishing is so very dangerous, that considering the difficulties and insecurities created by a regulatory system, young men are not choosing to fill their father's boots, a practice in previous generations that has kept our port so strong. In fact, many fishermen discourage their children from joining them on the boats. Instead, they discourage their sons from being involved in an industry that has become too complicated and laden with bureaucracy.

It has been predicted that the Port of New Bedford will lose approximately $15 million due to the changes presented in the most recent Framework 42 (a framework is a process for amending a fisheries plan) of the groundfish regulatory system. Please keep in mind that because we have an offshore fleet, our boats are larger and carry more men than some of the coastal fisheries in other areas. Each groundfishing boat carries three to five men. At the end of each fishing trip, the boat owner and crew split the proceeds. The boat owner usually gets 50 percent of the value of the fish caught, while the crew splits the remaining 50 percent (after expenses like fuel, food, and ice are deducted). Each groundfishing boat represents four to six families' incomes. If this community loses $15 million in commerce from these regulatory changes, $7.5 million will be removed from fishermen and their families, which has a wider spread effect than a corporate loss. This would mean $7.5 million less to pay mortgages and auto loans held by local banks, less to buy groceries in local markets and home goods at the local mall. If you think this crisis will not affect you because you are not involved in this noble industry, you are wrong. These types of losses in a community with rampant unemployment will be devastating to all.

New Bedford is also one of the last great ports as far as what is available for shoreside support industries. The failing of the industry in Gloucester, and other smaller ports, has already caused a collapse of the net makers, dredge builders, welders, ice makers, chandlers, and other support industries in those ports. New Bedford has become one of the last remaining sources for supplies and labor on which all the boats depend. The big question is whether these crucial support industries will survive this regulatory process. Many of these are small businesses and are presently carrying a great deal of debt owed by the boat owners who have a difficult time paying for expenses due to changing regulations (limited days at sea, catch limits and gear restrictions). Support industries are crucial to the survival of the fleet. And the survival of the fleet is crucial to the survival of the support industries. This interdependence puts our port city in danger of losing not only our fishing fleet, but these businesses as well.

While we all know that money does not bring happiness, not being able to support your family will take the joy out of life. Recently implemented regulations and those proposed in Framework 42 have added a new degree of insecurity to an already difficult industry. Fishing has always been physically demanding and dangerous work.

Fishermen's wives have always worried about whether their husbands would return safely to port. But today, because of these regulations, with each trip, groundfishermen wonder whether they will be able to provide for their families.

HONORING THE UNITED NATIONS INTERNATIONAL DAY OF PEACE

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. HONDA. Mr. Speaker, I rise today to recognize the United Nations International Day of Peace. In 2002, the United Nations General Assembly declared September 21 as the permanent date for International Peace. Its purpose is to encourage the manifestation of the vital Spirit that unifies us amid our diverse ways. In a time where we are witness to mass violence, acts of genocide, and war, the United Nations International Day of Peace draws attention to the need to implement strategies linking development, security, human rights and peace into a cohesive framework.

It also presents an opportunity for citizens of our country to honor the Decade for a Culture of Peace and Non-Violence for the Children of the World, which emphasizes the need for the international community to recognize and implement strategies to focus on and ensure assistance for children exposed to harmful and violent situations.

On this day when we focus on the goal of individual and collective progress toward building cultures of peace, we must pause to remember the tragic loss of 2,683 fallen American heroes and the estimated 48,000 civilians in Iraq who have lost their lives due to war and violence.

As the lone remaining superpower, America serves as a model for other nations, and it is our duty to lead other nations to peace. On this International Day of Peace, we must reflect actions our Nation can take to alleviate tensions and causes of conflict, such as bringing our troops home safely using an exit strategy that is executed with accountability and diplomacy and which helps achieve harmony among other nations.

As a proud representative of California's 15th Congressional District, I am committed to devoting myself and my district to building Cultures of Peace for the children of the world and for future generations. My constituents and I hope that the acts of peace we perform on this day serve to strengthen the ongoing legacy of democracy, liberty and equality within our country.

IN RECOGNITION OF THE CHICAGO ACADEMY FOR THE ARTS COLLEGE PREPARATORY HIGH SCHOOL

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. EMANUEL. Mr. Speaker, I rise today in proud recognition of The Chicago Academy for the Arts, recently awarded this year's Creative Ticket National Schools of Distinction Award from the Kennedy Center's Alliance for the Arts Education Network.

The Chicago Academy for the Arts High School has served the students and families of the city of Chicago as well as students from Indiana and Wisconsin since 1981. The students at The Chicago Academy for the Arts have established an impressive record of academic achievement as well as artistic talent ranging from fine arts to acting to costume and set design. Ninety-seven percent of the Academy's graduates go on to top colleges and conservatories.

Since 1981, The Chicago Academy for the Arts has served as one of five private, independent, college-preparatory arts high schools in the United States. In addition to a traditional high school curriculum, students are given intensive training in the fields of: Music, Visual Art, Dance, Theater, Musical Theater, and Media Arts. Each day, students spend 5 hours in academics and 3 hours in their chosen art major, all of which include classes in theory, history, and technique.

The Chicago Academy for the Arts is designed to maximize each student's potential to communicate through the arts. The Arts Academy strives to prepare students to think critically and independently in order to prepare them to succeed in both higher education and their chosen field in the arts.

Alumni from The Chicago Academy for the Arts have gone on to attend schools such as the University of Chicago, Northwestern University, The Julliard School, Brandeis University, and New York University and include such notables as actors John Cusack and Lara Flynn Boyle; screenwriter and director Adam Rifkin; and composer Alex Wurman as well as members of the Joffrey Ballet, New York City Ballet, Alvin Ailey American Dance Theater and the Radio City Music Hall Rockettes.

Mr. Speaker, as a member of the Congressional Arts Caucus, I believe that it is important to support and recognize quality education in the arts. The Chicago Academy for the Arts is a shining example of art in education at its best. I am proud of the students, faculty and families of the school and I wish them continued success in the coming years.

TREASURY DEPARTMENT REPORTS MILESTONE

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker in an amazing demonstration of the strength of the American economy, the Treasury Department reported the largest single gross receipt of quarterly corporate taxes in our Nation's history last Friday. Without question, this milestone demonstrates the effectiveness of the pro-growth tax and fiscal policies advanced by this Congress. This news also proves that despite our obligations to protect our national security, fight the War on Terror abroad and cover the increasing costs of entitlement programs at home, the American economy will continue to grow and benefit the American people.

These historic tax receipts are not an isolated event. Last Friday's announcement is the result of back-to-back quarters of economic growth throughout America. According to the Treasury Department, last year's tax receipts were also a record high, having grown $275 billion, or 14.6 percent, from the previous year.

Let's not forget about jobs. Increased corporate tax receipts are the result of greater corporate activity, which leads to job creation. Our economy has now added jobs for 36 straight months. The policies this Congress has set in motion have created the framework for an economy that has created more than 1.7 million jobs over the past 12 months and more than 5.7 million jobs since August 2003.

I and my colleagues are dedicated to continuing this trend by promoting legislation to roll back red tape, lower taxes on America's families and set the stage for a brighter future for all Americans.

15TH ANNIVERSARY OF ARMENIA'S INDEPENDENCE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. PALLONE. Mr. Speaker, today marks the 15th anniversary of Armenia's independence. I would like to congratulate the Armenian Government, its people and the entire extended Armenian community on this momentous occasion. Over the last 15 years, the Armenian people have made tremendous progress toward a modern, open and free democracy that should serve as an inspiration to other nations.

Following the collapse of the U.S.S.R., Armenia was among the first of the former Soviet republics to embrace the path of democratic change in pursuit of freedom and self-determination. However, the road to independence was not easy. Centuries of foreign domination, genocide against its people in the early 20th century and seven decades of totalitarian dictatorship did not discourage the Armenian people.

Since its independence, Armenia has emerged as a viable, vibrant society playing an important role in stabilizing the South Caucasus region. Armenia continues to be a trusted partner of the United States in a strategically important area of the world, a regional leader in political and economic reform, and a nation committed to the principles of democracy and the rule of law.

Armenia has joined the global war on terror by engaging in a strategic relationship with the United States and other coalition members. Armenia's armed forces also participated in NATO's stabilization force in Kosovo, in addition to maintaining and developing a robust program of individual partnership with the North Atlantic Alliance through its Euro-Atlantic Partnership framework.

Armenia also has made tremendous progress in building up a free-market economy. It is one of only a handful of countries to have qualified for the Millennium Challenge Account, is a member of the World Trade Organization and has been granted Permanent Normal Trade Relations status by the United States.

Mr. Speaker, Armenia has overcame a brutal legacy of Ottoman persecution, Soviet oppression, Azerbaijani aggression against Nagorno Karabagh, and the ongoing dual blockades by Turkey and its allies in Baku in its path to independence. I urge my colleagues to join me in expressing congratulations to Armenia as well as extend my sincere support and encouragement to flourish as a strong democracy for years to come.

DEDICATED TO PEACE IN SRI LANKA

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. HOLT. Mr. Speaker, I rise today to express my growing concern about the situation in Sri Lanka. I have followed the state of affairs in Sri Lanka for a long time, and it is clear to me that the current level of violence threatens to return the country to open civil war.

The renewed violence and rising death toll in Sri Lanka is troubling to me and many residents of my congressional district. They shared with me their apprehension about the growing levels of violence and I share their commitment to establishing a lasting peace in Sri Lanka.

That is why today I wrote to Secretary of State Condoleezza Rice asking her to appoint a special envoy for Sri Lanka. I attach that letter. The appointment of a high level official with the ear of President Bush will ensure that our government is focused on doing everything in its power to bring a lasting peace to the people of Sri Lanka. Further, naming a special envoy will ensure that there is a U.S. government official solely dedicated to fostering cooperation between the two parties and working to establish a mutually agreed peace. This envoy also must have a clear mandate to monitor human rights violations on the ground and ensure that international humanitarian laws are observed by all parties.

It is my hope and prayer that the violence will end and that the parties in Sri Lanka will return to the peace negotiations. America must remain committed to fostering peace in Sri Lanka and working with the international community to bring an end to the current conflict. The people have endured civil war for too long. Our Nation must do everything it can to foster a lasting peace in Sri Lanka.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 21, 2006.

Hon. CONDOLEEZZA RICE,
Secretary of State, U.S. Department of State,
Washington, DC.

DEAR SECRETARY RICE: I am writing to urge you to appoint a special envoy for Sri Lanka because I am deeply troubled by the situation on the ground there. This summer brought an end to the negotiated permanent ceasefire, which had been generally observed since 2002. The renewed violence and rising death toll in Sri Lanka are a grave risk to the fragile peace process and threaten a return to open civil war.

News reports indicate that recent heavy fighting has resulted in hundreds of deaths and the displacement of more than 200,000 people in Sri Lanka. Parties to the conflict are not the only ones suffering. As you know, The Sri Lanka Monitoring Mission (SLMM) recently investigated the murder of 17 aid workers, and the United Nations High Commissioner for Human Rights made clear just this week that "there is an urgent need for the international community to monitor the unfolding human rights situation."

Naming a special envoy for Sri Lanka would further emphasize our government's commitment to creating a lasting peace. It is essential that the U.S. envoy be a high-level official with the ear of President Bush and you. The envoy's mandate should be clear and must include efforts to increase monitoring of human rights violations.

The citizens of Sri Lanka have endured civil war for too long. We must do everything we can to foster a lasting peace for the country. Again, I request that you appoint a special envoy for Sri Lanka to help bring peace to the country.

Sincerely,

RUSH HOLT,
Member of Congress.

IN HONOR OF SGT. GERMAINE DEBRO

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. FORTENBERRY. Mr. Speaker, "It's hard to be sad when I'm so proud. You are my hero." These were the words Alvin Debro, Jr., used to bid his brother, Sgt. Germaine Debro, a final goodbye.

Sgt. Debro was killed near Balad, Iraq, on September 4 when his Humvee hit a roadside bomb.

A member of the Nebraska National Guard, he had served in both Bosnia and Kuwait. Because of these recent deployments, he was not required to go to Iraq. But as a single man with no children, he volunteered so other soldiers would not have to leave their families.

At the funeral service at Morning Star Baptist Church in North Omaha, Pastor Leroy Adams said to us "I look across this sanctuary and see America . . . One Nation, under God, in a Church, and Germaine brought us together. . . . It's not how long you live—it's how well you live.

His friends recalled Germaine's love for life, selflessness, and compassion for others. Germaine's mother, Priscilla, said her son "died a proud soldier." Our Nation will be forever grateful to Sgt. Germaine Debro.

IN HONOR OF BISHOP F. JOSEPH GOSSMAN'S RETIREMENT AND WELCOMING BISHOP MICHAEL F. BURBIDGE TO THE RALEIGH DIOCESE OF THE ROMAN CATHOLIC CHURCH

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to offer thanks for the life and work of Bishop F. Joseph Gossman in the Raleigh Diocese of the Roman Catholic Church and to welcome his successor, Bishop Michael F. Burbidge, whose installation I attended at Meymandi Concert Hall in Raleigh last month. It was a grand event, dedicated to the glory of God. The community is indebted to Father Gerald Lewis, General Chair of the Planning Committee, and others who so carefully and lovingly prepared this service.

Bishop Gossman led the Roman Catholic diocese for 31 years in Raleigh, becoming the longest-serving diocesan bishop in the United States. The diocese grew from about 38,000 members in 1975 to 200,000 in 2005, with 62 new churches dedicated during that time. Priests who worked with Bishop Gossman describe him as collaborative and collegial, genial and gentle. But he was a warrior on issues to which his faith spoke. He supported the right of factory and farm workers to organize, spoke out against the death penalty, and stood up for civil rights and social justice. In recent years, he addressed the divisive issue of immigration, advocating for laws that respect the human rights of immigrants and preserve the unity of their families, and paid special attention to the spiritual needs of North Carolina's growing Latino population.

Bishop Gossman broke new ground in promoting and participating in ecumenical and interfaith dialogue. He moved women into more and more responsible leadership positions; eight of the parishes in the diocese are now headed by women. Noting that his leadership drew on expectations flowing from the Vatican Council of the 1960s, William Powell, historian of North Carolina Catholics, recently recalled what Bishop Gossman said when asked how he would like to be remembered: As someone who loved people and . . . who let people breathe, not just the air of the Church but the air of life.

Joseph Gossman leaves a rich legacy, not only of burgeoning parishes and schools, but also of countless lives touched and enriched by his witness and his ministry. I join a grateful community in wishing him health, happiness, and many rewarding years to come.

Bishop Michael Burbidge comes to Raleigh from Philadelphia, PA with a rich history in the church despite his relative youth. He studied for the priesthood at the Saint Charles Borromeo Seminary and subsequently served as parish priest, school chaplain, seminary dean, and administrative secretary to the Archbishop of Philadelphia. More recently Bishop Burbidge has led in the formation of future priests as Rector of St. Charles Borromeo Seminary and has served as an auxiliary bishop of Philadelphia with oversight duties ranging from the Secretariat for Clergy to the Office for Communications.

Bishop Burbidge thus brings a wealth of experience to the Diocese of Raleigh, where he has invited the faithful "to join him in his prayer for grace always to 'walk humbly with God,' in loyalty and fidelity, trusting the past to His mercy, the present to His love, and the future to His providence." He has made an auspicious beginning, and the citizens of North Carolina welcome him warmly and wish for him grace and strength in the work he has undertaken.

CELEBRATING KPMG LLP'S 100TH ANNIVERSARY IN PHILADELPHIA

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. FATTAH. Mr. Speaker, I rise today to recognize the contributions made by KPMG, LLP to Philadelphia, our people, our businesses, and the health of American capital markets, and do so on the occasion of the firm's 100th anniversary in our city.

In 1906, Marwick, Mitchell & Co. opened its doors on Chestnut Street. Marwick, Mitchell & Co. was then a small accounting firm with less than a handful of partners. In the last 100 years, Philadelphia has added greatly to its history as the birthplace of the American republic to its renown as one of the nation's leading ports, centers of commerce, and home to many Fortune 500 companies. Marwick, Mitchell & Co. grew with Philadelphia and is known today as KPMG.

Throughout its history, KPMG has been an outstanding citizen of Philadelphia. Today, KPMG is one of the oldest and largest professional services firms in the city, employing more than 850 professionals headquartered, on Market Street and providing a variety of audit, tax, and advisory services to the public and private sectors.

KPMG's partners and employees serve as officers, directors and volunteers for many of Philadelphia's philanthropic and charitable organizations. Earlier this year, KPMG sponsored the "City Hall in Bloom" spring planting. As part of the event, more than 200 KPMG volunteers joined students from the Bach-Martin Elementary School in clearing, cleaning and preparing beds for more that 8,500 flowers plants and trees in the largest volunteer clean-up ever mounted at City Hall. There are many other examples of KPMG's volunteerism. Employees helped paint the interior of Bach-Martin school and created a new mural for the entrance. The firm also has assisted the "Help Philadelphia" women's shelter with a number of events over the years. Last year, KPMG helped welcome refugees from Hurricane Katrina, assisting in their relocation. This year, a group of KPMG professionals traveled to the Gulf region to help rebuild homes with Habitat for Humanity.

Mr. Speaker, I am proud to pay tribute to KPMG and its people for 100 years of service to Philadelphia, for its contributions to the growth and health of the city's commerce, and for its many efforts benefiting our community's quality of life.

CONGRATULATIONS TO MR. FRED KOTLER

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to a man who exhibited leadership and dedication in serving the working men and women of the Upper Peninsula and our Nation. On September 23, 2006, Mr. Fred Kotler will be inducted into the Upper Peninsula Labor Hall of Fame. The organized labor movement enjoys a rich history in Michigan's Upper Peninsula. From the mining strikes in the Copper Country of 1913–1914 to the present day, working men and women across the Upper Peninsula have exhibited a heritage of proud trade unionism. Mr. Kotler exemplifies that rich tradition by having served as an educator, a labor organizer and as a business agent.

Mr. Kotler served as Director of the Labor Education Program at Northern Michigan University from 1986 to 1994. During his tenure there, he coordinated and worked closely with the Labor Advisory Planning Committee. He is credited with building the university's Labor Education Program.

At Northern Michigan University, Mr. Kotler was responsible for developing and directing conferences, seminars and workshops that helped to educate the staff, officers, stewards and rank-and-file members of public and private sector local unions as well as the Michigan AFL–CIO and the Michigan Building and

Construction Trades Council. Much of Mr. Kotler's expertise focused on what he refers to as "training the trainer," in other words educating key union leaders and personnel to build stronger, more effective unions. This technique focuses on empowering unions to grow their own membership and more effectively bargain on behalf of their members.

Mr. Kotler's participation and leadership in the labor movement predates his work in the Upper Peninsula. In 1977, Mr. Kotler worked with the Service Employees International Union on a citywide ballot initiative in San Francisco. In the early 1980s, Mr. Kotler helped to organize hospital workers in Sonoma, California. In 1983, he returned to San Francisco to serve as the Business Representative and Organizer for the local Service Employees Union there.

This extensive work in the field of labor organizing made him uniquely qualified to develop and implement the curriculum of Northern Michigan University's Labor Education Program. Many of my constituents benefited from his tutelage as well as from his work on the Marquette County Central Labor Council where he served as a delegate.

As one might expect, since leaving Northern Michigan University in 1994, Mr. Kotler has continued his commitment to organized labor as a scholar and an organizer. Today he serves as the Director of the Cornell/New York State AFL–CIO Union Leadership Institute and as Associate Director of the Construction Industry Program. Since joining the faculty of Cornell, he has developed a number of innovative programs that have been used to strengthen unions not only in New York, but nationwide. He designed and developed programs such as the Construction Organizing Membership Education Training (COMET) and the Multi-Trade Organizing Volunteer Education (MOVE) curriculums that streamlined labor's organizing techniques in the construction industry.

While not a native of Michigan's Upper Peninsula, Mr. Kotler's contributions to the area have endeared him to many of my constituents who came to view him as one of our own. The feeling appears to be mutual. As he described his Upper Peninsula neighbors, "The folks up there welcomed me with open arms. They taught me so much about the labor movement in the Upper Peninsula."

Since 1993, outstanding labor leaders and individuals who have contributed to organizing, workplace fairness, worker dignity, and the advancement of the labor movement in northern Michigan, have been honored with induction into the Upper Peninsula Labor Hall of Fame. The Hall of Fame is housed in the Superior Dome on the campus of Northern Michigan University in Marquette. Mr. Kotler is a deserving addition to this august group. I wish him all the best and ask that the U.S. House of Representatives join me in saluting Fred Kotler for his contributions to the Upper Peninsula Labor movement and his ongoing dedication to all working men and women in our nation.

STATEMENT OF ROGER P. WINTER

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. WOLF. Mr. Speaker, I would like to submit for the CONGRESSIONAL RECORD a statement by former special representative on Sudan, Roger P. Winter. This statement was delivered at a hearing on the current situation in Sudan—the House International Relations Committee Subcommittee on Africa.

Roger's testimony is compelling and I encourage all members to read it. The warning signs are written on the wall; if the international community fails to act, the genocide in Darfur can and will get worse.

The statement of Roger P. Winter, October 20, 2006, follows:

STATEMENT OF ROGER P. WINTER, FORMER SPECIAL REPRESENTATIVE ON SUDAN OF THE DEPUTY SECRETARY OF STATE

Sudan's National Congress Party is controlled by an intellectually-capable, radically-committed, conspiratorial and compassionless nucleus of individuals, long referred to as the National Islamic Front (NIF). In the 17 years since they came to power by coup to abort an incipient peace process, they have consistently defied the international community and won. As individuals, the NIF has never paid a price for their crimes. Almost all of them are still in important positions.

The NIF core is a competent cadre of men who have an agenda, the pursuit of which has killed millions of Sudanese and uprooted and destroyed the lives of millions more. While their agenda is radically ideological, it is equally about personal power and enrichment. They are not at all suicidal, but they respond only to credible threats against their power and prosperity. The international community with its limitless posturing and (too often) empty words has, to date, never constituted a credible threat. During its 17-year reign, the NIF engaged seriously with critics only once, that being when confronted by a strong Sudanese Peoples Liberation Movement and Army (SPLM/A) and an energetic international coalition led by the United States. The result was the Comprehensive Peace Agreement (CPA), an incredible, detailed document that ended a twenty-two year war between the NIF government and the people of southern Sudan, the Nuba Mountains, Southern Blue Nile and Abyei. Despite Khartoum's deliberately slow and selective implementation, in my view, the CPA is now at very serious risk of survival.

Power and wealth in Sudan have historically been concentrated in "the center", in fact in just a few tribes. All the peripheral populations—North, South, East and West—have, as a result, been marginalized, largely destitute, powerless and lacking development, regardless of their religious, cultural or ethnic background. The U.S. initiative beginning in 2001 made rather incredible progress in ending hostilities between the SPLM and the NIF government and opening up humanitarian access to war-affected people, raising the hopes and expectations of a better life for almost all Sudanese. That the peace process took four years is not surprising, given the egregious history to be overcome and the quality of the final text. The CPA was signed in January 2005. In April an SPLM delegation went to Khartoum to begin implementation arrangements. On landing at Khartoum's airport they were engulfed by joyous throngs of Sudanese of all backgrounds—Muslims, Christians, Africans, Arabs and others—hoisting the delegation onto their shoulders and dancing in the streets. They understood the implications of the CPA to be for all Sudanese. On July 8 when Dr. John de Mabior, chairman of the SPLM and Commander-in-Chief of the SPLA arrived in Khartoum to sign the Interim Constitution that was to implement the CPA, huge crowds of Northerners and Southerners estimated by some at 6–8 million came out to meet him. His popularity was such that, in a free election, it is likely that he could be elected President of Sudan by all the people. A New Sudan was being born.

But Darfur was in flames.

In February 2003, perhaps seeing the progress of CPA negotiations and concerned about being left out of the benefits of the CPA, "rebels" from Darfur's marginalized populations who were considered "African" as distinct from "Arab" initiated hostilities against the NIF government, The NIF responded precisely as it had in the war against the SPLA. This involved destruction of civilian populations, denial of humanitarian assistance to war-affected civilians, utilization of surrogate Arab militias in coordination with formal government military forces and pretence of themselves being the aggrieved party, being the "sovereign" government. The violence exhibited a character far beyond that which could fairly be described as "military". Ethnic cleansing was clear. Genocide was its truer name.

The CPA includes a provision that the South and potentially Abyei can legally secede from the Sudan state if a referendum in those areas, scheduled for 2011, so decides. (The people of Southern Blue Nile and the Nuba Mountains, to their great dismay, have no similar option and fear being overwhelmed by Khartoum eventually). The NIF committed itself to make unity attractive but the war in Darfur has demonstrated to the SPLM that unity in a state dominated by the NIF would be anything but attractive. Many core NIF adherents were appalled by this provision, not just at the potential dismemberment of the Sudanese state but also because a large percentage of Sudan's known oil reserves, now increasingly coming on line, are located in the South. If the South legally seceded, that oil would then belong to it as a new separate country. Those NIF personnel also saw other CPA interim provisions as contemptible: that Dr. Garang would become Sudan's First Vice President, that the South would have its own government, that the SPLA would continue to exist as a component of "the national army", but separate from the Government's army, and that national elections would be held.

So, why did the NIF government sign the CPA? With its very limited allegiance from the Sudanese public and increasing military threats from Sudan's other disaffected marginalized populations, with the international war on terror potentially having implications for Sudan itself, being on the U.S. list of state sponsors of terrorism and also being the political birthing place for Osama bin Laden, not to mention the NIF's own brand of radical politics, the NIF needed to buy time. It also hadn't, despite a twenty two year war, been able to defeat the SPLA. It was in their interests, at least "for now", to sign. At least signing guaranteed it six and one-half years of protected existence. Who could know what opportunities for a course-correction might materialize within that timespan?

On July 30, 2005 Dr. John de Mabior, the embodiment of the possibility of a united New Sudan, was killed in a helicopter crash. The opportunity had arrived. That very day, I believe, the NIF recalculated its future course of action.

To seize the opportunity, the NIF needed to eliminate the Darfur opposition (civilian and military), destabilize the SPLM, corrupt or abort any potential for a viable referendum, maintain possession of the oil fields of Abyei, and ensure the degradation of the SPLA. The NIF has seen progress on all of these in the last fourteen months.

We are currently witnessing the NIF's attempt to achieve the elimination of its Darfur opposition. Khartoum is attempting to change the realities on the ground in Darfur before the international community gets serious, if that is possible. They believe they have "read" us, the international community, all accurately, the U.S. included. They believe there will be a continued slow response on our part to Darfur's genocide and acceptable limits to whatever actions are ultimately taken. After all, that's been pretty much the case throughout their tenure. Thus, the liquidation of the Darfur opposition is now in motion.

The NIF has successfully marginalized the SPLM within the "Government of National Unity" created by the CPA. The SPLM is largely powerless to affect significant national policy. The NIF has "bought" several SPLM officials and also inserted into the SPLM apparatus other key individuals whose loyalty is to Khartoum. Several veteran SPLM leaders, brilliant, capable men who were critical in achieving the CPA, have now left the country in despair.

The process for undermining the referendum is now underway. The first elections, preliminary to any referendum, are scheduled for 2008. To prepare for them, basic elements, laws and structures must be put in place, especially in a context where there is no history of elections. For example, there has been no proper census in Sudan since 1983. Thus, the architecture for elections is being put in place in a context largely controlled by Khartoum loyalists. And, too, the international community is being of only limited assistance to the SPLM in its conversion from a rebel movement into a nationally competitive political party, a serious shortcoming.

The future of Abyei, a place little understood by outsiders, is a critical issue as it is the repository of a significant amount of Sudan's oil; most of Abyei is an oil field. Currently that oil is being extracted under Government contracts with oil companies from China, with its UN Security Council veto power, Malaysia, India and Sudan itself. Its products are fueling the NIF's war in Darfur. The CPA provided for an Abyei Boundaries Commission (ABC) to determine Abyei's actual borders, so that oil revenues can be properly allocated. The ABC determined the boundaries but President Beshir has rejected it and also the appointment of an interim local government as provided in the CPA. To buy time as the clock ticks, he refuses to proceed. The highly volatile Abyei area, thus, remains largely in the hands of the Sudanese Army.

The Sudan Peoples Liberation Army is, in many ways, the reason the CPA exists. This rebel army, with very limited resources, could not be defeated by the Sudan army. But that was then: this in now. The balance may be changing. The riches of Khartoum are being used to modernize and equip the Sudan Army. The SPLA is largely as it was several years ago, perhaps even less so. In significant part, this is due to us. Endless debating regarding what the U.S. is authorized to do to the help in the transformation of the SPLA into a modern military force is very dangerous. It could cost South Sudan and potentially all of Sudan tragically in the future. Transformation of the SPLA is the surest guarantee that the CPA will survive.

It is my view the war in Darfur and the survival of the CPA are inextricably entwined, and the NIF sees it. If, through weak international responses to genocide, the NIF succeeds in eliminating its Darfur opposition, and that reality is combined with the reality of the loss of Dr. Garang, the only southern leader who had the stature to compete successfully with Khartoum, the stage is set for the NIF to entirely undermine the CPA. The SPLM can again compete, and its current leadership is trying to so position it, but its recovery from the loss of Dr. Garang and from the destabilization efforts of the NIF will take time. And the clock is ticking.

Based on this analysis, I encourage the following urgent steps:

1. Deploy non-consentually the now-stymied UN protection force. In fact, some of the UN force already in the South, in such places as Wau virtually next door to Darfur, could be moved there quickly. In the meantime, declare and enforce a no-fly zone for Sudan military aircraft throughout Darfur. U.S. resources exist in Djibouti that could be used for enforcement purposes.

2. Provide substantial assistance to the SPLM to empower its participation in governance at all levels, to be seriously competitive as a national political party and to effectively govern the South. The Government of South Sudan also needs assistance in anticorruption efforts, such as setting up an office of Inspector General of Government. Some of these issues were discussed by Salva Kiir, President of South Sudan, when he met with President Bush in July.

3. Focus now urgently on the upcoming interim elections and ultimately the referendum. Time is flying by, given what needs to be accomplished. Monitor preparations in detail and equip the SPLM to be able to fully participate in preparations.

4. Take Abyei seriously. If war breaks out again between the NIF and the SPLM, it will in my estimation likely begin in Abyei. Expose President Beshir's perfidy in delaying. Raise the issue at the UN Security Council and other appropriate forums.

5. Seriously assist the SPLA in its conversion from a rebel force to a modern military. The delays already caused by U.S. persistent bureaucratics have the potential for actually encouraging war and the ultimate loss of life and of the CPA.

6. Finally, given the "no negative consequences" pattern experienced by the NIF for crimes committed, accountability for past, current and future crimes is a critical issue. Unfortunately for Sudanese, the International Criminal Court seems to have disappeared. An internationally agreed-on system of accountability is desperately needed for Sudan's atrocities. The U.S. should actively take leadership in addressing this crying need.

Believe me, we are in really dangerous times regarding Sudan. It could happen that the CPA is stamped "CANCELLED", along with an incredible additional number of Sudanese lives. And if that happened, it would blot out one of the finest U.S. initiatives of the last decade.

HONORING THE KANSAS CITY HISPANIC NEWS ON THEIR TENTH ANNIVERSARY

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. CLEAVER. Mr. Speaker, during this Hispanic Heritage Month, I proudly rise today to pay tribute to Americans of Hispanic descent in my District. Joe and Ramona Arce, owners of Arce Communications, Inc., which publishes the Kansas City Hispanic News, are celebrating the 10th anniversary of the start of their local Hispanic publication. On September 16, 1996, the Arce family: Joe, Ramona, their daughters, Lisa and Rachel, along with the assistance of family friends, Jesus Ortiz and Kathleen Cruden, set out on their journey of providing informative local news on topics of interest for the growing Latino community in the Kansas City Metropolitan Area with their first ten page bilingual newsprint.

Mr. Joe Arce—a product of Kansas City, Missouri's Westside neighborhood, a proud long-standing Mexican-American neighborhood—has a long history of civic involvement and long been known as an advocate of the Latino community, having served on the Boards of many local non-profit organizations, such as the Guadalupe Centers, the Hispanic Media Association, and the Center for Management Assistance. He has also served on Advisory Boards, including with the Cabot Westside Clinic and Heart of America United Way. With over 25 years of news experience, both as a cameraman and reporter at WDAF–TV Channel 4, Joe and his family envisioned the formation of a new vehicle by which they could "transmit" the stories of local people as opposed to those carried in the mainstream metropolitan papers. I am proud of the Arce family's accomplishment, by reaching their goal of providing in-depth stories to the readership of the Greater Kansas City Area. The Kansas City Hispanic News has emerged as an important link between the local Latino community and the general public. Joe and Ramona Arce have demonstrated how a passion to obtain newsworthy information and a motivation to distribute valuable information can improve a community.

Mr. Speaker, I ask that you and our colleagues in the 109th Congress please join me in saluting the Arce Family and the Kansas City Hispanic News for their years of dedicated service to the Greater Kansas City Metropolitan Area. Joe and Ramona, thank you for all your hard work in providing a quality newspaper for our community and congratulations on your 10th anniversary.

SENATE—*Friday, September 22, 2006*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The PRESIDENT pro tempore. The Senate will be led in prayer by the Chaplain of the House of Representatives, Rev. Daniel P. Coughlin.

The guest chaplain offered the following prayer:

Lord God Almighty, accept our prayer no matter our faith heritage. Today, we of Abrahamic faith join our Jewish brothers and sisters as they approach the celebration of Rosh Hashanah and Muslim brothers and sisters who begin Ramadan. The marking of a lunar new year can be both unnerving and heartening because it is a holiday about life and death.

Called to turn a new page, we see life and mercy win out over death and judgment. Seeking forgiveness of our sins, as God-fearing people, we find our true identity and are ready to begin anew.

Your biblical story of the birth of Abraham's son, Isaac, and Abraham's near sacrifice of Isaac, would have us face the fear and trembling story of fragile life and the sacrifice of faith.

Lord God of Abrahamic faith, unite us in being attentive to Your holy will and our ability to make the right choices of life for the future.

In Your holy Name we pray, and to Your holy Name be the glory both now and forever. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that I be permitted to proceed notwithstanding the order of last night, as we have a few housekeeping items to complete this morning.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

CREDIT RATING AGENCY REFORM ACT OF 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 590, S. 3850.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

> A bill (S. 3850) to improve ratings quality for the protection of investors and in the public interest by fostering accountability, transparency, and competition in the credit rating agency industry.

There being no objection, the Senate proceeded to consider the bill.

Mr. SARBANES. Mr. President, I support this important legislation to enhance competition and improve the Federal oversight of credit rating agencies—S. 3850, as amended, the Credit Rating Agency Reform Act of 2006.

I applaud Chairman SHELBY for his strong leadership on this issue and am pleased to have worked closely with him on this legislation. The bill also reflects important contributions from Senators MENENDEZ, SCHUMER, ENZI, and SUNUNU.

Credit rating agencies play an important and valuable role in the capital markets by providing opinions to investors on the ability and willingness of issuers to make timely payments on debt instruments. These ratings can have significant impact. The Washington Post of November 22, 2004 wrote: "they can, with the stroke of a pen, effectively add or subtract millions from a company's bottom line, rattle a city budget, shock the stock and bond markets and reroute international investment."

Investors trust the agencies' impartiality and rely on their ratings. The SEC created the designation of Nationally Recognized Statistical Rating Organization, NRSRO, which it currently applies to five agencies. Many institutional investors buy debt only if it has been rated by an NRSRO. A Reuters article dated February 1, 2006 stated: "The SEC designation gives these firms a major advantage in competing for business against other firms."

Rating agencies earn their revenues pursuant to one of two business models: either by receiving a fee from an issuer to give a rating to that issuer or by charging investors to subscribe for access to the ratings of issuers who do not pay the rating agency. Some NRSROs or their affiliates offer other products and services to the companies, States or other issuers they rate.

In recent years, concerns have been raised about some aspects of the industry. In late 2001, the largest credit rating agencies maintained an investment grade rating on Enron debt after its major financial restatements and until 4 days before Enron's bankruptcy. As a result, as Business Week reported on November 29, 2004, there was a "barrage of criticism . . . that raters should have uncovered the problems sooner at Enron, WorldCom and other corporate disasters."

In 2002, concerns about credit rating agencies were raised by Senators BUNNING and ENZI and by Consumer Federation of America during the Senate Banking Committee hearings which led ultimately to the enactment of the Sarbanes-Oxley Act. Their concerns prompted the creation of Section 702 of that Act, which directed the SEC to conduct a study of credit rating agencies. The SEC issued a report and, subsequently, published a Concept Release and proposed a regulation to define the term "NRSRO."

Many observers feel that more competition would benefit the markets. Two NRSROs, Standard & Poor's and Moody's, control 8 percent of market share and a third, Fitch Ratings, controls an additional 15 percent. Some have also called for a more transparent and shorter application process for recognition to obtain the NRSRO designation. Others have raised concerns about conflicts of interest, including those involving issuers paying for their ratings, NRSROs having a director who holds an executive position in an issuer, and NRSROs that sell other products or services to issuers they rate. Some have raised questions about alleged abusive practices involving "tying arrangements, solicitation of payment for unsolicited ratings, and threats to modify ratings based on payment for related services." That is a letter from former SEC Chairman William Donaldson to Congressman PAUL E. KANJORSKI dated June 6, 2005.

Under Chairman SHELBY's leadership, the Banking Committee has held hearings on credit rating agencies and received testimony from witnesses representing the Securities and Exchange Commission, rating agencies, the bond markets, the mutual fund industry, labor, academics, and financial professionals. Witnesses testified about a number of issues including the NRSRO application process, conflicts of interest, business practices, the appropriate

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

level of Federal regulation and commission authority.

The legislation before the Senate addresses these issues. Under it, a credit rating agency can obtain the NRSRO designation unless the SEC determines that it lacks adequate financial and managerial resources to consistently produce credit ratings with integrity and to comply with its stated methodologies and procedures. It creates a transparent application process for becoming a NRSRO which requires a decision within a time certain. The application must describe procedures and methodologies used to determine ratings, conflicts of interest, the types of ratings intended to be issued, organization structure, and other matters, and must include a code of ethics, certifications from qualified institutional buyers that have used the ratings for at least 3 years and other items. Most parts of the application must be certified annually and updated when there is a material change.

The legislation also requires the commission to adopt rules that prohibit unfair, coercive and abusive business practices; prohibit or require the management and disclosure of any conflicts of interest; and require NRSROs to establish policies and procedures designed to prevent the misuse of nonpublic information.

The bill does not favor a particular credit rating agency business model.

Prior to its mark-up, the bill received strong support from a number of market participants and interested parties. Let me quote from some of their letters: The Bond Market Association said the bill creates "a clear process using a credible standard for the designation of NRSRO's."

The Investment Company Institution said it "brings much needed sunlight to credit ratings by requiring disclosure of an NRSRO's rating criteria, its methodologies and policies, how an NRSRO addresses conflicts of interest (as well as the conflicts themselves), and the organizational structure of an NRSRO."

The AFL-CIO said it will "protect the investing public against conflicts of interest within the credit rating agencies . . . [and] encourages in a responsible manner greater competition."

The Association for Financial Professionals said the bill will "foster competition, impose accountability and provide the necessary SEC oversight to restore confidence in credit rating agencies and the ratings they issue."

Consumer Federation of America wrote that it will "help ensure that only high quality ratings will be used for economically important regulatory purposes" and praised the bill's requirements for "certifications by Qualified Institutional Buyers . . . and [for] giving the . . . SEC . . . authority to deny NRSRO status to rating agencies that lack the financial and managerial resources to produce ratings of integrity."

Financial Executives International said the bill "will greatly enhance the accountability of rating agencies."

Fitch said it "represents a significant step forward to prudently enhance competition in the rating agency industry."

Fidelity Investments said the bill "will improve ratings quality by fostering transparency and accountability."

The Banking Committee passed this legislation without objection on a voice vote on August 2.

The managers' amendment to this legislation exempts the five existing NRSROs from the requirement that they include certifications in the applications they must file to become NRSROs under the new regulatory framework. This amendment also clarifies the role of Federal regulation in the registration, licensing and qualification of NRSROs, and that the legislation would not regulate the substance of credit ratings or the procedures and methodologies that NRSROs use to determine them, subject to the Federal oversight required in various parts of the legislation.

Once again, I commend Chairman SHELBY on his leadership on this legislation. In doing so, I also want to acknowledge the outstanding work of Justin Daly on the Chairman's staff and Dean Shahinian on my staff.

I support this legislation and encourage my colleagues to do so as well.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 5035) was agreed to, as follows:

On page 8, line 23, insert before the semicolon ", except as provided in subparagraph (D)".

On page 10, line 3, strike "(D)" and insert "(E)".

On page 10, between lines 2 and 3, insert the following:

"(D) EXEMPTION FROM CERTIFICATION REQUIREMENT.—A written certification under subparagraph (B)(ix) is not required with respect to any credit rating agency which has received, or been the subject of, a no-action letter from the staff of the Commission prior to August 2, 2006, stating that such staff would not recommend enforcement action against any broker or dealer that considers credit ratings issued by such credit rating agency to be ratings from a nationally recognized statistical rating organization.".

On page 14, line 15, strike "the authority" and insert "exclusive authority".

On page 15, line 11, strike "organizations," and all that follows through line 15 and insert the following: "organizations. Notwithstanding any other provision of law, neither the Commission nor any State (or political subdivision thereof) may regulate the substance of credit ratings or the procedures and methodologies by which any nationally recognized statistical rating organization determines credit ratings.".

On page 27, between lines 5 and 6, insert the following:

"(o) NRSROs SUBJECT TO COMMISSION AUTHORITY.—

"(1) IN GENERAL.—No provision of the laws of any State or political subdivision thereof requiring the registration, licensing, or qualification as a credit rating agency or a nationally recognized statistical rating organization shall apply to any nationally recognized statistical rating organization or person employed by or working under the control of a nationally recognized statistical rating organization.

"(2) LIMITATION.—Nothing in this subsection prohibits the securities commission (or any agency or office performing like functions) of any State from investigating and bringing an enforcement action with respect to fraud or deceit against any nationally recognized statistical rating organization or person associated with a nationally recognized statistical rating organization.".

On page 27, line 6, strike "(o)" and insert "(p)".

On page 27, strike lines 6 and 7, and insert the following:

"(p) APPLICABILITY.—This section, other than subsection (n), which shall apply on the date of enactment of this section, shall apply on the earlier of—".

On page 28, line 25, strike "and" and all that follows through "(B) in" on page 29, line 1, and insert the following:

"(B) in section 202(a)(11) (15 U.S.C. 80b-2(a)(11)), by striking 'or (F)' and inserting the following: '(F) any nationally recognized statistical rating organization, as that term is defined in section 3(a)(62) of the Securities Exchange Act of 1934, unless such organization engages in issuing recommendations as to purchasing, selling, or holding securities or in managing assets, consisting in whole or in part of securities, on behalf of others; or (G)'; and

"(C) in".

On page 33, strike lines 1 through 5.

The bill (S. 3850), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Credit Rating Agency Reform Act of 2006".

SEC. 2. FINDINGS.

Upon the basis of facts disclosed by the record and report of the Securities and Exchange Commission made pursuant to section 702 of the Sarbanes-Oxley Act of 2002 (116 Stat. 797), hearings before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives during the 108th and 109th Congresses, comment letters to the concept releases and proposed rules of the Commission, and facts otherwise disclosed and ascertained, Congress finds that credit rating agencies are of national importance, in that, among other things—

(1) their ratings, publications, writings, analyses, and reports are furnished and distributed, and their contracts, subscription

agreements, and other arrangements with clients are negotiated and performed, by the use of the mails and other means and instrumentalities of interstate commerce;

(2) their ratings, publications, writings, analyses, and reports customarily relate to the purchase and sale of securities traded on securities exchanges and in interstate over-the-counter markets, securities issued by companies engaged in business in interstate commerce, and securities issued by national banks and member banks of the Federal Reserve System;

(3) the foregoing transactions occur in such volume as substantially to affect interstate commerce, the securities markets, the national banking system, and the national economy;

(4) the oversight of such credit rating agencies serves the compelling interest of investor protection;

(5) the 2 largest credit rating agencies serve the vast majority of the market, and additional competition is in the public interest; and

(6) the Commission has indicated that it needs statutory authority to oversee the credit rating industry.

SEC. 3. DEFINITIONS.

(a) Securities Exchange Act of 1934.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding at the end the following new paragraphs:

"(60) Credit rating.—The term 'credit rating' means an assessment of the creditworthiness of an obligor as an entity or with respect to specific securities or money market instruments.

"(61) Credit rating agency.—The term 'credit rating agency' means any person—

"(A) engaged in the business of issuing credit ratings on the Internet or through another readily accessible means, for free or for a reasonable fee, but does not include a commercial credit reporting company;

"(B) employing either a quantitative or qualitative model, or both, to determine credit ratings; and

"(C) receiving fees from either issuers, investors, or other market participants, or a combination thereof.

"(62) Nationally recognized statistical rating organization.—The term 'nationally recognized statistical rating organization' means a credit rating agency that—

"(A) has been in business as a credit rating agency for at least the 3 consecutive years immediately preceding the date of its application for registration under section 15E;

"(B) issues credit ratings certified by qualified institutional buyers, in accordance with section 15E(a)(1)(B)(ix), with respect to—

"(i) financial institutions, brokers, or dealers;

"(ii) insurance companies;

"(iii) corporate issuers;

"(iv) issuers of asset-backed securities (as that term is defined in section 1101(c) of part 229 of title 17, Code of Federal Regulations, as in effect on the date of enactment of this paragraph);

"(v) issuers of government securities, municipal securities, or securities issued by a foreign government; or

"(vi) a combination of one or more categories of obligors described in any of clauses (i) through (v); and

"(C) is registered under section 15E.

"(63) Person associated with a nationally recognized statistical rating organization.—The term 'person associated with' a nationally recognized statistical rating organization means any partner, officer, director, or branch manager of a nationally recognized statistical rating organization (or any person occupying a similar status or performing similar functions), any person directly or indirectly controlling, controlled by, or under common control with a nationally recognized statistical rating organization, or any employee of a nationally recognized statistical rating organization.

"(64) Qualified institutional buyer.—The term 'qualified institutional buyer' has the meaning given such term in section 230.144A(a) of title 17, Code of Federal Regulations, or any successor thereto.".

(b) Applicable Definitions.—As used in this Act—

(1) the term "Commission" means the Securities and Exchange Commission; and

(2) the term "nationally recognized statistical rating organization" has the same meaning as in section 3(a)(62) of the Securities Exchange Act of 1934, as added by this Act.

SEC. 4. REGISTRATION OF NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS.

(a) Amendment.—The Securities Exchange Act of 1934 is amended by inserting after section 15D (15 U.S.C. 78o–6) the following new section:

"SEC. 15E. REGISTRATION OF NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS.

"(a) Registration Procedures.—

"(1) Application for registration.—

"(A) In general.—A credit rating agency that elects to be treated as a nationally recognized statistical rating organization for purposes of this title (in this section referred to as the 'applicant'), shall furnish to the Commission an application for registration, in such form as the Commission shall require, by rule or regulation issued in accordance with subsection (n), and containing the information described in subparagraph (B).

"(B) Required information.—An application for registration under this section shall contain information regarding—

"(i) credit ratings performance measurement statistics over short-term, mid-term, and long-term periods (as applicable) of the applicant;

"(ii) the procedures and methodologies that the applicant uses in determining credit ratings;

"(iii) policies or procedures adopted and implemented by the applicant to prevent the misuse, in violation of this title (or the rules and regulations hereunder), of material, nonpublic information;

"(iv) the organizational structure of the applicant;

"(v) whether or not the applicant has in effect a code of ethics, and if not, the reasons therefor;

"(vi) any conflict of interest relating to the issuance of credit ratings by the applicant;

"(vii) the categories described in any of clauses (i) through (v) of section 3(a)(62)(B) with respect to which the applicant intends to apply for registration under this section;

"(viii) on a confidential basis, a list of the 20 largest issuers and subscribers that use the credit rating services of the applicant, by amount of net revenues received therefrom in the fiscal year immediately preceding the date of submission of the application;

"(ix) on a confidential basis, as to each applicable category of obligor described in any of clauses (i) through (v) of section 3(a)(62)(B), written certifications described in subparagraph (C), except as provided in subparagraph (D); and

"(x) any other information and documents concerning the applicant and any person associated with such applicant as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors.

"(C) Written certifications.—Written certifications required by subparagraph (B)(ix)—

"(i) shall be provided from not fewer than 10 qualified institutional buyers, none of which is affiliated with the applicant;

"(ii) may address more than one category of obligors described in any of clauses (i) through (v) of section 3(a)(62)(B);

"(iii) shall include not fewer than 2 certifications for each such category of obligor; and

"(iv) shall state that the qualified institutional buyer—

"(I) meets the definition of a qualified institutional buyer under section 3(a)(64); and

"(II) has used the credit ratings of the applicant for at least the 3 years immediately preceding the date of the certification in the subject category or categories of obligors.

"(D) Exemption from certification requirement.—A written certification under subparagraph (B)(ix) is not required with respect to any credit rating agency which has received, or been the subject of, a no-action letter from the staff of the Commission prior to August 2, 2006, stating that such staff would not recommend enforcement action against any broker or dealer that considers credit ratings issued by such credit rating agency to be ratings from a nationally recognized statistical rating organization.

"(E) Limitation on liability of qualified institutional buyers.—No qualified institutional buyer shall be liable in any private right of action for any opinion or statement expressed in a certification made pursuant to subparagraph (B)(ix).

"(2) Review of application.—

"(A) Initial determination.—Not later than 90 days after the date on which the application for registration is furnished to the Commission under paragraph (1) (or within such longer period as to which the applicant consents) the Commission shall—

"(i) by order, grant such registration for ratings in the subject category or categories of obligors, as described in clauses (i) through (v) of section 3(a)(62)(B); or

"(ii) institute proceedings to determine whether registration should be denied.

"(B) Conduct of proceedings.—

"(i) Content.—Proceedings referred to in subparagraph (A)(ii) shall—

"(I) include notice of the grounds for denial under consideration and an opportunity for hearing; and

"(II) be concluded not later than 120 days after the date on which the application for registration is furnished to the Commission under paragraph (1).

"(ii) Determination.—At the conclusion of such proceedings, the Commission, by order, shall grant or deny such application for registration.

"(iii) Extension authorized.—The Commission may extend the time for conclusion of such proceedings for not longer than 90 days, if it finds good cause for such extension and publishes its reasons for so finding, or for such longer period as to which the applicant consents.

"(C) Grounds for decision.—The Commission shall grant registration under this subsection—

"(i) if the Commission finds that the requirements of this section are satisfied; and “(ii) unless the Commission finds (in which case the Commission shall deny such registration) that—

“(I) the applicant does not have adequate financial and managerial resources to consistently produce credit ratings with integrity and to materially comply with the procedures and methodologies disclosed under paragraph (1)(B) and with subsections (g), (h), (i), and (j); or

“(II) if the applicant were so registered, its registration would be subject to suspension or revocation under subsection (d).

“(3) PUBLIC AVAILABILITY OF INFORMATION.—Subject to section 24, the Commission shall, by rule, require a nationally recognized statistical rating organization, upon the granting of registration under this section, to make the information and documents submitted to the Commission in its completed application for registration, or in any amendment submitted under paragraph (1) or (2) of subsection (b), publicly available on its website, or through another comparable, readily accessible means, except as provided in clauses (viii) and (ix) of paragraph (1)(B).

“(b) UPDATE OF REGISTRATION.—

“(1) UPDATE.—Each nationally recognized statistical rating organization shall promptly amend its application for registration under this section if any information or document provided therein becomes materially inaccurate, except that a nationally recognized statistical rating organization is not required to amend—

“(A) the information required to be furnished under subsection (a)(1)(B)(i) by furnishing information under this paragraph, but shall amend such information in the annual submission of the organization under paragraph (2) of this subsection; or

“(B) the certifications required to be provided under subsection (a)(1)(B)(ix) by furnishing information under this paragraph.

“(2) CERTIFICATION.—Not later than 90 days after the end of each calendar year, each nationally recognized statistical rating organization shall furnish to the Commission an amendment to its registration, in such form as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors—

“(A) certifying that the information and documents in the application for registration of such nationally recognized statistical rating organization (other than the certifications required under subsection (a)(1)(B)(ix)) continue to be accurate; and

“(B) listing any material change that occurred to such information or documents during the previous calendar year.

“(c) ACCOUNTABILITY FOR RATINGS PROCEDURES.—

“(1) AUTHORITY.—The Commission shall have exclusive authority to enforce the provisions of this section in accordance with this title with respect to any nationally recognized statistical rating organization, if such nationally recognized statistical rating organization issues credit ratings in material contravention of those procedures relating to such nationally recognized statistical rating organization, including procedures relating to the prevention of misuse of nonpublic information and conflicts of interest, that such nationally recognized statistical rating organization—

“(A) includes in its application for registration under subsection (a)(1)(B)(ii); or

“(B) makes and disseminates in reports pursuant to section 17(a) or the rules and regulations thereunder.

“(2) LIMITATION.—The rules and regulations that the Commission may prescribe pursuant to this title, as they apply to nationally recognized statistical rating organizations, shall be narrowly tailored to meet the requirements of this title applicable to nationally recognized statistical rating organizations. Notwithstanding any other provision of law, neither the Commission nor any State (or political subdivision thereof) may regulate the substance of credit ratings or the procedures and methodologies by which any nationally recognized statistical rating organization determines credit ratings.

“(d) CENSURE, DENIAL, OR SUSPENSION OF REGISTRATION; NOTICE AND HEARING.—The Commission, by order, shall censure, place limitations on the activities, functions, or operations of, suspend for a period not exceeding 12 months, or revoke the registration of any nationally recognized statistical rating organization if the Commission finds, on the record after notice and opportunity for hearing, that such censure, placing of limitations, suspension, or revocation is necessary for the protection of investors and in the public interest and that such nationally recognized statistical rating organization, or any person associated with such an organization, whether prior to or subsequent to becoming so associated—

“(1) has committed or omitted any act, or is subject to an order or finding, enumerated in subparagraph (A), (D), (E), (H), or (G) of section 15(b)(4), has been convicted of any offense specified in section 15(b)(4)(B), or is enjoined from any action, conduct, or practice specified in subparagraph (C) of section 15(b)(4), during the 10-year period preceding the date of commencement of the proceedings under this subsection, or at any time thereafter;

“(2) has been convicted during the 10-year period preceding the date on which an application for registration is furnished to the Commission under this section, or at any time thereafter, of—

“(A) any crime that is punishable by imprisonment for 1 or more years, and that is not described in section 15(b)(4)(B); or

“(B) a substantially equivalent crime by a foreign court of competent jurisdiction;

“(3) is subject to any order of the Commission barring or suspending the right of the person to be associated with a nationally recognized statistical rating organization;

“(4) fails to furnish the certifications required under subsection (b)(2); or

“(5) fails to maintain adequate financial and managerial resources to consistently produce credit ratings with integrity.

“(e) TERMINATION OF REGISTRATION.—

“(1) VOLUNTARY WITHDRAWAL.—A nationally recognized statistical rating organization may, upon such terms and conditions as the Commission may establish as necessary in the public interest or for the protection of investors, withdraw from registration by furnishing a written notice of withdrawal to the Commission.

“(2) COMMISSION AUTHORITY.—In addition to any other authority of the Commission under this title, if the Commission finds that a nationally recognized statistical rating organization is no longer in existence or has ceased to do business as a credit rating agency, the Commission, by order, shall cancel the registration under this section of such nationally recognized statistical rating organization.

“(f) REPRESENTATIONS.—

“(1) BAN ON REPRESENTATIONS OF SPONSORSHIP BY UNITED STATES OR AGENCY THEREOF.—It shall be unlawful for any nationally recognized statistical rating organization to represent or imply in any manner whatsoever that such nationally recognized statistical rating organization has been designated, sponsored, recommended, or approved, or that the abilities or qualifications thereof have in any respect been passed upon, by the United States or any agency, officer, or employee thereof.

“(2) BAN ON REPRESENTATION AS NRSRO OF UNREGISTERED CREDIT RATING AGENCIES.—It shall be unlawful for any credit rating agency that is not registered under this section as a nationally recognized statistical rating organization to state that such credit rating agency is a nationally recognized statistical rating organization registered under this title.

“(3) STATEMENT OF REGISTRATION UNDER SECURITIES EXCHANGE ACT OF 1934 PROVISIONS.—No provision of paragraph (1) shall be construed to prohibit a statement that a nationally recognized statistical rating organization is a nationally recognized statistical rating organization under this title, if such statement is true in fact and if the effect of such registration is not misrepresented.

“(g) PREVENTION OF MISUSE OF NONPUBLIC INFORMATION.—

“(1) ORGANIZATION POLICIES AND PROCEDURES.—Each nationally recognized statistical rating organization shall establish, maintain, and enforce written policies and procedures reasonably designed, taking into consideration the nature of the business of such nationally recognized statistical rating organization, to prevent the misuse in violation of this title, or the rules or regulations hereunder, of material, nonpublic information by such nationally recognized statistical rating organization or any person associated with such nationally recognized statistical rating organization.

“(2) COMMISSION AUTHORITY.—The Commission shall issue final rules in accordance with subsection (n) to require specific policies or procedures that are reasonably designed to prevent misuse in violation of this title (or the rules or regulations hereunder) of material, nonpublic information.

“(h) MANAGEMENT OF CONFLICTS OF INTEREST.—

“(1) ORGANIZATION POLICIES AND PROCEDURES.—Each nationally recognized statistical rating organization shall establish, maintain, and enforce written policies and procedures reasonably designed, taking into consideration the nature of the business of such nationally recognized statistical rating organization and affiliated persons and affiliated companies thereof, to address and manage any conflicts of interest that can arise from such business.

“(2) COMMISSION AUTHORITY.—The Commission shall issue final rules in accordance with subsection (n) to prohibit, or require the management and disclosure of, any conflicts of interest relating to the issuance of credit ratings by a nationally recognized statistical rating organization, including, without limitation, conflicts of interest relating to—

“(A) the manner in which a nationally recognized statistical rating organization is compensated by the obligor, or any affiliate of the obligor, for issuing credit ratings or providing related services;

“(B) the provision of consulting, advisory, or other services by a nationally recognized statistical rating organization, or any person associated with such nationally recognized statistical rating organization, to the obligor, or any affiliate of the obligor;

“(C) business relationships, ownership interests, or any other financial or personal interests between a nationally recognized statistical rating organization, or any person associated with such nationally recognized statistical rating organization, and the obligor, or any affiliate of the obligor;

"(D) any affiliation of a nationally recognized statistical rating organization, or any person associated with such nationally recognized statistical rating organization, with any person that underwrites the securities or money market instruments that are the subject of a credit rating; and

"(E) any other potential conflict of interest, as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

"(i) PROHIBITED CONDUCT.—

"(1) PROHIBITED ACTS AND PRACTICES.—The Commission shall issue final rules in accordance with subsection (n) to prohibit any act or practice relating to the issuance of credit ratings by a nationally recognized statistical rating organization that the Commission determines to be unfair, coercive, or abusive, including any act or practice relating to—

"(A) conditioning or threatening to condition the issuance of a credit rating on the purchase by the obligor or an affiliate thereof of other services or products, including pre-credit rating assessment products, of the nationally recognized statistical rating organization or any person associated with such nationally recognized statistical rating organization;

"(B) lowering or threatening to lower a credit rating on, or refusing to rate, securities or money market instruments issued by an asset pool or as part of any asset-backed or mortgage-backed securities transaction, unless a portion of the assets within such pool or part of such transaction, as applicable, also is rated by the nationally recognized statistical rating organization; or

"(C) modifying or threatening to modify a credit rating or otherwise departing from its adopted systematic procedures and methodologies in determining credit ratings, based on whether the obligor, or an affiliate of the obligor, purchases or will purchase the credit rating or any other service or product of the nationally recognized statistical rating organization or any person associated with such organization.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1), or in any rules or regulations adopted thereunder, may be construed to modify, impair, or supersede the operation of any of the antitrust laws (as defined in the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act, to the extent that such section 5 applies to unfair methods of competition).

"(j) DESIGNATION OF COMPLIANCE OFFICER.—Each nationally recognized statistical rating organization shall designate an individual responsible for administering the policies and procedures that are required to be established pursuant to subsections (g) and (h), and for ensuring compliance with the securities laws and the rules and regulations thereunder, including those promulgated by the Commission pursuant to this section.

"(k) STATEMENTS OF FINANCIAL CONDITION.—Each nationally recognized statistical rating organization shall, on a confidential basis, furnish to the Commission, at intervals determined by the Commission, such financial statements, certified (if required by the rules or regulations of the Commission) by an independent public accountant, and information concerning its financial condition, as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors.

"(l) SOLE METHOD OF REGISTRATION.—

"(1) IN GENERAL.—On and after the effective date of this section, a credit rating agency may only be registered as a nationally recognized statistical rating organization for any purpose in accordance with this section.

"(2) PROHIBITION ON RELIANCE ON NO-ACTION RELIEF.—On and after the effective date of this section—

"(A) an entity that, before that date, received advice, approval, or a no-action letter from the Commission or staff thereof to be treated as a nationally recognized statistical rating organization pursuant to the Commission rule at section 240.15c3-1 of title 17, Code of Federal Regulations, may represent itself or act as a nationally recognized statistical rating organization only—

"(i) during Commission consideration of the application, if such entity has furnished an application for registration under this section; and

"(ii) on and after the date of approval of its application for registration under this section; and

"(B) the advice, approval, or no-action letter described in subparagraph (A) shall be void.

"(3) NOTICE TO OTHER AGENCIES.—Not later than 30 days after the date of enactment of this section, the Commission shall give notice of the actions undertaken pursuant to this section to each Federal agency which employs in its rules and regulations the term 'nationally recognized statistical rating organization' (as that term is used under Commission rule 15c3-1 (17 C.F.R. 240.15c3-1), as in effect on the date of enactment of this section).

"(m) RULES OF CONSTRUCTION.—

"(1) NO WAIVER OF RIGHTS, PRIVILEGES, OR DEFENSES.—Registration under and compliance with this section does not constitute a waiver of, or otherwise diminish, any right, privilege, or defense that a nationally recognized statistical rating organization may otherwise have under any provision of State or Federal law, including any rule, regulation, or order thereunder.

"(2) NO PRIVATE RIGHT OF ACTION.—Nothing in this section may be construed as creating any private right of action, and no report furnished by a nationally recognized statistical rating organization in accordance with this section or section 17 shall create a private right of action under section 18 or any other provision of law.

"(n) REGULATIONS.—

"(1) NEW PROVISIONS.—Such rules and regulations as are required by this section or are otherwise necessary to carry out this section, including the application form required under subsection (a)—

"(A) shall be issued by the Commission in final form, not later than 270 days after the date of enactment of this section; and

"(B) shall become effective not later than 270 days after the date of enactment of this section.

"(2) REVIEW OF EXISTING REGULATIONS.—Not later than 270 days after the date of enactment of this section, the Commission shall—

"(A) review its existing rules and regulations which employ the term 'nationally recognized statistical rating organization' or 'NRSRO'; and

"(B) amend or revise such rules and regulations in accordance with the purposes of this section, as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

"(o) NRSROS SUBJECT TO COMMISSION AUTHORITY.—

"(1) IN GENERAL.—No provision of the laws of any State or political subdivision thereof requiring the registration, licensing, or qualification as a credit rating agency or a nationally recognized statistical rating organization shall apply to any nationally recognized statistical rating organization or person employed by or working under the control of a nationally recognized statistical rating organization.

"(2) LIMITATION.—Nothing in this subsection prohibits the securities commission (or any agency or office performing like functions) of any State from investigating and bringing an enforcement action with respect to fraud or deceit against any nationally recognized statistical rating organization or person associated with a nationally recognized statistical rating organization.

"(p) APPLICABILITY.—This section, other than subsection (n), which shall apply on the date of enactment of this section, shall apply on the earlier of—

"(1) the date on which regulations are issued in final form under subsection (n)(1); or

"(2) 270 days after the date of enactment of this section.".

(b) CONFORMING AMENDMENTS.—

(1) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) is amended—

(A) in section 15(b)(4) (15 U.S.C. 78o(b)(4))—

(i) in subparagraph (B)(ii), by inserting "nationally recognized statistical rating organization," after "transfer agent,"; and

(ii) in subparagraph (C), by inserting "nationally recognized statistical rating organization," after "transfer agent,"; and

(B) in section 21B(a) (15 U.S.C. 78u-2(a)), by inserting "15E," after "15C,".

(2) INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a et seq.) is amended—

(A) in section 2(a) (15 U.S.C. 80a-2(a)), by adding at the end the following new paragraph:

"(53) The term 'credit rating agency' has the same meaning as in section 3 of the Securities Exchange Act of 1934."; and

(B) in section 9(a) (15 U.S.C. 80a-9(a))—

(i) in paragraph (1), by inserting "credit rating agency," after "transfer agent,"; and

(ii) in paragraph (2), by inserting "credit rating agency," after "transfer agent,".

(3) INVESTMENT ADVISERS ACT OF 1940.—The Investment Advisers Act of 1940 (15 U.S.C. 80b et seq.) is amended—

(A) in section 202(a) (15 U.S.C. 80b-2(a)), by adding at the end the following new paragraph:

"(28) The term 'credit rating agency' has the same meaning as in section 3 of the Securities Exchange Act of 1934.";

(B) in section 202(a)(11) (15 U.S.C. 80b-2(a)(11)), by striking "or (F)" and inserting the following: "(F) any nationally recognized statistical rating organization, as that term is defined in section 3(a)(62) of the Securities Exchange Act of 1934, unless such organization engages in issuing recommendations as to purchasing, selling, or holding securities or in managing assets, consisting in whole or in part of securities, on behalf of others; or (G)"; and

(C) in section 203(e) (15 U.S.C. 80b-3(e))—

(i) in paragraph (2)(B), by inserting "credit rating agency," after "transfer agent,"; and

(ii) in paragraph (4), by inserting "credit rating agency," after "transfer agent,".

(4) HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992.—Section 1319 of the Housing and Community Development Act of 1992 (12 U.S.C. 4519) is amended by striking "effectively" and all that follows through "broker-

dealers" and inserting "that is a nationally recognized statistical rating organization, as such term is defined in section 3(a) of the Securities Exchange Act of 1934".

(5) HIGHER EDUCATION ACT OF 1965.—Section 439(r)(15)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087–2(r)(15)(A)) is amended by striking "means any entity recognized as such by the Securities and Exchange Commission" and inserting "means any nationally recognized statistical rating organization, as that term is defined in section 3(a) of the Securities Exchange Act of 1934".

(6) TITLE 23.—Section 181(11) of title 23, United States Code, is amended by striking "identified by the Securities and Exchange Commission as a nationally recognized statistical rating organization" and inserting "registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization, as that term is defined in section 3(a) of the Securities Exchange Act of 1934".

SEC. 5. ANNUAL AND OTHER REPORTS.

Section 17(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(a)(1)) is amended—

(1) by inserting "nationally recognized statistical rating organization," after "registered transfer agent,"; and

(2) by adding at the end the following: "Any report that a nationally recognized statistical rating organization is required by Commission rules under this paragraph to make and disseminate to the Commission shall be deemed furnished to the Commission.".

SEC. 6. COMMISSION ANNUAL REPORT.

The Commission shall submit an annual report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that, with respect to the year to which the report relates—

(1) identifies applicants for registration under section 15E of the Securities Exchange Act of 1934, as added by this Act;

(2) specifies the number of and actions taken on such applications; and

(3) specifies the views of the Commission on the state of competition, transparency, and conflicts of interest among nationally recognized statistical rating organizations.

SEC. 7. GAO STUDY AND REPORT REGARDING NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study—

(1) to determine the impact of this Act and the amendments made by this Act on—

(A) the quality of credit ratings issued by nationally recognized statistical ratings organizations;

(B) the financial markets;

(C) competition among credit rating agencies;

(D) the incidence of inappropriate conflicts of interest and sales practices by nationally recognized statistical rating organizations;

(E) the process for registering as a nationally recognized statistical rating organization; and

(F) such other matters relevant to the implementation of this Act and the amendments made by this Act, as the Comptroller General deems necessary to bring to the attention of the Congress;

(2) to identify problems, if any, that have resulted from the implementation of this Act and the amendments made by this Act; and

(3) to recommend solutions, including any legislative or regulatory solutions, to any problems identified under paragraphs (1) and (2).

(b) REPORT REQUIRED.—Not earlier than 3 years nor later than 4 years after the date of enactment of this Act, the Comptroller General shall submit a report on the results of the study required by this section to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. McCONNELL. Mr. President, I ask unanimous consent, notwithstanding the order of last night, that it be reflected that the leader or his designee may offer 3 bills under the provisions of rule XIV, and that all other provisions under the order be in effect; further, that the RECORD remain open until 11 a.m. for submitted statements.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

JEWISH HOLIDAY SEASON

Mr. FRIST. Tomorrow, Saturday September 23—the first day of the month of Tishri on the Hebrew Calendar—Jewish people all over the world will celebrate the holiday of Rosh Hashana. On the 10th of Tishri, October 2 on the Gregorian calendar, will mark the holiday of Yom Kippur—The Day of Atonement. These two days: one a spiritually important New Years celebration, the other an opportunity for solemn reflection coupled with a recognition of God's mercy, rank alongside the weekly Sabbath as the most important holidays in Judaism.

The coming weeks bring two other important, joyous holidays: Sukkot—a commemoration of the mercy of God that allowed the Israelites to survive while wandering in the desert and Simchat Torah, a celebration of the completion of the annual cycle of readings from the scriptures most sacred to Jews.

In their observances, these holidays run the gamut. Jewish law requires fasting on Yom Kippur while the celebration of Sukkot focuses on festive meals eaten in a temporary shelter. All of them, however, have a common thread: a focus on justice, on the Eternal, and upon improving—healing—the world. On ethnical monotheism. All these are important traditions that Judaism transmitted to Christianity and Islam.

As we enter the Jewish holiday season, I urge all Americans to reflect on the need to heal the world, to work for peace, and to do justice.

And, on this, the day before Rosh Hashana, I wish all of my Jewish friends and colleagues a Happy New Year, L'Shana Tova.

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:38 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 260. An act to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program.

S.418. An act to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 1025. An act to amend the Act entitled "An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes" to authorize the Equus Beds Division of the Wichita Project.

H.R. 3408. An act to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act.

H.R. 3858. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency+.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 3929. A bill to authorize military commissions to bring terrorists to justice, to strengthen and modernize terrorist surveillance capabilities, and for other purposes.

S. 3930. A bill to authorize trial by military commission for violations of the law of war, and for other purposes.

S. 3931. A bill to establish procedures for the review of electronic surveillance programs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. McCONNELL (for himself and Mr. FRIST):

S. 3929. A bill to authorize military commissions to bring terrorists to justice, to strengthen and modernize terrorist surveillance capabilities, and for other purposes; read the first time.

By Mr. McCONNELL (for himself, Mr. FRIST, and Mr. WARNER):

S. 3930. A bill to authorize trial by military commission for violations of the law of war, and for other purposes; read the first time.

By Mr. McCONNELL (for himself and Mr. Frist):

S. 3931. A bill to establish procedures for the review of electronic surveillance programs; read the first time.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCONNELL (for himself and Mr. Frist):

S. 3929. A bill to authorize military commissions to bring terrorists to justice, to strengthen and modernize terrorist surveillance capabilities, and for other purposes; read the first time.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 3929

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—MILITARY COMMISSIONS

SECTION 101. SHORT TITLE.

This title may be cited as the "Military Commissions Act of 2006".

SEC. 102. FINDINGS.

Congress makes the following findings:

(1) The Constitution of the United States grants to Congress the power "To define and punish . . . Offenses against the Law of Nations", as well as the power "To declare War . . . To raise and support Armies . . . [and] To provide and maintain a Navy".

(2) The military commission is the traditional tribunal for the trial of persons engaged in hostilities for violations of the law of war.

(3) Congress has, in the past, both authorized the use of military commission by statute and recognized the existence and authority of military commissions.

(4) Military commissions have been convened both by the President and by military commanders in the field to try offenses against the law of war.

(5) It is in the national interest for Congress to exercise its authority under the Constitution to enact legislation authorizing and regulating the use of military commissions to try and punish violations of the law of war.

SEC. 103. AUTHORIZATION FOR MILITARY COMMISSIONS.

(a) In General.—The President is authorized to establish military commissions for the trial of alien unlawful enemy combatants engaged in hostilities against the United States for violations of the law of war and other offenses specifically made triable by military commission as provided in chapter 47 of title 10, United States Code, and chapter 47A of title 10, United States Code (as enacted by this Act).

(b) Construction.—The authority in subsection (a) may not be construed to alter or limit the authority of the President under the Constitution and laws of the United States to establish military commissions for areas declared to be under martial law or in occupied territories should circumstances so require.

(c) Scope of Punishment Authority.—A military commission established pursuant to subsection (a) shall have authority to impose upon any person found guilty under a proceeding under chapter 47A of title 10, United States Code (as so enacted), a sentence that is appropriate for the offense or offenses for which there is a finding of guilt, including a sentence of death if authorized under such chapter, imprisonment for life or a term of years, payment of a fine or restitution, or such other lawful punishment or condition of punishment as the military commission shall direct.

(d) Execution of Punishment.—The Secretary of Defense is authorized to carry out a sentence of punishment imposed by a military commission established pursuant to subsection (a) in accordance with such procedures as the Secretary may prescribe.

(e) Annual Report on Trials by Military Commissions.—

(1) Annual report required.—Not later than December 31 each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any trials conducted by military commissions established pursuant to subsection (a) during such year.

(2) Form.—Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

SEC. 104. MILITARY COMMISSIONS.

(a) Military Commissions.—

(1) In general.—Subtitle A of title 10, United States Code, is amended by inserting after chapter 47 the following new chapter:

"CHAPTER 47A—MILITARY COMMISSIONS

"SUBCHAPTER .... Sec.
"I. General Provisions .... 948a.
"II. Composition of Military Commissions .... 948h.
"III. Pre-Trial Procedure .... 948q.
"IV. Trial Procedure .... 949a.
"V. Sentences .... 949s.
"VI. Post-Trial Procedure and Review of Military Commissions ..... 950a.
"VII. Punitive Matters .... 950aa.

"SUBCHAPTER I—GENERAL PROVISIONS

"Sec.
"948a. Definitions.
"948b. Military commissions generally.
"948c. Persons subject to military commissions.
"948d. Jurisdiction of military commissions.

"§ 948a. Definitions

"In this chapter:

"(1) Alien.—The term 'alien' means an individual who is not a citizen of the United States.

"(2) Classified information.—The term 'classified information' means the following:

"(A) Any information or material that has been determined by the United States Government pursuant to statute, Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security.

"(B) Any restricted data, as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

"(3) Lawful enemy combatant.—The term 'lawful enemy combatant' means an individual who is—

"(A) a member of the regular forces of a State party engaged in hostilities against the United States;

"(B) a member of a militia, volunteer corps, or organized resistance movement belonging to a State party engaged in such hostilities, which are under responsible command, wear a fixed distinctive sign recognizable at a distance, carry their arms openly, and abide by the law of war; or

"(C) a member of a regular armed force who professes allegiance to a government engaged in such hostilities, but not recognized by the United States.

"(4) Unlawful enemy combatant.—The term 'unlawful enemy combatant' means an individual engaged in hostilities against the United States who is not a lawful enemy combatant.

"§ 948b. Military commissions generally

"(a) Purpose.—This chapter establishes procedures governing the use of military commissions to try alien unlawful enemy combatants engaged in hostilities against the United States for violations of the law of war and other offenses triable by military commission.

"(b) Construction of Provisions.—The procedures for military commissions set forth in this chapter are based upon the procedures for trial by general courts-martial under chapter 47 of this title (the Uniform Code of Military Justice). Chapter 47 of this title does not, by its terms, apply to trial by military commission except as specifically provided therein or in this chapter, and many of the provisions of chapter 47 of this title are by their terms inapplicable to military commissions. The judicial construction and application of chapter 47 of this title is therefore not binding on military commissions established under this chapter.

"(c) Inapplicability of Certain Provisions.—(1) The following provisions of this title shall not apply to trial by military commission under this chapter:

"(A) Section 810 (article 10 of the Uniform Code of Military Justice), relating to speedy trial, including any rule of courts-martial relating to speedy trial.

"(B) Sections 831(a), (b), and (d) (articles 31(a), (b), and (d) of the Uniform Code of Military Justice), relating to compulsory self-incrimination.

"(C) Section 832 (article 32 of the Uniform Code of Military Justice), relating to pretrial investigation.

"(2) Other provisions of chapter 47 of this title shall apply to trial by military commission under this chapter only to the extent provided by the terms of such provisions or by this chapter.

"(d) Status of Military Commissions Under Common Article 3.—A military commission established under this chapter is a regularly constituted court, affording all the necessary 'judicial guarantees which are recognized as indispensable by civilized peoples' for purposes of common Article 3 of the Geneva Conventions.

"(e) Treatment of Rulings and Precedents.—The findings, holdings, interpretations, and other precedents of military commissions under this chapter may not be introduced or considered in any hearing, trial, or other proceeding of a court-martial convened under chapter 47 of this title. The findings, holdings, interpretations, and other precedents of military commissions under this chapter may not form the basis of any holding, decision, or other determination of a court-martial convened under that chapter.

"(f) Geneva Conventions Not Establishing Source of Rights.—No alien enemy unlawful combatant subject to trial by military commission under this chapter may invoke the Geneva Conventions as a source of rights at his trial by military commission.

"§ 948c. Persons subject to military commissions

"Any alien unlawful enemy combatant engaged in hostilities or having supported hostilities against the United States is subject to trial by military commission as set forth in this chapter.

"§ 948d. Jurisdiction of military commissions

"(a) Jurisdiction.—A military commission under this chapter shall have jurisdiction to try any offense made punishable by this chapter, sections 904 and 906 of this title (articles 104 and 106 of the Uniform Code of Military Justice), or the law of war when committed by an alien unlawful enemy combatant before, on, or after September 11, 2001.

"(b) Lawful Enemy Combatants.—Military commissions under this chapter shall not have jurisdiction over lawful enemy combatants. Lawful enemy combatants who violate the law of war are subject to chapter 47 of this title. Courts-martial established under that chapter shall have jurisdiction to try a lawful enemy combatant for any offense made punishable under this chapter.

"(c) Punishments.—A miliary commission under this chapter may, under such limitations as the President may prescribe, adjudge any punishment not forbidden by this chapter, including the penalty of death when authorized under this chapter, chapter 47 of this title, or the law of war.

"SUBCHAPTER II—COMPOSITION OF MILITARY COMMISSIONS

"Sec.
"948h. Who may convene military commissions.
"948i. Who may serve on military commissions.
"948j. Military judge of a military commission.
"948k. Detail of trial counsel and defense counsel.
"948l. Detail or employment of reporters and interpreters.
"948m. Number of members; excuse of members; absent and additional members.

"§948h. Who may convene military commissions

"Military commissions under this chapter may be convened by the Secretary of Defense or by any officer or official of the United States designated by the Secretary for that purpose.

"§948i. Who may serve on military commissions

"(a) In General.—Any commissioned officer of the armed forces on active duty is eligible to serve on a military commission under this chapter, including commissioned officers of the reserve components of the armed forces on active duty, commissioned officers of the National Guard on active duty in Federal service, or retired commissioned officers recalled to active duty.

"(b) Detail of Members.—When convening a military commission under this chapter, the convening authority shall detail as members thereof such members of the armed forces eligible under subsection (a) who, as in the opinion of the convening authority, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member of an armed force is eligible to serve as a member of a military commission when such member is the accuser or a witness for the prosecution or has acted as an investigator or counsel in the same case.

"(c) Excuse of Members.—Before a military commission under this chapter is assembled for the trial of a case, the convening authority may excuse a member from participating in the case.

"§948j. Military judge of a military commission

"(a) Detail of Military Judge.—A military judge shall be detailed to each military commission under this chapter. The Secretary of Defense shall prescribe regulations providing for the manner in which military judges are so detailed to military commissions. The military judge shall preside over each military commission to which he has been detailed.

"(b) Eligibility.—A military judge shall be a commissioned officer of the armed forces who is a member of the bar of a Federal court, or a member of the bar of the highest court of a State, and who is certified to be qualified for duty under section 826 of this title (article 26 of the Uniform Code of Military Justice) as a military judge in general courts-martial by the Judge Advocate General of the armed force of which such military judge is a member.

"(c) Ineligibility of Certain Individuals.—No person is eligible to act as military judge in a case of a military commission under this chapter if he is the accuser or a witness or has acted as investigator or a counsel in the same case.

"(d) Consultation With Members; Ineligibility to Vote.—A military judge detailed to a military commission under this chapter may not consult with the members except in the presence of the accused (except as otherwise provided in section 949d of this title), trial counsel, and defense counsel, nor may he vote with the members.

"(e) Other Duties.—A commissioned officer who is certified to be qualified for duty as a military judge of a military commission under this chapter may perform such other duties as are assigned to him by or with the approval of the Judge Advocate General of the armed force of which such officer is a member or the designee of such Judge Advocate General.

"(f) Prohibition on Evaluation of Fitness by Convening Authority.—The convening authority of a military commission under this chapter shall not prepare or review any report concerning the effectiveness, fitness, or efficiency of a military judge detailed to the military commission which relates to his performance of duty as a military judge on the military commission.

"§948k. Detail of trial counsel and defense counsel

"(a) Detail of Counsel Generally.—(1) Trial counsel and military defense counsel shall be detailed for each military commission under this chapter.

"(2) Assistant trial counsel and assistant and associate defense counsel may be detailed for a military commission under this chapter.

"(3) Military defense counsel for a military commission under this chapter shall be detailed as soon as practicable after the swearing of charges.

"(4) The Secretary of Defense shall prescribe regulations providing for the manner in which trial counsel and military defense counsel are detailed for military commissions under this chapter and for the persons who are authorized to detail such counsel for such military commissions.

"(b) Trial Counsel.—Subject to subsection (e), trial counsel detailed for a military commission under this chapter must be—

"(1) a judge advocate (as that term is defined in section 801 of this title (article 1 of the Uniform Code of Military Justice)) who is—

"(A) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

"(B) certified as competent to perform duties as trial counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member; or

"(2) a civilian who is—

"(A) a member of the bar of a Federal court or of the highest court of a State; and

"(B) otherwise qualified to practice before the military commission pursuant to regulations prescribed by the Secretary of Defense.

"(c) Military Defense Counsel.—Subject to subsection (e), military defense counsel detailed for a military commission under this chapter must be a judge advocate (as so defined) who is—

"(1) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

"(2) certified as competent to perform duties as defense counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member.

"(d) Chief Prosecutor; Chief Defense Counsel.—(1) The Chief Prosecutor in a military commission under this chapter shall meet the requirements set forth in subsection (b)(1).

"(2) The Chief Defense Counsel in a military commission under this chapter shall meet the requirements set forth in subsection (c)(1).

"(e) Ineligibility of Certain Individuals.—No person who has acted as an investigator, military judge, or member of a military commission under this chapter in any case may act later as trial counsel or military defense counsel in the same case. No person who has acted for the prosecution before a military commission under this chapter may act later in the same case for the defense, nor may any person who has acted for the defense before a military commission under this chapter act later in the same case for the prosecution.

"§948l. Detail or employment of reporters and interpreters

"(a) Court Reporters.—Under such regulations as the Secretary of Defense may prescribe, the convening authority of a military commission under this chapter shall detail to or employ for the military commission qualified court reporters, who shall prepare a verbatim record of the proceedings of and testimony taken before the military commission.

"(b) Interpreters.—Under such regulations as the Secretary of Defense may prescribe, the convening authority of a military commission under this chapter may detail to or employ for the military commission interpreters who shall interpret for the military commission, and, as necessary, for trial counsel and defense counsel for the military commission, and for the accused.

"(c) Transcript; Record.—The transcript of a military commission under this chapter shall be under the control of the convening authority of the military commission, who shall also be responsible for preparing the record of the proceedings of the military commission.

"§948m. Number of members; excuse of members; absent and additional members

"(a) Number of Members.—(1) A military commission under this chapter shall, except as provided in paragraph (2), have at least five members.

"(2) In a case in which the accused before a military commission under this chapter may be sentenced to a penalty of death, the military commission shall have the number of members prescribed by section 949m(c) of this title.

"(b) Excuse of Members.—No member of a military commission under this chapter may be absent or excused after the military commission has been assembled for the trial of a case unless excused—

"(1) as a result of challenge;

"(2) by the military judge for physical disability or other good cause; or

"(3) by order of the convening authority for good cause.

"(c) ABSENT AND ADDITIONAL MEMBERS.—Whenever a military commission under this chapter is reduced below the number of members required by subsection (a), the trial may not proceed unless the convening authority details new members sufficient to provide not less than such number. The trial may proceed with the new members present after the recorded evidence previously introduced before the members has been read to the military commission in the presence of the military judge, the accused (except as provided in section 949d of this title), and counsel for both sides.

"SUBCHAPTER III—PRE-TRIAL PROCEDURE

"Sec.
"948q. Charges and specifications.
"948r. Compulsory self-incrimination prohibited; statements obtained by torture or other methods of coercion.
"948s. Service of charges.

"§948q. Charges and specifications

"(a) CHARGES AND SPECIFICATIONS.—Charges and specifications against an accused in a military commission under this chapter shall be signed by a person subject to chapter 47 of this title under oath before a commissioned officer of the armed forces authorized to administer oaths and shall state—

"(1) that the signer has personal knowledge of, or reason to believe, the matters set forth therein; and

"(2) that they are true in fact to the best of his knowledge and belief.

"(b) NOTICE TO ACCUSED.—Upon the swearing of the charges and specifications in accordance with subsection (a), the accused shall be informed of the charges and specifications against him as soon as practicable.

"§948r. Compulsory self-incrimination prohibited; statements obtained by torture or other methods of coercion

"(a) IN GENERAL.—No person shall be required to testify against himself at a proceeding of a military commission under this chapter.

"(b) STATEMENTS OBTAINED BY TORTURE.—A statement obtained by use of torture shall not be admissible in a military commission under this chapter, except against a person accused of torture as evidence the statement was made.

"(c) STATEMENTS OBTAINED BEFORE ENACTMENT OF DETAINEE TREATMENT ACT OF 2005.—A statement obtained before December 30, 2005 (the date of the enactment of the Detainee Treatment Act of 2005), in which the degree of coercion is disputed may be admitted only if the military judge finds that—

"(1) the totality of the circumstances renders it reliable and possessing sufficient probative value; and

"(2) the interests of justice would best be served by admission of the statement into evidence.

"(d) STATEMENTS OBTAINED AFTER ENACTMENT OF DETAINEE TREATMENT ACT OF 2005.—A statement obtained on or after December 30, 2005 (the date of the enactment of the Detainee Treatment Act of 2005), in which the degree of coercion is disputed may be admitted only if the military judge finds that—

"(1) the totality of the circumstances renders it reliable and possessing sufficient probative value;

"(2) the interests of justice would best be served by admission of the statement into evidence; and

"(3) the interrogation methods used to obtain the statement do not violate the cruel, unusual, or inhumane treatment or punishment prohibited by the Fifth, Eighth, and 14th Amendments to the United States Constitution.

"§948s. Service of charges

"The trial counsel assigned to a case before a military commission under this chapter shall cause to be served upon the accused and military defense counsel a copy of the charges upon which trial is to be had in English and, if appropriate, in another language that the accused understands, sufficiently in advance of trial to prepare a defense.

"SUBCHAPTER IV—TRIAL PROCEDURE

"Sec.
"949a. Rules.
"949b. Unlawfully influencing action of military commission.
"949c. Duties of trial counsel and defense counsel.
"949d. Sessions.
"949e. Continuances.
"949f. Challenges.
"949g. Oaths.
"949h. Former jeopardy.
"949i. Pleas of the accused.
"949j. Opportunity to obtain witnesses and other evidence.
"949k. Defense of lack of mental responsibility.
"949l. Voting and rulings.
"949m. Number of votes required.
"949n. Military commission to announce action.
"949o. Record of trial.

"§949a. Rules

"(a) PROCEDURES AND RULES OF EVIDENCE.—Pretrial, trial, and post-trial procedures, including elements and modes of proof, for cases triable by military commission under this chapter may be prescribed by the Secretary of Defense. Such procedures may not be contrary to or inconsistent with this chapter. Except as otherwise provided in this chapter or chapter 47 of this title, the procedures and rules of evidence applicable in trials by general courts-martial of the United States shall apply in trials by military commission under this chapter.

"(b) EXCEPTIONS.—(1) The Secretary of Defense, in consultation with the Attorney General, may make such exceptions in the applicability in trials by military commission under this chapter from the procedures and rules of evidence otherwise applicable in general courts-martial as may be required by the unique circumstances of the conduct of military and intelligence operations during hostilities or by other practical need.

"(2) Notwithstanding any exceptions authorized by paragraph (1), the procedures and rules of evidence in trials by military commission under this chapter shall include, at a minimum, the following rights:

"(A) To examine and respond to all evidence considered by the military commission on the issue of guilt or innocence and for sentencing.

"(B) To be present at all sessions of the military commission (other than those for deliberations or voting), except when excluded under section 949d of this title.

"(C) To the assistance of counsel.

"(D) To self-representation, if the accused knowingly and competently waives the assistance of counsel, subject to the provisions of paragraph (4).

"(E) To the suppression of evidence that is not reliable or probative.

"(F) To the suppression of evidence the probative value of which is substantially outweighed by—

"(i) the danger of unfair prejudice, confusion of the issues, or misleading the members; or

"(ii) considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

"(3) In making exceptions in the applicability in trials by military commission under this chapter from the procedures and rules otherwise applicable in general courts-martial, the Secretary of Defense may provide the following:

"(A) Evidence seized outside the United States shall not be excluded from trial by military commission on the grounds that the evidence was not seized pursuant to a search warrant or authorization.

"(B) A statement of the accused that is otherwise admissible shall not be excluded from trial by military commission on grounds of alleged coercion or compulsory self-incrimination so long as the evidence complies with the provisions of section 948r of this title.

"(C) Evidence shall be admitted as authentic so long as—

"(i) the military judge of the military commission determines that there is sufficient evidence that the evidence is what it is claimed to be; and

"(ii) the military judge instructs the members that they may consider any issue as to authentication or identification of evidence in determining the weight, if any, to be given to the evidence.

"(D)(i) Except as provided in clause (ii), hearsay evidence not otherwise admissible under the rules of evidence applicable in trial by general courts-martial may be admitted in a trial by military commission if the proponent of the evidence makes known to the adverse party, sufficiently in advance to provide the adverse party with a fair opportunity to meet the evidence, the intention of the proponent to offer the evidence, and the particulars of the evidence (including information on the general circumstances under which the evidence was obtained). The disclosure of evidence under this clause is subject to the requirements and limitations applicable to the disclosure of classified information in section 949j(b) of this title.

"(ii) Hearsay evidence not otherwise admissible under the rules of evidence applicable in trial by general courts-martial shall not be admitted in a trial by military commission if the party opposing the admission of the evidence demonstrates that the evidence is unreliable or lacking in probative value.

"(4)(A) The accused in a military commission under this chapter who exercises the right to self-representation under paragraph (2)(D) shall conform his deportment and the conduct of the defense to the rules of evidence, procedure, and decorum applicable to trials by military commission.

"(B) Failure of the accused to conform to the rules described in subparagraph (A) may result in a partial or total revocation by the military judge of the right of self-representation under paragraph (2)(D). In such case, the detailed defense counsel of the accused or an appropriately authorized civilian counsel shall perform the functions necessary for the defense.

"(c) Delegation of Authority to Prescribe Regulations.—The Secretary of Defense may delegate the authority of the Secretary to prescribe regulations under this chapter.

"§ 949b. Unlawfully influencing action of military commission

"(a) In General.—(1) No authority convening a military commission under this chapter may censure, reprimand, or admonish the military commission, or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the military commission, or with respect to any other exercises of its or their functions in the conduct of the proceedings.

"(2) No person may attempt to coerce or, by any unauthorized means, influence—

"(A) the action of a military commission under this chapter, or any member thereof, in reaching the findings or sentence in any case;

"(B) the action of any convening, approving, or reviewing authority with respect to their judicial acts; or

"(C) the exercise of professional judgment by trial counsel or defense counsel.

"(3) The provisions of this subsection shall not apply with respect to—

"(A) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of military commissions; or

"(B) statements and instructions given in open proceedings by a military judge or counsel.

"(b) Prohibition on Consideration of Actions on Commission in Evaluation of Fitness.—In the preparation of an effectiveness, fitness, or efficiency report or any other report or document used in whole or in part for the purpose of determining whether a commissioned officer of the armed forces is qualified to be advanced in grade, or in determining the assignment or transfer of any such officer or whether any such officer should be retained on active duty, no person may—

"(1) consider or evaluate the performance of duty of any member of a military commission under this chapter; or

"(2) give a less favorable rating or evaluation to any commissioned officer because of the zeal with which such officer, in acting as counsel, represented any accused before a military commission under this chapter.

"§ 949c. Duties of trial counsel and defense counsel

"(a) Trial Counsel.—The trial counsel of a military commission under this chapter shall prosecute in the name of the United States.

"(b) Defense Counsel.—(1) The accused shall be represented in his defense before a military commission under this chapter as provided in this subsection.

"(2) The accused shall be represented by military counsel detailed under section 948k of this title.

"(3) The accused may be represented by civilian counsel if retained by the accused, provided that such civilian counsel—

"(A) is a United States citizen;

"(B) is admitted to the practice of law in a State, district, or possession of the United States, or before a Federal court;

"(C) has not been the subject of any sanction of disciplinary action by any court, bar, or other competent governmental authority for relevant misconduct;

"(D) has been determined to be eligible for access to information classified at the level Secret or higher; and

"(E) has signed a written agreement to comply with all applicable regulations or instructions for counsel, including any rules of court for conduct during the proceedings.

"(4) If the accused is represented by civilian counsel, military counsel detailed shall act as associate counsel.

"(5) The accused is not entitled to be represented by more than one military counsel. However, the person authorized under regulations prescribed under section 948k of this title to detail counsel, in such person's sole discretion, may detail additional military counsel to represent the accused.

"(6) Defense counsel may cross-examine each witness for the prosecution who testifies before a military commission under this chapter.

"§ 949d. Sessions

"(a) Sessions Without Presence of Members.—(1) At any time after the service of charges which have been referred for trial by military commission under this chapter, the military judge may call the military commission into session without the presence of the members for the purpose of—

"(A) hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty;

"(B) hearing and ruling upon any matter which may be ruled upon by the military judge under this chapter, whether or not the matter is appropriate for later consideration or decision by the members;

"(C) if permitted by regulations prescribed by the Secretary of Defense, receiving the pleas of the accused; and

"(D) performing any other procedural function which may be performed by the military judge under this chapter or under rules prescribed pursuant to section 949a of this title and which does not require the presence of the members.

"(2) Except as provided in subsections (b), (c), and (d), any proceedings under paragraph (1) shall be conducted in the presence of the accused, defense counsel, and trial counsel, and shall be made part of the record.

"(b) Deliberation or Vote of Members.—When the members of a military commission under this chapter deliberate or vote, only the members may be present.

"(c) Closure of Proceedings.—(1) The military judge may close to the public all or part of the proceedings of a military commission under this chapter.

"(2) The military judge may close to the public all or a portion of the proceedings under paragraph (1) only upon making a specific finding that such closure is necessary to—

"(A) protect information the disclosure of which could reasonably be expected to cause damage to the national security, including intelligence or law enforcement sources, methods, or activities; or

"(B) ensure the physical safety of individuals.

"(3) A finding under paragraph (2) may be based upon a presentation, including a presentation ex parte or in camera, by either trial counsel or defense counsel.

"(d) Exclusion of Accused From Certain Proceedings.—The military judge may exclude the accused from any portion of a proceeding upon a determination that, after being warned by the military judge, the accused persists in conduct that justifies exclusion from the courtroom—

"(1) to ensure the physical safety of individuals; or

"(2) to prevent disruption of the proceedings by the accused.

"(e) Protection of Classified Information.—

"(1) National security privilege.—(A) Classified information shall be protected and is privileged from disclosure if disclosure would be detrimental to the national security. This rule applies to all stages of the proceedings of military commissions under this chapter.

"(B) The privilege referred to in subparagraph (A) may be claimed by the head of the executive or military department or government agency concerned based on a finding by the head of that department or agency that—

"(i) the information is properly classified; and

"(ii) disclosure would be detrimental to the national security.

"(C) A person who may claim the privilege referred to in subparagraph (A) may authorize a representative, witness, or trial counsel to claim the privilege and make the finding described in subparagraph (B) on behalf of such person. The authority of the representative, witness, or trial counsel to do so is presumed in the absence of evidence to the contrary.

"(2) Introduction of classified information.—

"(A) Alternatives to disclosure.—To protect classified information from disclosure, the military judge, upon motion of trial counsel, shall authorize, to the extent practicable—

"(i) the deletion of specified items of classified information from documents to be introduced as evidence before the military commission;

"(ii) the substitution of a portion or summary of the information for such classified documents; or

"(iii) the substitution of a statement of relevant facts that the classified information would tend to prove.

"(B) Protection of sources, methods, or activities.—The military judge, upon motion of trial counsel, shall permit trial counsel to introduce otherwise admissible evidence before the military commission, while protecting from disclosure the sources, methods, or activities by which the United States acquired the evidence if the military judge finds that (i) the sources, methods, or activities by which the United States acquired the evidence are classified, and (ii) the evidence is reliable. The military judge may require trial counsel to present to the military commission and the defense, to the extent practicable and consistent with national security, an unclassified summary of the sources, methods, or activities by which the United States acquired the evidence.

"(C) Assertion of national security privilege at trial.—During the examination of any witness, trial counsel may object to any question, line of inquiry, or motion to admit evidence that would require the disclosure of classified information. Following such an objection, the military judge shall take suitable action to safeguard such classified information. Such action may include the review of trial counsel's claim of privilege by the military judge in camera and on an ex parte basis, and the delay of proceedings to permit trial counsel to consult with the department or agency concerned as to whether the national security privilege should be asserted.

"(3) Consideration of privilege and related materials.—A claim of privilege under this subsection, and any materials submitted in support thereof, shall, upon request of the Government, be considered by the military judge in camera and shall not be disclosed to the accused.

"(4) ADDITIONAL REGULATIONS.—The Secretary of Defense may prescribe additional regulations, consistent with this subsection, for the use and protection of classified information during proceedings of military commissions under this chapter. A report on any regulations so prescribed, or modified, shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives not later than 60 days before the date on which such regulations or modifications, as the case may be, go into effect.

"§ 949e. Continuances

"The military judge in a military commission under this chapter may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just.

"§ 949f. Challenges

"(a) CHALLENGES AUTHORIZED.—The military judge and members of a military commission under this chapter may be challenged by the accused or trial counsel for cause stated to the military commission. The military judge shall determine the relevance and validity of challenges for cause, and may not receive a challenge to more than one person at a time. Challenges by trial counsel shall ordinarily be presented and decided before those by the accused are offered.

"(b) PEREMPTORY CHALLENGES.—The accused and trial counsel are each entitled to one peremptory challenge, but the military judge may not be challenged except for cause.

"(c) CHALLENGES AGAINST ADDITIONAL MEMBERS.—Whenever additional members are detailed to a military commission under this chapter, and after any challenges for cause against such additional members are presented and decided, the accused and trial counsel are each entitled to one peremptory challenge against members not previously subject to peremptory challenge.

"§ 949g. Oaths

"(a) IN GENERAL.—(1) Before performing their respective duties in a military commission under this chapter, military judges, members, trial counsel, defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully.

"(2) The form of the oath required by paragraph (1), the time and place of the taking thereof, the manner of recording thereof, and whether the oath shall be taken for all cases in which duties are to be performed or for a particular case, shall be as provided in regulations prescribed by the Secretary of Defense. The regulations may provide that—

"(A) an oath to perform faithfully duties as a military judge, trial counsel, or defense counsel may be taken at any time by any judge advocate or other person certified to be qualified or competent for the duty; and

"(B) if such an oath is taken, such oath need not again be taken at the time the judge advocate or other person is detailed to that duty.

"(b) WITNESSES.—Each witness before a military commission under this chapter shall be examined on oath.

"(c) OATH DEFINED.—In this section, the term 'oath' includes an affirmation.

"§ 949h. Former jeopardy

"(a) IN GENERAL.—No person may, without his consent, be tried by a military commission under this chapter a second time for the same offense.

"(b) SCOPE OF TRIAL.—No proceeding in which the accused has been found guilty by military commission under this chapter upon any charge or specification is a trial in the sense of this section until the finding of guilty has become final after review of the case has been fully completed.

"§ 949i. Pleas of the accused

"(a) PLEA OF NOT GUILTY.—If an accused in a military commission under this chapter after a plea of guilty sets up matter inconsistent with the plea, or if it appears that the accused has entered the plea of guilty through lack of understanding of its meaning and effect, or if the accused fails or refuses to plead, a plea of not guilty shall be entered in the record, and the military commission shall proceed as though the accused had pleaded not guilty.

"(b) FINDING OF GUILT AFTER GUILTY PLEA.—With respect to any charge or specification to which a plea of guilty has been made by the accused in a military commission under this chapter and accepted by the military judge, a finding of guilty of the charge or specification may be entered immediately without a vote. The finding shall constitute the finding of the military commission unless the plea of guilty is withdrawn prior to announcement of the sentence, in which event the proceedings shall continue as though the accused had pleaded not guilty.

"§ 949j. Opportunity to obtain witnesses and other evidence

"(a) IN GENERAL.—(1) Defense counsel in a military commission under this chapter shall have a reasonable opportunity to obtain witnesses and other evidence as provided in regulations prescribed by the Secretary of Defense.

"(2) Process issued in military commissions under this chapter to compel witnesses to appear and testify and to compel the production of other evidence—

"(A) shall be similar to that which courts of the United States having criminal jurisdiction may lawfully issue; and

"(B) shall run to any place where the United States shall have jurisdiction thereof.

"(b) PROTECTION OF CLASSIFIED INFORMATION.—(1) With respect to the discovery obligations of trial counsel under this section, the military judge, upon motion of trial counsel, shall authorize, to the extent practicable—

"(A) the deletion of specified items of classified information from documents to be made available to the accused;

"(B) the substitution of a portion or summary of the information for such classified documents; or

"(C) the substitution of a statement admitting relevant facts that the classified information would tend prove.

"(2) The military judge, upon motion of trial counsel, shall authorize trial counsel, in the course of complying with discovery obligations under this section, to protect from disclosure the sources, methods, or activities by which the United States acquired evidence if the military judge finds that the sources, methods, or activities by which the United States acquired such evidence are classified. The military judge may require trial counsel to provide, to the extent practicable, an unclassified summary of the sources, methods, or activities by which the United States acquired such evidence.

"(c) EXCULPATORY EVIDENCE.—(1) As soon as practicable, trial counsel shall disclose to the defense the existence of any evidence known to trial counsel that reasonably tends to exculpate the accused. Where exculpatory evidence is classified, the accused shall be provided with an adequate substitute in accordance with the procedures under subsection (b).

"(2) In this subsection, the term 'evidence known to trial counsel', in the case of exculpatory evidence, means exculpatory evidence that the prosecution would be required to disclose in a trial by courts-martial under chapter 47 of this title.

"§ 949k. Defense of lack of mental responsibility

"(a) AFFIRMATIVE DEFENSE.—It is an affirmative defense in a trial by military commission under this chapter that, at the time of the commission of the acts constituting the offense, the accused, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of the acts. Mental disease or defect does not otherwise constitute a defense.

"(b) BURDEN OF PROOF.—The accused in a military commission under this chapter has the burden of proving the defense of lack of mental responsibility by clear and convincing evidence.

"(c) FINDINGS FOLLOWING ASSERTION OF DEFENSE.—Whenever lack of mental responsibility of the accused with respect to an offense is properly at issue in a military commission under this chapter, the military judge shall instruct the members as to the defense of lack of mental responsibility under this section and shall charge the members to find the accused—

"(1) guilty;

"(2) not guilty; or

"(3) subject to subsection (d), not guilty by reason of lack of mental responsibility.

"(d) MAJORITY VOTE REQUIRED FOR FINDING.—The accused shall be found not guilty by reason of lack of mental responsibility under subsection (c)(3) only if a majority of the members present at the time the vote is taken determines that the defense of lack of mental responsibility has been established.

"§ 949l. Voting and rulings

"(a) VOTE BY SECRET WRITTEN BALLOT.—Voting by members of a military commission under this chapter on the findings and on the sentence shall be by secret written ballot.

"(b) RULINGS.—(1) The military judge in a military commission under this chapter shall rule upon all questions of law, including the admissibility of evidence and all interlocutory questions arising during the proceedings.

"(2) Any ruling made by the military judge upon a question of law or an interlocutory question (other than the factual issue of mental responsibility of the accused) is conclusive and constitutes the ruling of the military commission. However, a military judge may change his ruling at any time during the trial.

"(c) INSTRUCTIONS PRIOR TO VOTE.—Before a vote is taken of the findings of a military commission under this chapter, the military judge shall, in the presence of the accused and counsel, instruct the members as to the elements of the offense and charge the members—

"(1) that the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond a reasonable doubt;

"(2) that in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and he must be acquitted;

"(3) that, if there is reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

“(4) that the burden of proof to establish the guilt of the accused beyond a reasonable doubt is upon the United States.

“§ 949m. Number of votes required

“(a) CONVICTION.—No person may be convicted by a military commission under this chapter of any offense, except as provided in section 949i(b) of this title or by concurrence of two-thirds of the members present at the time the vote is taken.

“(b) SENTENCES.—(1) Except as provided in paragraphs (2) and (3), sentences shall be determined by a military commission by the concurrence of two-thirds of the members present at the time the vote is taken.

“(2) No person may be sentenced to death by a military commission, except insofar as—

“(A) the penalty of death has been expressly authorized under this chapter, chapter 47 of this title, or the law of war for an offense of which the accused has been found guilty;

“(B) trial counsel expressly sought the penalty of death by filing an appropriate notice in advance of trial;

“(C) the accused was convicted of the offense by the concurrence of all the members present at the time the vote is taken; and

“(D) all members present at the time the vote was taken concurred in the sentence of death.

“(3) No person may be sentenced to life imprisonment, or to confinement for more than 10 years, by a military commission under this chapter except by the concurrence of three-fourths of the members present at the time the vote is taken.

“(c) NUMBER OF MEMBERS REQUIRED FOR PENALTY OF DEATH.—(1) Except as provided in paragraph (2), in a case in which the penalty of death is sought, the number of members of the military commission under this chapter shall be not less than 12 members.

“(2) In any case described in paragraph (1) in which 12 members are not reasonably available for a military commission because of physical conditions or military exigencies, the convening authority shall specify a lesser number of members for the military commission (but not fewer than 5 members), and the military commission may be assembled, and the trial held, with not less than the number of members so specified. In any such case, the convening authority shall make a detailed written statement, to be appended to the record, stating why a greater number of members were not reasonably available.

“§ 949n. Military commission to announce action

“A military commission under this chapter shall announce its findings and sentence to the parties as soon as determined.

“§ 949o. Record of trial

“(a) RECORD; AUTHENTICATION.—Each military commission under this chapter shall keep a separate, verbatim, record of the proceedings in each case brought before it, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of his death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by a member if the trial counsel is unable to authenticate it by reason of his death, disability, or absence. Where appropriate, and as provided in regulations prescribed by the Secretary of Defense, the record of a military commission under this chapter may contain a classified annex.

“(b) COMPLETE RECORD REQUIRED.—A complete record of the proceedings and testimony shall be prepared in every military commission under this chapter.

“(c) PROVISION OF COPY TO ACCUSED.—A copy of the record of the proceedings of the military commission under this chapter shall be given the accused as soon as it is authenticated. If the record contains classified information, or a classified annex, the accused shall receive a redacted version of the record consistent with the requirements of section 949d(e) of this title. Defense counsel shall have access to the unredacted record, as provided in regulations prescribed by the Secretary of Defense.

“SUBCHAPTER V—SENTENCES

“Sec.
“949s. Cruel or unusual punishments prohibited.
“949t. Maximum limits.
“949u. Execution of confinement.

“§ 949s. Cruel or unusual punishments prohibited

“Punishment by flogging, or by branding, marking, or tattooing on the body, or any other cruel or unusual punishment, may not be adjudged by a military commission under this chapter or inflicted under this chapter upon any person subject to this chapter. The use of irons, single or double, except for the purpose of safe custody, is prohibited under this chapter.

“§ 949t. Maximum limits

“The punishment which a military commission under this chapter may direct for an offense may not exceed such limits as the President or Secretary of Defense may prescribe for that offense.

“§ 949u. Execution of confinement

“(a) IN GENERAL.—Under such regulations as the Secretary of Defense may prescribe, a sentence of confinement adjudged by a military commission under this chapter may be carried into execution by confinement—

“(1) in any place of confinement under the control of any of the armed forces; or

“(2) in any penal or correctional institution under the control of the United States or its allies, or which the United States may be allowed to use.

“(b) TREATMENT DURING CONFINEMENT BY OTHER THAN THE ARMED FORCES.—Persons confined under subsection (a)(2) in a penal or correctional institution not under the control of an armed force are subject to the same discipline and treatment as persons confined or committed by the courts of the United States or of the State, District of Columbia, or place in which the institution is situated.

“SUBCHAPTER VI—POST-TRIAL PROCEDURE AND REVIEW OF MILITARY COMMISSIONS

“Sec.
“950a. Error of law; lesser included offense.
“950b. Review by the convening authority.
“950c. Waiver or withdrawal of appeal.
“950d. Appeal by the United States.
“950e. Rehearings.
“950f. Review by Court of Military Commission Review.
“950g. Review by the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court.
“950h. Appellate counsel
“950i. Execution of sentence; suspension of sentence.
“950j. Finality of proceedings, findings, and sentences.

“§ 950a. Error of law; lesser included offense

“(a) ERROR OF LAW.—A finding or sentence of a military commission under this chapter may not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

“(b) LESSER INCLUDED OFFENSE.—Any reviewing authority with the power to approve or affirm a finding of guilty by a military commission under this chapter may approve or affirm, instead, so much of the finding as includes a lesser included offense.

“§ 950b. Review by the convening authority

“(a) NOTICE TO CONVENING AUTHORITY OF FINDINGS AND SENTENCE.—The findings and sentence of a military commission under this chapter shall be reported in writing promptly to the convening authority after the announcement of the sentence.

“(b) SUBMITTAL OF MATTERS BY ACCUSED TO CONVENING AUTHORITY.—(1) The accused may submit to the convening authority matters for consideration by the convening authority with respect to the findings and the sentence of the military commission under this chapter.

“(2)(A) Except as provided in subparagraph (B), a submittal under paragraph (1) shall be made in writing within 20 days after accused has been give an authenticated record of trial under section 949o(c) of this title.

“(B) If the accused shows that additional time is required for the accused to make a submittal under paragraph (1), the convening authority may, for good cause, extend the applicable period under subparagraph (A) for not more than an additional 20 days.

“(3) The accused may waive his right to make a submittal to the convening authority under paragraph (1). Such a waiver shall be made in writing, and may not be revoked. For the purposes of subsection (c)(2), the time within which the accused may make a submittal under this subsection shall be deemed to have expired upon the submittal of a waiver under this paragraph to the convening authority.

“(c) ACTION BY CONVENING AUTHORITY.—(1) The authority under this subsection to modify the findings and sentence of a military commission under this chapter is a matter of the sole discretion and prerogative of the convening authority.

“(2) The convening authority is not required to take action on the findings of a military commission under this chapter. If the convening authority takes action on the findings, the convening authority may, in his sole discretion, only—

“(A) dismiss any charge or specification by setting aside a finding of guilty thereto; or

“(B) change a finding of guilty to a charge to a finding of guilty to an offense that is a lesser included offense of the offense stated in the charge.

“(3)(A) The convening authority shall take action on the sentence of a military commission under this chapter.

“(B) Subject to regulations prescribed by the Secretary of Defense, action under this paragraph may be taken only after consideration of any matters submitted by the accused under subsection (b) or after the time for submitting such matters expires, whichever is earlier.

“(C) In taking action under this paragraph, the convening authority may, in his sole discretion, approve, disapprove, commute, or suspend the sentence in whole or in part. The convening authority may not increase a sentence beyond that which is found by the military commission.

“(4) The convening authority shall serve on the accused or on defense counsel notice of any action taken by the convening authority under this subsection.

"(d) Order of Revision or Rehearing.—(1) Subject to paragraphs (2) and (3), the convening authority of a military commission under this chapter may, in his sole discretion, order a proceeding in revision or a rehearing.

"(2)(A) Except as provided in subparagraph (B), a proceeding in revision may be ordered by the convening authority if—

"(i) there is an apparent error or omission in the record; or

"(ii) the record shows improper or inconsistent action by the military commission with respect to the findings or sentence that can be rectified without material prejudice to the substantial rights of the accused.

"(B) In no case may a proceeding in revision—

"(i) reconsider a finding of not guilty of a specification or a ruling which amounts to a finding of not guilty;

"(ii) reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation; or

"(iii) increase the severity of the sentence unless the sentence prescribed for the offense is mandatory.

"(3) A rehearing may be ordered by the convening authority if the convening authority disapproves the findings and sentence and states the reasons for disapproval of the findings. If the convening authority disapproves the finding and sentence and does not order a rehearing, the convening authority shall dismiss the charges. A rehearing as to the findings may not be ordered by the convening authority when there is a lack of sufficient evidence in the record to support the findings. A rehearing as to the sentence may be ordered by the convening authority if the convening authority disapproves the sentence.

"§950c. Waiver or withdrawal of appeal

"(a) Waiver of Right of Review.—(1) An accused may file with the convening authority a statement expressly waiving the right of the accused to appellate review by the Court of Military Commission Review under section 950f of this title of the final decision of the military commission under this chapter.

"(2) A waiver under paragraph (1) shall be signed by both the accused and a defense counsel.

"(3) A waiver under paragraph (1) must be filed, if at all, within 10 days after notice of the action is served on the accused or on defense counsel under section 950b(c)(4) of this title. The convening authority, for good cause, may extend the period for such filing by not more than 30 days.

"(b) Withdrawal of Appeal.—Except in a case in which the sentence as approved under section 950b of this title extends to death, the accused may withdraw an appeal at any time.

"(c) Effect of Waiver or Withdrawal.—A waiver of the right to appellate review or the withdrawal of an appeal under this section bars review under section 950f of this title.

"§950d. Appeal by the United States

"(a) Interlocutory Appeal.—(1) Except as provided in paragraph (2), in a trial by military commission under this chapter, the United States may take an interlocutory appeal to the Court of Military Commission Review under section 950f of this title of any order or ruling of the military judge that—

"(A) terminates proceedings of the military commission with respect to a charge or specification;

"(B) excludes evidence that is substantial proof of a fact material in the proceeding; or

"(C) relates to a matter under subsection (c), (d), or (e) of section 949d of this title.

"(2) The United States may not appeal under paragraph (1) an order or ruling that is, or amounts to, a finding of not guilty by the military commission with respect to a charge or specification.

"(b) Notice of Appeal.—The United States shall take an appeal of an order or ruling under subsection (a) by filing a notice of appeal with the military judge within five days after the date of the order or ruling.

"(c) Appeal.—An appeal under this section shall be forwarded, by means specified in regulations prescribed the Secretary of Defense, directly to the Court of Military Commission Review. In ruling on an appeal under this section, the Court may act only with respect to matters of law.

"§950e. Rehearings

"(a) Composition of Military Commission for Rehearing.—Each rehearing under this chapter shall take place before a military commission under this chapter composed of members who were not members of the military commission which first heard the case.

"(b) Scope of Rehearing.—(1) Upon a rehearing—

"(A) the accused may not be tried for any offense of which he was found not guilty by the first military commission; and

"(B) no sentence in excess of or more than the original sentence may be imposed unless—

"(i) the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings; or

"(ii) the sentence prescribed for the offense is mandatory.

"(2) Upon a rehearing, if the sentence approved after the first military commission was in accordance with a pretrial agreement and the accused at the rehearing changes his plea with respect to the charges or specifications upon which the pretrial agreement was based, or otherwise does not comply with pretrial agreement, the sentence as to those charges or specifications may include any punishment not in excess of that lawfully adjudged at the first military commission.

"§950f. Review by Court of Military Commission Review

"(a) Establishment.—The Secretary of Defense shall establish a Court of Military Commission Review which shall be composed of one or more panels, and each such panel shall be composed of not less than three appellate military judges. For the purpose of reviewing military commission decisions under this chapter, the Court may sit in panels or as a whole in accordance with rules prescribed by the Secretary.

"(b) Appellate Military Judges.—The Secretary shall assign appellate military judges to a Court of Military Commission Review. Each appellate military judge shall meet the qualifications for military judges prescribed by section 948j(b) of this title or shall be a civilian with comparable qualifications. No person may serve as an appellate military judge in any case in which that person acted as a military judge, counsel, or reviewing official.

"(c) Right of Appeal.—The accused may appeal from a final decision of a military commission, and the United States may appeal as provided in section 950d of this title, to the Court of Military Commission Review in accordance with procedures prescribed under regulations of the Secretary.

"(d) Scope of Review.—In a case reviewed by the Court of Military Commission Review under this section, the Court may act only with respect to matters of law.

"§950g. Review by the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court

"(a) Review by United States Court of Appeals for the District of Columbia Circuit.—(1) Subject to the provisions of this subsection, the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the final validity of any judgment rendered by a military commission under this chapter.

"(2) The United States Court of Appeals for the District of Columbia Circuit may not determine the final validity of a judgment of a military commission under this subsection until all other appeals from the judgment under this chapter have been waived or exhausted.

"(3)(A) An accused may seek a determination by the United States Court of Appeals for the District of Columbia Circuit of the final validity of the judgment of the military commission under this subsection only upon petition to the Court for such determination.

"(B) A petition on a judgment under subparagraph (A) shall be filed by the accused in the Court not later than 20 days after the date on which—

"(i) written notice of the final decision of the military commission is served on the accused or defense counsel; or

"(ii) the accused submits, in the form prescribed by section 950c of this title, a written notice waiving the right of the accused to review by the Court of Military Commission Review under section 950f of this title.

"(C) The accused may not file a petition under subparagraph (A) if the accused has waived the right to appellate review under section 950c(a) of this title.

"(4) The determination by the United States Court of Appeals for the District of Columbia Circuit of the final validity of a judgment of a military commission under this subsection shall be governed by the provisions of section 1005(e)(3) of the Detainee Treatment Act of 2005 (42 U.S.C. 801 note).

"(b) Review by Supreme Court.—The Supreme Court of the United States may review by writ of certiorari pursuant to section 1257 of title 28 the final judgment of the United States Court of Appeals for the District of Columbia Circuit in a determination under subsection (a).

"§950h. Appellate counsel

"(a) Appointment.—The Secretary of Defense shall, by regulation, establish procedures for the appointment of appellate counsel for the United States and for the accused in military commissions under this chapter. Appellate counsel shall meet the qualifications of counsel for appearing before military commissions under this chapter.

"(b) Representation of United States.—Appellate counsel may represent the United States in any appeal or review proceeding under this chapter. Appellate Government counsel may represent the United States before the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court in cases arising under this chapter when requested to do so by the Attorney General.

"(c) Representation of Accused.—The accused shall be represented before the United States Court of Appeals for the District of Columbia Circuit or the Supreme Court by military appellate counsel, or by civilian counsel if retained by him.

"§ 950i. Execution of sentence; suspension of sentence

"(a) EXECUTION OF SENTENCE OF DEATH ONLY UPON APPROVAL BY THE PRESIDENT.—If the sentence of a military commission under this chapter extends to death, that part of the sentence providing for death may not be executed until approved by the President. In such a case, the President may commute, remit, or suspend the sentence, or any part thereof, as he sees fit.

"(b) EXECUTION OF SENTENCE OF DEATH ONLY UPON FINAL JUDGMENT OF LEGALITY OF PROCEEDINGS.—(1) If the sentence of a military commission under this chapter extends to death, the sentence may not be executed until there is a final judgement as to the legality of the proceedings (and with respect to death, approval under subsection (a)).

"(2) A judgement as to legality of proceedings is final for purposes of paragraph (1) when—

"(A) the time for the accused to file a petition for review by the United States Court of Appeals for the District of Columbia Circuit has expired and the accused has not filed a timely petition for such review and the case is not otherwise under review by the Court; or

"(B) review is completed in accordance with the judgment of the United States Court of Appeals for the District of Columbia Circuit and (A) a petition for a writ of certiorari is not timely filed, (B) such a petition is denied by the Supreme Court, or (C) review is otherwise completed in accordance with the judgment of the Supreme Court.

"(c) SUSPENSION OF SENTENCE.—The Secretary of the Defense, or the convening authority acting on the case (if other than the Secretary), may suspend the execution of any sentence or part thereof in the case, except a sentence of death.

"§ 950j. Finality of proceedings, findings, and sentences

"(a) FINALITY.—The appellate review of records of trial provided by this chapter, and the proceedings, findings, and sentences of military commissions as approved, reviewed, or affirmed as required by this chapter, are final and conclusive. Orders publishing the proceedings of military commissions under this chapter are binding upon all departments, courts, agencies, and officers of the United States, except as otherwise provided by the President.

"(b) PROVISIONS OF CHAPTER SOLE BASIS FOR REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter and notwithstanding any other provision of law (including section 2241 of title 28 or any other habeas corpus provision), no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after the date of enactment of this chapter, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.

"SUBCHAPTER VII—PUNITIVE MATTERS

"Sec.
"950aa. Definitions; construction of certain offenses; common circumstances.
"950bb. Statement of substantive offenses.
"950cc. Principals.
"950dd. Accessory after the fact.
"950ee. Conviction of lesser offenses.
"950ff. Attempts.
"950gg. Solicitation.
"950hh. Murder of protected persons.
"950ii. Attacking civilians.
"950jj. Attacking civilian objects.
"950kk. Attacking protected property.
"950ll. Pillaging.
"950mm. Denying quarter.
"950nn. Taking hostages.
"950oo. Employing poison or similar weapons.
"950pp. Using protected persons as a shield.
"950qq. Using protected property as a shield.
"950rr. Torture.
"950ss. Cruel or inhuman treatment.
"950tt. Intentionally causing serious bodily injury.
"950uu. Mutilating or maiming.
"950vv. Murder in violation of the law of war.
"950ww. Destruction of property in violation of the law of war.
"950xx. Using treachery or perfidy.
"950yy. Improperly using a flag of truce.
"950zz. Improperly using a distinctive emblem.
"950aaa. Intentionally mistreating a dead body.
"950bbb. Rape.
"950ccc. Hijacking or hazarding a vessel or aircraft.
"950ddd. Terrorism.
"950eee. Providing material support for terrorism.
"950fff. Wrongfully aiding the enemy.
"950ggg. Spying.
"950hhh. Conspiracy.
"950iii. Contempt.
"950jjj. Perjury and obstruction of justice.

"§ 950aa. Definitions; construction of certain offenses; common circumstances

"(a) DEFINITIONS.—In this subchapter:

"(1) The term 'military objective' means combatants and those objects during an armed conflict which, by their nature, location, purpose, or use, effectively contribute to the war-fighting or war-sustaining capability of an opposing force and whose total or partial destruction, capture, or neutralization would constitute a definite military advantage to the attacker under the circumstances at the time of an attack.

"(2) The term 'protected person' means any person entitled to protection under one or more of the Geneva Conventions, including civilians not taking an active part in hostilities, military personnel placed out of combat by sickness, wounds, or detention, and military medical or religious personnel.

"(3) The term 'protected property' means any property specifically protected by the law of war, including buildings dedicated to religion, education, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, but only if and to the extent such property is not being used for military purposes or is not otherwise a military objective. The term includes objects properly identified by one of the distinctive emblems of the Geneva Conventions, but does not include civilian property that is a military objective.

"(b) CONSTRUCTION OF CERTAIN OFFENSES.—The intent required for offenses under sections 950hh, 950ii, 950jj, 950kk, and 950ss of this title precludes their applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

"(c) COMMON CIRCUMSTANCES.—An offense specified in this subchapter is triable by military commission under this chapter only if the offense is committed in the context of and associated with armed conflict.

"§ 950bb. Statement of substantive offenses

"(a) PURPOSE.—The provisions of this subchapter codify offenses that have traditionally been triable by military commissions. This chapter does not establish new crimes that did not exist before its enactment, but rather codifies those crimes for trial by military commission.

"(b) EFFECT.—Because the provisions of this subchapter (including provisions that incorporate definitions in other provisions of law) are declarative of existing law, they do not preclude trial for crimes that occurred before the date of the enactment of this chapter.

"§ 950cc. Principals

"Any person is punishable as a principle under this chapter who—

"(1) commits an offense punishable by this chapter, or aids, abets, counsels, commands, or procures its commission;

"(2) causes an act to be done which if directly performed by him would be punishable by this chapter; or

"(3) is a superior commander who, with regard to acts punishable under this chapter, knew, had reason to know, or should have known, that a subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

"§ 950dd. Accessory after the fact

"Any person subject to this chapter who, knowing that an offense punishable by this chapter has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment shall be punished as a military commission under this chapter may direct.

"§ 950ee. Conviction of lesser offenses

"An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an attempt to commit either the offense charged or an offense necessarily included therein.

"§ 950ff. Attempts

"(a) IN GENERAL.—Any person subject to this chapter who attempts to commit any offense punishable by this chapter shall be punished as a military commission under this chapter may direct.

"(b) SCOPE OF OFFENSE.—An act, done with specific intent to commit an offense under this chapter, amounting to more than mere preparation and tending, even though failing, to effect its commission, is an attempt to commit that offense.

"(c) EFFECT OF CONSUMMATION.—Any person subject to this chapter may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

"§ 950gg. Solicitation

"Any person subject to this chapter who solicits or advises another or others to commit one or more substantive offenses triable by military commission under this chapter shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed or attempted, he shall be punished as a military commission under this chapter may direct.

"§ 950hh. Murder of protected persons

"Any person subject to this chapter who intentionally kills one or more protected persons shall be punished by death or such other punishment as a military commission under this chapter may direct.

"§ 950ii. Attacking civilians

"Any person subject to this chapter who intentionally engages in an attack upon a civilian population as such, or individual civilians not taking active part in hostilities, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"§ 950jj. Attacking civilian objects

"Any person subject to this chapter who intentionally engages in an attack upon a civilian object that is not a military objective shall be punished as a military commission under this chapter may direct.

"§ 950kk. Attacking protected property

"Any person subject to this chapter who intentionally engages in an attack upon protected property shall be punished as a military commission under this chapter may direct.

"§ 950ll. Pillaging

"Any person subject to this chapter who intentionally and in the absence of military necessity appropriates or seizes property for private or personal use, without the consent of a person with authority to permit such appropriation or seizure, shall be punished as a military commission under this chapter may direct.

"§ 950mm. Denying quarter

"Any person subject to this chapter who, with effective command or control over subordinate groups, declares, orders, or otherwise indicates to those groups that there shall be no survivors or surrender accepted, with the intent to threaten an adversary or to conduct hostilities such that there would be no survivors or surrender accepted, shall be punished as a military commission under this chapter may direct.

"§ 950nn. Taking hostages

"Any person subject to this chapter who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"§ 950oo. Employing poison or similar weapons

"Any person subject to this chapter who intentionally, as a method of warfare, employs a substance or weapon that releases a substance that causes death or serious and lasting damage to health in the ordinary course of events, through its asphyxiating, bacteriological, or toxic properties, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"§ 950pp. Using protected persons as a shield

"Any person subject to this chapter who positions, or otherwise takes advantage of, a protected person with the intent to shield a military objective from attack, or to shield, favor, or impede military operations, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"§ 950qq. Using protected property as a shield

"Any person subject to this chapter who positions, or otherwise takes advantage of the location of, protected property with the intent to shield a military objective from attack, or to shield, favor, or impede military operations, shall be punished as a military commission under this chapter may direct.

"§ 950rr. Torture

"(a) OFFENSE.—Any person subject to this chapter who commits an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(b) SEVERE MENTAL PAIN OR SUFFERING DEFINED.—In this section, the term 'severe mental pain or suffering' has the meaning given that term in section 2340(2) of title 18.

"§ 950ss. Cruel or inhuman treatment

"(a) OFFENSE.—Any person subject to this chapter who commits, or conspires or attempts to commit, an act intended to inflict severe or serious physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including serious physical abuse, upon another within his custody or control shall be punished, if death results to the victim, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to the victim, by such punishment, other than death, as a military commission under this chapter may direct.

"(b) DEFINITIONS.—In this section:

"(1) The term 'severe mental pain or suffering' has the meaning given that term in section 2340(2) of title 18.

"(2) The term 'serious physical pain or suffering' means bodily injury that involves—

"(A) a substantial risk of death;

"(B) extreme physical pain;

"(C) a burn or physical disfigurement of a serious nature (other than cuts, abrasions, or bruises); or

"(D) significant loss or impairment of the function of a bodily member, organ, or mental faculty.

"(3) The term 'serious mental pain or suffering' has the meaning given the term 'severe mental pain or suffering' in section 2340(2) of title 18, except that—

"(A) the term 'serious' shall replace the term 'severe' where it appears; and

"(B) as to conduct occurring after the date of the enactment of the Military Commission Act of 2006, the term 'serious and non-transitory mental harm (which need not be prolonged)' shall replace the term 'prolonged mental harm' where it appears.

"§ 950tt. Intentionally causing serious bodily injury

"(a) OFFENSE.—Any person subject to this chapter who intentionally causes serious bodily injury to one or more persons, including lawful combatants, in violation of the law of war shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(b) SERIOUS BODILY INJURY DEFINED.—In this section, the term 'serious bodily injury' means bodily injury which involves—

"(1) a substantial risk of death;

"(2) extreme physical pain;

"(3) protracted and obvious disfigurement; or

"(4) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

"§ 950uu. Mutilating or maiming

"Any person subject to this chapter who intentionally injures one or more protected persons by disfiguring the person or persons by any mutilation of the person or persons, or by permanently disabling any member, limb, or organ of the body of the person or persons, without any legitimate medical or dental purpose, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"§ 950vv. Murder in violation of the law of war

"Any person subject to this chapter who intentionally kills one or more persons, including lawful combatants, in violation of the law of war shall be punished by death or such other punishment as a military commission under this chapter may direct.

"§ 950ww. Destruction of property in violation of the law of war

"Any person subject to this chapter who intentionally destroys property belonging to another person in violation of the law of war shall punished as a military commission under this chapter may direct.

"§ 950xx. Using treachery or perfidy

"Any person subject to this chapter who, after inviting the confidence or belief of one or more persons that they were entitled to, or obliged to accord, protection under the law of war, intentionally makes use of that confidence or belief in killing, injuring, or capturing such person or persons shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"§ 950yy. Improperly using a flag of truce

"Any person subject to this chapter who uses a flag of truce to feign an intention to negotiate, surrender, or otherwise suspend hostilities when there is no such intention shall be punished as a military commission under this chapter may direct.

"§ 950zz. Improperly using a distinctive emblem

"Any person subject to this chapter who intentionally uses a distinctive emblem recognized by the law of war for combatant purposes in a manner prohibited by the law of war shall be punished as a military commission under this chapter may direct.

"§ 950aaa. Intentionally mistreating a dead body

"Any person subject to this chapter who intentionally mistreats the body of a dead person, without justification by legitimate military necessary, shall be punished as a military commission under this chapter may direct.

"§ 950bbb. Rape

"Any person subject to this chapter who forcibly or with coercion or threat of force wrongfully invades the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused, or with any foreign object, shall be punished as a military commission under this chapter may direct.

"§ 950ccc. Hijacking or hazarding a vessel or aircraft

"Any person subject to this chapter who intentionally seizes, exercises unauthorized control over, or endangers the safe navigation of a vessel or aircraft that is not a legitimate military objective shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"§ 950ddd. Terrorism

"Any person subject to this chapter who intentionally kills or inflicts great bodily harm on one or more protected persons, or intentionally engages in an act that evinces a wanton disregard for human life, in a manner calculated to influence or affect the conduct of government or civilian population by intimidation or coercion, or to retaliate against government conduct, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"§ 950eee. Providing material support for terrorism

"(a) OFFENSE.—Any person subject to this chapter who provides material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, an act of terrorism (as set forth in section 950ddd of this title), or who intentionally provides material support or resources to an international terrorist organization engaged in hostilities against the United States, knowing that such organization has engaged or engages in terrorism (as so set forth), shall be punished as a military commission under this chapter may direct.

"(b) MATERIAL SUPPORT OR RESOURCES DEFINED.—In this section, the term 'material support or resources' has the meaning given that term in section 2339A(b) of title 18.

"§ 950fff. Wrongfully aiding the enemy

"Any person subject to this chapter who, in breach of an allegiance or duty to the United States, knowingly and intentionally aids an enemy of the United States, or one of the co-belligerents of the enemy, shall be punished as a military commission under this chapter may direct.

"§ 950ggg. Spying

"Any person subject to this chapter who, in violation of the law of war and with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign power, collects or attempts to collect information by clandestine means or while acting under false pretenses, for the purpose of conveying such information to an enemy of the United States, or one of the co-belligerents of the enemy, shall be punished by death or such other punishment as a military commission under this chapter may direct.

"§ 950hhh. Conspiracy

"Any person subject to this chapter who conspires to commit one or more substantive offenses triable by military commission under this subchapter, and who knowingly does any overt act to effect the object of the conspiracy, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"§ 950iii. Contempt

"A military commission under this chapter may punish for contempt any person who uses any menacing word, sign, or gesture in its presence, or who disturbs its proceedings by any riot or disorder.

"§ 950jjj. Perjury and obstruction of justice

"A military commission under this chapter may try offenses and impose such punishment as the military commission may direct for perjury, false testimony, or obstruction of justice related to the military commission.".

(2) TABLES OF CHAPTERS AMENDMENTS.—The tables of chapters at the beginning of subtitle A and part II of subtitle A of title 10, United States Code, are each amended by inserting after the item relating to chapter 47 the following new item:

"Chapter 47A. Military Commissions 948a".

(b) SUBMITTAL OF PROCEDURES TO CONGRESS.—

(1) SUBMITTAL OF PROCEDURES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the procedures for military commissions prescribed under chapter 47A of title 10, United States Code (as added by subsection (a)).

(2) SUBMITTAL OF MODIFICATIONS.—Not later than 60 days before the date on which any proposed modification of the procedures described in paragraph (1) shall go into effect, the Secretary shall submit to the committees of Congress referred to in that paragraph a report describing such modification.

SEC. 105. AMENDMENTS TO OTHER LAWS.

(a) DETAINEE TREATMENT ACT OF 2005.—Section 1004(b) of the Detainee Treatment Act of 2005 (title X of Public Law 109–148; 119 Stat. 2740; 42 U.S.C. 200dd-1(b)) is amended—

(1) by striking "may provide" and inserting "shall provide";

(2) by inserting "or investigation" after "criminal prosecution"; and

(3) by inserting "whether before United States courts or agencies, foreign courts or agencies, or international courts or agencies," after "described in that subsection,".

(b) UNIFORM CODE OF MILITARY JUSTICE.—Chapter 47 of title, 10, United States Code (the Uniform Code of Military Justice), is amended as follows:

(1) Section 802 (article 2 of the Uniform Code of Military Justice) is amended by adding at the end the following new paragraph:

"(13) Lawful enemy combatants (as that term is defined in section 948a(3) of this title) who violate the law of war.".

(2) Section 821 (article 21 of the Uniform Code of Military Justice) is amended by striking "by statute or law of war".

(3) Section 836(a) (article 36(a) of the Uniform Code of Military Justice) is amended by inserting "(other than military commissions under chapter 47A of this title)" after "other military tribunals".

(c) PUNITIVE ARTICLE OF CONSPIRACY.—Section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice)), is amended—

(1) by inserting "(a)" before "Any person"; and

(2) by adding at the end the following new subsection:

"(b) Any person subject to this chapter or chapter 47A of this title who conspires with any other person to commit an offense under the law of war, and who knowingly does an overt act to effect the object of the conspiracy, shall be punished, if death results to one or more of the victims, by death or such other punishment as a court-martial or military commission may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a court-martial or military commission may direct.".

(d) REVIEW OF JUDGMENTS OF MILITARY COMMISSIONS.—

(1) REVIEW BY SUPREME COURT.—Section 1259 of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(5) Cases tried by military commission and reviewed by the United States Court of Appeals for the District of Columbia Circuit under section 950g of title 10.".

(2) DETAINEE TREATMENT ACT OF 2005.—Section 1005(e)(3) of the Detainee Treatment Act of 2005 (title X of Public Law 109–148; 119 Stat. 2740; 10 U.S.C. 801 note) is amended—

(A) in subparagraph (A), by striking "pursuant to Military Commission Order No. 1, dated August 31, 2005 (or any successor military order)" and inserting "by a military commission under chapter 47A of title 10, United States Code";

(B) by striking subparagraph (B) and inserting the following new subparagraph (B):

"(B) GRANT OF REVIEW.—Review under this paragraph shall be as of right.";

(C) in subparagraph (C)—

(i) in clause (i)—

(I) by striking "pursuant to the military order" and inserting "by a military commission"; and

(II) by striking "at Guantanamo Bay, Cuba"; and

(ii) in clause (ii), by striking "pursuant to such military order" and inserting "by the military commission"; and

(D) in subparagraph (D)(i), by striking "specified in the military order" and inserting "specified for a military commission".

SEC. 106. HABEAS CORPUS MATTERS.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended—

(1) by striking subsection (e) (as added by section 1005(e)(1) of Public Law 109–148 (119 Stat. 2742)) and by striking subsection (e) (as added by added by section 1405(e)(1) of Public Law 109–163 (119 Stat. 3477)); and

(2) by adding at the end the following new subsection:

"(e)(1) No court, justice, or judge shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of an alien detained by the United States who—

"(A) is currently in United States custody; and

"(B) has been determined by the United States to have been properly detained as an enemy combatant or is awaiting such determination.

"(2) Except as provided in paragraphs (2) and (3) of section 1005(e) of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note), no court, justice, or judge shall have jurisdiction to hear or consider any other action against the United States or its agents relating to any aspect of the detention, transfer, treatment, trial, or conditions of confinement of an alien detained by the United States who—

"(A) is currently in United States custody; and

"(B) has been determined by the United States to have been properly detained as an enemy combatant or is awaiting such determination.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to all cases, without exception, pending on or after the date of the enactment of this Act which relate to any aspect of the detention, transfer, treatment, trial, or conditions of detention of an alien detained by the United States since September 11, 2001.

SEC. 107. TREATY OBLIGATIONS NOT ESTABLISHING GROUNDS FOR CERTAIN CLAIMS.

(a) In General.—No person may invoke the Geneva Conventions, or any protocols thereto, in any habeas or civil action or proceeding to which the United States, or a current or former officer, employee, member of the Armed Forces, or other agent of the United States, is a party, as a source of rights in any court of the United States or its States or territories.

(b) Geneva Conventions Defined.—In this section, the term "Geneva Conventions" means—

(1) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3217);

(2) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of the Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(3) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(4) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

SEC. 108. IMPLEMENTATION OF TREATY OBLIGATIONS.

(a) Implementation of Treaty Obligations.—

(1) In general.—The acts enumerated in subsection (d) of section 2441 of title 18, United States Code, as added by subsection (b) of this section, and in subsection (c) of this section, constitute violations of common Article 3 of the Geneva Conventions prohibited by United States law.

(2) Prohibition on grave breaches.—The provisions of section 2441 of title 18, United States Code, as amended by this section, fully satisfy the obligation under Article 129 of the Third Geneva Convention for the United States to provide effective penal sanctions for grave breaches which are encompassed in common Article 3 in the context of an armed conflict not of an international character. No foreign or international source of law shall supply a basis for a rule of decision in the courts of the United States in interpreting the prohibitions enumerated in subsection (d) of such section 2441.

(3) Interpretation by the President.—(A) As provided by the Constitution and by this section, the President has the authority for the United States to interpret the meaning and application of the Geneva Conventions and to promulgate higher standards and administrative regulations for violations of treaty obligations which are not grave breaches of the Geneva Conventions.

(B) The President shall issue interpretations described by subparagraph (A) by Executive Order published in the Federal Register.

(C) Any Executive Order published under this paragraph shall be authoritative (as to non-grave breach provisions of common Article 3) as a matter of United States law, in the same manner as other administrative regulations.

(D) Nothing in this section shall be construed to affect the constitutional functions and responsibilities of Congress and the judicial branch of the United States.

(4) Definitions.—In this subsection:

(A) The term "Geneva Conventions" means—

(i) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3217);

(ii) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of the Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(iii) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(iv) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

(B) The term "Third Geneva Convention" means the international convention referred to in subparagraph (A)(iii).

(b) Revision to War Crimes Offense Under Federal Criminal Code.—

(1) In general.—Section 2441 of title 18, United States Code, is amended—

(A) in subsection (c), by striking paragraph (3) and inserting the following new paragraph (3):

"(3) which constitutes a grave breach of common Article 3 as defined in subsection (d) when committed in the context of and in association with an armed conflict not of an international character; or"; and

(B) by adding at the end the following new subsection:

"(d) Common Article 3 Violations.—

"(1) Prohibited conduct.—In subsection (c)(3), the term 'grave breach of common Article 3' means any conduct (such conduct constituting a grave breach of common Article 3 of the international conventions done at Geneva August 12, 1949), as follows:

"(A) Torture.—The act of a person who commits, or conspires or attempts to commit, an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind.

"(B) Cruel or inhuman treatment.—The act of a person who commits, or conspires or attempts to commit, an act intended to inflict severe or serious physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including serious physical abuse, upon another within his custody or control.

"(C) Performing biological experiments.—The act of a person who subjects, or conspires or attempts to subject, one or more persons within his custody or physical control to biological experiments without a legitimate medical or dental purpose and in so doing endangers the body or health of such person or persons.

"(D) Murder.—The act of a person who intentionally kills, or conspires or attempts to kill, or kills whether intentionally or unintentionally in the course of committing any other offense under this subsection, one or more persons taking no active part in the hostilities, including those placed out of combat by sickness, wounds, detention, or any other cause.

"(E) Mutilation or maiming.—The act of a person who intentionally injures, or conspires or attempts to injure, or injures whether intentionally or unintentionally in the course of committing any other offense under this subsection, one or more persons taking no active part in the hostilities, including those placed out of combat by sickness, wounds, detention, or any other cause, by disfiguring the person or persons by any mutilation thereof or by permanently disabling any member, limb, or organ of his body, without any legitimate medical or dental purpose.

"(F) Intentionally causing serious bodily injury.—The act of a person who intentionally causes, or conspires or attempts to cause, serious bodily injury to one or more persons, including lawful combatants, in violation of the law of war.

"(G) Rape.—The act of a person who forcibly or with coercion or threat of force wrongfully invades, or conspires or attempts to invade, the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused, or with any foreign object.

"(H) Sexual assault or abuse.—The act of a person who forcibly or with coercion or threat of force engages, or conspires or attempts to engage, in sexual contact with one or more persons, or causes, or conspires or attempts to cause, one or more persons to engage in sexual contact.

"(I) Taking hostages.—The act of a person who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons.

"(2) Definitions.—In the case of an offense under subsection (a) by reason of subsection (c)(3)—

"(A) the term 'severe mental pain or suffering' shall be applied for purposes of paragraphs (1)(A) and (1)(B) in accordance with the meaning given that term in section 2340(2) of this title;

"(B) the term 'serious bodily injury' shall be applied for purposes of paragraph (1)(F) in accordance with the meaning given that term in section 113(b)(2) of this title;

"(C) the term 'sexual contact' shall be applied for purposes of paragraph (1)(G) in accordance with the meaning given that term in section 2246(3) of this title;

"(D) the term 'serious physical pain or suffering' shall be applied for purposes of paragraph (1)(B) as meaning bodily injury that involves—

"(i) a substantial risk of death;

"(ii) extreme physical pain;

"(iii) a burn or physical disfigurement of a serious nature (other than cuts, abrasions, or bruises); or

"(iv) significant loss or impairment of the function of a bodily member, organ, or mental faculty; and

"(E) the term 'serious mental pain or suffering' shall be applied for purposes of paragraph (1)(B) in accordance with the meaning given the term 'severe mental pain or suffering' (as defined in section 2340(2) of this title), except that—

"(i) the term 'serious' shall replace the term 'severe' where it appears; and

"(ii) as to conduct occurring after the date of the enactment of the Military Commission Act of 2006, the term 'serious and non-transitory mental harm (which need not be prolonged)' shall replace the term 'prolonged mental harm' where it appears.

"(3) INAPPLICABILITY OF CERTAIN PROVISIONS WITH RESPECT TO COLLATERAL DAMAGE OR INCIDENT OF LAWFUL ATTACK.—The intent specified for the conduct stated in subparagraphs (D), (E), and (F) or paragraph (1) precludes the applicability of those subparagraphs to an offense under subsection (a) by reasons of subsection (c)(3) with respect to—

"(A) collateral damage; or

"(B) death, damage, or injury incident to a lawful attack.

"(4) INAPPLICABILITY OF TAKING HOSTAGES TO PRISONER EXCHANGE.—Paragraph (1)(I) does not apply to an offense under subsection (a) by reason of subsection (c)(3) in the case of a prisoner exchange during wartime.".

(2) RETROACTIVE APPLICABILITY.—The amendments made by this subsection, except as specified in subsection (d)(2)(E) of section 2441 of title 18, United States Code, shall take effect as of November 26, 1997, as if enacted immediately after the amendments made by section 583 of Public Law 105–118 (as amended by section 4002(e)(7) of Public Law 107–273).

(c) ADDITIONAL PROHIBITION ON CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.—

(1) IN GENERAL.—No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

(2) CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT DEFINED.—In this subsection, the term "cruel, inhuman, or degrading treatment or punishment" means cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984.

(3) COMPLIANCE.—The President shall take appropriate action to ensure compliance with this subsection, including through the establishment of administrative rules and procedures.

SEC. 109. DETENTION COVERED BY REVIEW OF DECISIONS OF COMBATANT STATUS REVIEW TRIBUNALS OF PROPRIETY OF DETENTION.

Section 1005(e)(2)(B)(i) of the Detainee Treatment Act of 2005 (title X of Public Law 109–148; 119 Stat. 2742; 10 U.S.C. 801 note) is amended by striking "the Department of Defense at Guantanamo Bay, Cuba" and inserting "the United States".

SEC. 110. SEVERABILITY.

If any provision of this Act or amendment made by a provision of this Act, or the application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of such provisions and amendments to any other person or circumstance, shall not be affected thereby.

TITLE II—TERRORIST SURVEILLANCE ACT

SECTION 201. SHORT TITLE.

This title may be cited as the "Terrorist Surveillance Act of 2006".

SEC. 202. FINDINGS.

Congress finds the following:

(1) After the terrorist attacks of September 11, 2001, President Bush authorized the National Security Agency to intercept communications between people inside the United States, including American citizens, and terrorism suspects overseas.

(2) One of the lessons learned from September 11, 2001, is that the enemies who seek to greatly harm and terrorize our Nation utilize technologies and techniques that defy conventional law enforcement practices.

(3) The President, as the constitutional officer most directly responsible for protecting the United States from attack, requires the ability and means to detect and track an enemy that can master and exploit modern technology.

(4) It is equally essential, however, that in protecting the United States against our enemies, the President does not compromise the very civil liberties that he seeks to safeguard. As Justice Hugo Black observed, "The President's power, if any, to issue [an] order must stem either from an Act of Congress or from the Constitution itself." Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 585 (1952) (opinion by Black, J.). Similarly, in 2004, Justice Sandra Day O'Connor explained in her plurality opinion for the Supreme Court in Hamdi v. Rumsfeld: "We have long since made clear that a state of war is not a blank check for the President when it comes to the rights of the Nation's citizens." Hamdi v. Rumsfeld, 542 U.S. 507, 536 (2004) (citations omitted).

(5) When deciding issues of national security, it is in our Nation's best interest that, to the extent feasible, all 3 branches of the Federal Government should be involved. This helps guarantee that electronic surveillance programs do not infringe on the constitutional rights of Americans, while at the same time ensuring that the President has all the powers and means necessary to detect and track our enemies and protect our Nation from attack.

(6) As Justice Sandra Day O'Connor explained in her plurality opinion for the Supreme Court in Hamdi v. Rumsfeld, "Whatever power the United States Constitution envisions for the Executive in its exchanges with other nations or with enemy organizations in times of conflict, it most assuredly envisions a role for all 3 branches when individual liberties are at stake." Hamdi v. Rumsfeld, 542 U.S. 507, 536 (2004) (citations omitted).

(7) Similarly, Justice Jackson famously explained in his Youngstown concurrence: "When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate . . . When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility . . . When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive Presidential control in such a case only by disabling the Congress from acting upon the subject." Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 635–38 (1952) (Jackson, J., concurring).

(8) Congress clearly has the authority to enact legislation with respect to electronic surveillance programs. The Constitution provides Congress with broad powers of oversight over national security and foreign policy, under article I, section 8 of the Constitution of the United States, which confers on Congress numerous powers, including the powers—

(A) "To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water";

(B) "To raise and support Armies";

(C) "To provide and maintain a Navy";

(D) "To make Rules for the Government and Regulation of the land and naval Forces";

(E) "To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions"; and

(F) "To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States".

(9) While Attorney General Alberto Gonzales explained that the executive branch reviews the electronic surveillance program of the National Security Agency every 45 days to ensure that the program is not overly broad, it is the belief of Congress that approval and supervision of electronic surveillance programs should be conducted outside of the executive branch, by the article III court established under section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) and the congressional intelligence committees. It is also the belief of Congress that it is appropriate for an article III court to pass upon the constitutionality of electronic surveillance programs that may be directed at Americans.

(10) The Foreign Intelligence Surveillance Court is the proper court to approve and supervise classified electronic surveillance programs because it is adept at maintaining the secrecy with which it was charged and it possesses the requisite expertise and discretion for adjudicating sensitive issues of national security.

(11) In 1975, [then] Attorney General Edward Levi, a strong defender of executive authority, testified that in times of conflict, the President needs the power to conduct long-range electronic surveillance and that a foreign intelligence surveillance court should be empowered to issue special approval orders in these circumstances.

(12) Granting the Foreign Intelligence Surveillance Court the authority to review electronic surveillance programs and pass upon their constitutionality is consistent with well-established, longstanding practices.

(13) The Foreign Intelligence Surveillance Court already has broad authority to approve surveillance of members of international conspiracies, in addition to granting warrants for surveillance of a particular

individual under sections 104, 105, and 402 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804, 1805, and 1842).

(14) Prosecutors have significant flexibility in investigating domestic conspiracy cases. Courts have held that flexible warrants comply with the 4th amendment to the Constitution of the United States when they relate to complex, far-reaching, and multifaceted criminal enterprises like drug conspiracies and money laundering rings. The courts recognize that applications for search warrants must be judged in a common sense and realistic fashion, and the courts permit broad warrant language where, due to the nature and circumstances of the investigation and the criminal organization, more precise descriptions are not feasible.

(15) The Supreme Court, in the "Keith Case", United States v. United States District Court for the Eastern District of Michigan, 407 U.S. 297 (1972), recognized that the standards and procedures used to fight ordinary crime may not be applicable to cases involving national security. The Court recognized that national "security surveillance may involve different policy and practical considerations from the surveillance of ordinary crime" and that courts should be more flexible in issuing warrants in national security cases. United States v. United States District Court for the Eastern District of Michigan, 407 U.S. 297, 322 (1972).

(16) By authorizing the Foreign Intelligence Surveillance Court to review electronic surveillance programs, Congress enables the President to use the necessary means to guard our national security, while also protecting the civil liberties and constitutional rights that we cherish.

SEC. 203. DEFINITIONS.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by redesignating title VII as title VIII;

(2) by redesignating section 701 as section 801; and

(3) by inserting after title VI the following:

"TITLE VII—ELECTRONIC SURVEILLANCE PROGRAMS

"SEC. 701. DEFINITIONS.

"As used in this title—

"(1) the terms 'agent of a foreign power', 'Attorney General', 'contents', 'electronic surveillance', 'foreign power', 'international terrorism', 'minimization procedures', 'person', 'United States', and 'United States person' have the same meaning as in section 101;

"(2) the term 'congressional intelligence committees' means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives;

"(3) the term 'electronic surveillance program' means a program to engage in electronic surveillance—

"(A) that has as a significant purpose the gathering of foreign intelligence information or protecting against international terrorism;

"(B) where it is not feasible to name every person, address, or location to be subjected to electronic surveillance;

"(C) where effective gathering of foreign intelligence information requires the flexibility to begin electronic surveillance immediately after learning of suspect activity; and

"(D) where effective gathering of foreign intelligence information requires an extended period of electronic surveillance;

"(4) the term 'foreign intelligence information' has the same meaning as in section 101(e) and includes information necessary to protect against international terrorism;

"(5) the term 'Foreign Intelligence Surveillance Court' means the court established under section 103(a); and

"(6) the term 'Foreign Intelligence Surveillance Court of Review' means the court established under section 103(b).".

SEC. 204. FOREIGN INTELLIGENCE SURVEILLANCE COURT JURISDICTION TO REVIEW ELECTRONIC SURVEILLANCE PROGRAMS.

(a) In General.—Title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 3, is amended by adding at the end the following:

"SEC. 702. FOREIGN INTELLIGENCE SURVEILLANCE COURT JURISDICTION TO REVIEW ELECTRONIC SURVEILLANCE PROGRAMS.

"(a) Authorization of Review.—

"(1) Initial authorization.—The Foreign Intelligence Surveillance Court shall have jurisdiction to issue an order under this title, lasting not longer than 90 days, that authorizes an electronic surveillance program to obtain foreign intelligence information or to protect against international terrorism.

"(2) Reauthorization.—The Foreign Intelligence Surveillance Court shall have jurisdiction to reauthorize an electronic surveillance program for a period of time not longer than such court determines to be reasonable. There shall be no limit on the number of times the Attorney General may seek reauthorization of an electronic surveillance program.

"(3) Resubmission or appeal.—In the event that the Foreign Intelligence Surveillance Court refuses to approve an application under this subsection, the court shall state its reasons in a written opinion, which it shall submit to the Attorney General. The Attorney General or his designee may submit a new application under section 703 for the electronic surveillance program, with no limit on the number of resubmissions that may be made. Alternatively, the Attorney General may appeal the decision of the Foreign Intelligence Surveillance Court to the Foreign Intelligence Surveillance Court of Review.

"(4) Continued surveillance under title I.—

"(A) In general.—If, at any time, the Attorney General determines that the known facts and circumstances relating to any target within the United States under this title satisfy the criteria for an application under section 104 for an order for electronic surveillance of the target under section 105, the Attorney General shall—

"(i) discontinue the surveillance of the target under this title; or

"(ii) continue the surveillance of the target under this title, subject to the requirements of subparagraph (B).

"(B) Continuation of surveillance.—

"(i) In general.—The Attorney General may continue surveillance of a target under this title as specified in subparagraph (A)(ii) only if the Attorney General makes an application under section 104 for an order for electronic surveillance of the target under section 105 as soon as the Attorney General determines practicable after the date on which the Attorney General makes the determination to continue surveillance of the target under subparagraph (A)(ii).

"(ii) Period.—The period during which the Attorney General may continue surveillance of a target under this title after the Attorney General has determined that making an application is practicable shall be limited to a reasonable period, as determined by the Attorney General, during which the application is prepared and the period during which the application of the Attorney General under section 104 for an order for electronic surveillance of the target under section 105 is pending under title I, including during any period in which appeal from the denial of the application is pending with the Foreign Intelligence Surveillance Court of Review or the Supreme Court under section 103(b).

"(b) Mandatory Transfer for Review.—

"(1) In general.—In any case before any court challenging the legality of classified communications intelligence activity relating to a foreign threat, including an electronic surveillance program, or in which the legality of any such activity or program is in issue, if the Attorney General files an affidavit under oath that the case should be transferred to the Foreign Intelligence Surveillance Court of Review because further proceedings in the originating court would harm the national security of the United States, the originating court shall transfer the case of the Foreign Intelligence Surveillance for further proceedings under this subsection.

"(2) Procedures for review.—The Foreign Intelligence Surveillance Court shall have jurisdiction as appropriate to determine standing and the legality of the program to the extent necessary for resolution of the underlying case. All proceedings under this paragraph shall be conducted in accordance with the procedures set forth in section 106(f). In the event the Foreign Intelligence Surveillance Court determines that, in the context of a criminal proceeding, the Constitution of the United States would require the disclosure of national security information, any such constitutionally required disclosure shall be governed by the Classified Information Procedures Act, (18 U.S.C. App.), or if applicable, section 2339B(f) of title 18, United States Code.

"(3) Appeal, certiorari, and effects of decisions.—The decision of the Foreign Intelligence Surveillance Court made under paragraphs (1) and (2), including a decision that the disclosure of national security information is constitutionally required, shall be subject to review by the Foreign Intelligence Surveillance Court of Review under section 103(b). The Supreme Court of the United States shall have jurisdiction to review decisions of the Foreign Intelligence Surveillance Court of Review by writ of certiorari granted upon the petition of the United States. The decision by the Foreign Intelligence Surveillance Court shall otherwise be binding in all other courts.

"(4) Dismissal.—The Foreign Intelligence Surveillance Court or a court that is an originating court under paragraph (1) may dismiss a challenge to the legality of an electronic surveillance program for any reason provided for under law.

"(5) Preservation of litigation privileges.—Nothing in this Act shall be construed to abrogate, limit, or affect any litigation privileges in any court.".

SEC. 205. APPLICATIONS FOR APPROVAL OF ELECTRONIC SURVEILLANCE PROGRAMS.

Title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 4, is amended by adding at the end the following:

"SEC. 703. APPLICATIONS FOR APPROVAL OF ELECTRONIC SURVEILLANCE PROGRAMS.

"(a) In General.—Each application for approval of an electronic surveillance program under this title (including resubmission or application for reauthorization) shall—

``(1) be made by the Attorney General or his designee;

``(2) include a statement of the authority conferred on the Attorney General by the President of the United States;

``(3) include a statement setting forth the legal basis for the conclusion by the Attorney General that the electronic surveillance program is consistent with the Constitution of the United States;

``(4) certify that a significant purpose of the electronic surveillance program is to obtain foreign intelligence information or to protect against international terrorism;

``(5) certify that the information sought cannot reasonably be obtained by normal investigative techniques

``(6) certify that the information sought cannot reasonably be obtained through an application under section 104;

``(7) include a statement of the means and operational procedures by which the electronic surveillance will be executed and effected;

``(8) include an explanation of how the electronic surveillance program is reasonably designed to ensure that the communications that are acquired are communications of or with—

``(A) a foreign power that engages in international terrorism or activities in preparation therefor;

``(B) an agent of a foreign power that engages in international terrorism or activities in preparation therefor;

``(C) a person reasonably believed to have communication with or be associated with a foreign power that engages in international terrorism or activities in preparation therefor or an agent of a foreign power that engages in international terrorism or activities in preparation therefor; or

``(D) a foreign power that poses an imminent threat of attack likely to cause death, serious injury, or substantial economic damage to the United States, or an agent of a foreign power thereof;

``(9) include a statement of the proposed minimization procedures;

``(10) if the electronic surveillance program that is the subject of the application was initiated prior to the date the application was submitted, specify the date that the program was initiated;

``(11) include a description of all previous applications that have been made under this title involving the electronic surveillance program in the application (including the minimization procedures and the means and operational procedures proposed) and the decision on each previous application; and

``(12) include a statement of facts concerning the implementation of the electronic surveillance program described in the application, including, for any period of operation of the program authorized not less than 90 days prior to the date of submission of the application—

``(A) the minimization procedures implemented; and

``(B) the means and operational procedures by which the electronic surveillance was executed and effected.

``(b) ADDITIONAL INFORMATION.—The Foreign Intelligence Surveillance Court may require the Attorney General to furnish such other information as may be necessary to make a determination under section 704.''.

SEC. 206. APPROVAL OF ELECTRONIC SURVEILLANCE PROGRAMS.

Title VII of the Foreign Intelligence Surveillance Act 18 of 1978, as amended by section 5, is amended by adding at the end the following:

``SEC. 704. APPROVAL OF ELECTRONIC SURVEILLANCE PROGRAMS.

``(a) NECESSARY FINDINGS.—Upon receipt of an application under section 703, the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested, or as modified, approving the electronic surveillance program if it finds that—

``(1) the President has authorized the Attorney General to make the application for electronic surveillance for foreign intelligence information or to protect against international terrorism;

``(2) approval of the electronic surveillance program in the application is consistent with the Constitution of the United States;

``(3) the electronic surveillance program is reasonably designed to ensure that the communications that are acquired are communications of or with—

``(A) a foreign power that engages in international terrorism or activities in preparation therefor;

``(B) an agent of a foreign power that is engaged in international terrorism or activities in preparation therefor;

``(C) a person reasonably believed to have communication with or be associated with a foreign power that is engaged in international terrorism or activities in preparation therefor or an agent of a foreign power that is engaged in international terrorism or activities in preparation therefor; or

``(D) a foreign power that poses an imminent threat of attack likely to cause death, serious injury, or substantial economic damage to the United States, or an agent of a foreign power thereof;

``(4) the proposed minimization procedures meet the definition of minimization procedures under section 101(h); and

``(5) the application contains all statements and certifications required by section 703.

``(b) CONSIDERATIONS.—In considering the constitutionality of the electronic surveillance program under subsection (a), the Foreign Intelligence Surveillance Court may consider—

``(1) whether the electronic surveillance program has been implemented in accordance with the proposal by the Attorney General, by comparing—

``(A) the minimization procedures proposed with the minimization procedures actually implemented;

``(B) the nature of the information sought with the nature of the information actually obtained; and

``(C) the means and operational procedures proposed with the means and operational procedures actually implemented; and

``(2) whether foreign intelligence information has been obtained through the electronic surveillance program.

``(c) CONTENTS OF ORDER.—An order approving an electronic surveillance program under this section shall direct—

``(1) that the minimization procedures be followed;

``(2) that, upon the request of the applicant, specified communication or other common carriers, landlords, custodians, or other specified persons, furnish the applicant forthwith with all information, facilities, or technical assistance necessary to undertake the electronic surveillance program in such a manner as will protect its secrecy and produce a minimum of interference with the services that such carriers, landlords, custodians, or other persons are providing potential targets of the electronic surveillance program;

``(3) that any records concerning the electronic surveillance program or the aid furnished or retained by such carriers, landlords, custodians, or other persons are maintained under security procedures approved by the Attorney General and the Director of National Intelligence; and

``(4) that the applicant compensate, at the prevailing rate, such carriers, landlords, custodians, or other persons for furnishing such aid.''.

SEC. 207. CONGRESSIONAL OVERSIGHT.

Title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 6, is amended by adding at the end the following:

``SEC. 705. CONGRESSIONAL OVERSIGHT.

``(a) IN GENERAL.—Not less often than every 180 days, the Attorney General shall submit to the congressional intelligence committees a report in classified form on the activities during the previous 180-day period under any electronic surveillance program authorized under this title.

``(b) CONTENTS.—Each report submitted under subsection (a) shall provide, with respect to the previous 180-day period, a description of—

``(1) the minimization procedures implemented;

``(2) the means and operational procedures by which the electronic surveillance program was executed and effected;

``(3) significant decisions of the Foreign Intelligence Surveillance Court on applications made under section 703;

``(4) the total number of applications made for orders approving electronic surveillance programs pursuant to this title; and

``(5) the total number of orders applied for that have been granted, modified, or denied.

``(c) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to limit the authority or responsibility of any committee of either House of Congress to obtain such information as such committee may need to carry out its respective functions and duties.''.

SEC. 208. CLARIFICATION OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) REPEAL.—Sections 111, 309, and 401 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1811, 1829, and 1844) are repealed.

(b) CLARIFYING AMENDMENTS.—

(1) TITLE 18.—Section 2511(2) of title 18, United States Code, is amended—

(A) in paragraph (e), by striking ``, as defined in section 101'' and all that follows through the end of the paragraph and inserting the following: ``under the Constitution or the Foreign Intelligence Surveillance Act of 1978.''; and

(B) in paragraph (f), by striking ``from international or foreign communications,'' and all that follows through the end of the paragraph and inserting ``that is authorized under a Federal statute or the Constitution of the United States.''.

(2) FISA.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking ``authorized by statute'' and inserting ``authorized by law''; and

(II) by striking ``or'' at the end;

(ii) in paragraph (2)—

(I) by striking ``authorized by statute'' and inserting ``authorized by law''; and

(II) by striking the period and inserting ``; or''; and

(iii) by adding at the end the following:

"(3) and knowingly discloses or uses information obtained under color of law by electronic surveillance in a manner or for a purpose not authorized by law."; and

(B) in subsection (c)—

(i) by striking "$10,000" and inserting "$100,000"; and

(ii) by striking "five years" and inserting "15 years".

SEC. 209. MODERNIZING AMENDMENTS TO FISA.

(a) REFERENCE.—In this section, a reference to "FISA" shall mean the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

(b) DEFINITIONS.—Section 101 of FISA (50 U.S.C. 1801) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (C), by striking "or" after the semicolon; and

(B) by adding at the end the following:

"(D) otherwise is reasonably expected to possess, control, transmit, or receive foreign intelligence information while that person is in the United States, provided that the official making the certification required by section 104(a)(6) deems such foreign intelligence information to be significant; or";

(2) by striking subsection (f) and inserting the following:

"(f) 'Electronic surveillance' means—

"(1) the installation or use of an electronic, mechanical, or other surveillance device for acquiring information by intentionally directing the surveillance at a particular known person who is reasonably believed to be in the United States under circumstances in which that person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes; or

"(2) the intentional acquisition of the contents of any communication under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, and if both the sender and all intended recipients are reasonably believed to be located within the United States.";

(3) in subsection (h), by striking paragraph (4) and inserting the following:

"(4) notwithstanding paragraphs (1), (2), and (3), with respect to any electronic surveillance approved pursuant to section 102 or 704, procedures that require that no contents of any communication originated or sent by a United States person shall be disclosed, disseminated, used or retained for longer than 7 days unless a court order under section 105 is obtained or unless the Attorney General determines that the information indicates a threat of death or serious bodily harm to any person.".

(4) by striking subsection (l); and

(5) by striking subsection (n) and inserting the following:

"(n) 'contents', when used with respect to a communication, includes any information concerning the substance, symbols, sounds, words, purport, or meaning of a communication, and does not include dialing, routing, addressing, or signaling information.".

(c) ELECTRONIC SURVEILLANCE AUTHORIZATION.—Section 102 of FISA (50 U.S.C. 1802) is amended to read as follows:

"ELECTRONIC SURVEILLANCE AUTHORIZATION WITHOUT COURT ORDER; CERTIFICATION BY ATTORNEY GENERAL; REPORTS TO CONGRESSIONAL COMMITTEES; TRANSMITTAL UNDER SEAL; DUTIES AND COMPENSATION OF COMMUNICATION COMMON CARRIER; APPLICATIONS; JURISDICTION OF COURT

"SEC. 102. (a)(1) Notwithstanding any other law, the President through the Attorney General, may authorize electronic surveillance without a court order under this title to acquire foreign intelligence information for periods of up to 1 year if the Attorney General certifies in writing under oath that the electronic surveillance is directed at—

"(A)(i) the acquisition of the contents of communications of foreign powers, as defined in paragraph (1), (2), or (3) of section 101(a), or a person other than a United States person acting as an agent of a foreign power, as defined in section 101(b)(1)(A) or (B); or

"(ii) the acquisition of technical intelligence, other than the spoken communications of individuals, from property or premises under the open and exclusive control of a foreign power, as defined in paragraph (1), (2), or (3) of section 101(a); and

"(B) the proposed minimization procedures with respect to such surveillance meet the definition of minimization procedures under section 101(h);

if the Attorney General reports such minimization procedures and any changes thereto to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives at least 30 days prior to their effective date, unless the Attorney General determines immediate action is required and notifies the committees immediately of such minimization procedures and the reason for their becoming effective immediately.

"(2) An electronic surveillance authorized by this subsection may be conducted only in accordance with the Attorney General's certification and the minimization procedures. The Attorney General shall assess compliance with such procedures and shall report such assessments to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives under section 108(a). If an electronic surveillance authorized by this subsection is directed at an agent of a foreign power, the Attorney General's report assessing compliance with the minimization procedures shall also include a statement of the facts and circumstances relied upon to justify the belief that the target of the electronic surveillance is an agent of a foreign power.

"(3) The Attorney General shall immediately transmit under seal to the court established under section 103(a) a copy of any certification under this subsection. Such certification shall be maintained under security measures established by the Chief Justice with the concurrence of the Attorney General, in consultation with the Director of National Intelligence, and shall remain sealed unless—

"(A) an application for a court order with respect to the surveillance is made under section 104; or

"(B) the certification is necessary to determine the legality of the surveillance under section 106(f).

"(b)(1) Notwithstanding any other provision of law, the President, through the Attorney General, may authorize the acquisition of foreign intelligence information for periods of up to 1 year concerning a person reasonably believed to be outside the United States if the Attorney General certifies in writing under oath that he has determined that—

"(A) the acquisition does not constitute electronic surveillance as defined in section 101(f);

"(B) the acquisition involves obtaining the foreign intelligence information from or with the assistance of a wire or electronic communications service provider, custodian, or other person (including any officer, employee, agent, or other specified person thereof) who has access to wire or electronic communications, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications;

"(C) a significant purpose of the acquisition is to obtain foreign intelligence information; and

"(D) the minimization procedures to be employed with respect to such acquisition activity meet the definition of minimization procedures under section 101(h).

"(2) Such certification need not identify the specific facilities, places, premises, or property at which the acquisition will be directed.

"(3) An acquisition undertaken pursuant to this subsection may be conducted only in accordance with the Attorney General's certification and the minimization procedures adopted by the Attorney General. The Attorney General shall assess compliance with such procedures and shall report such assessments to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives under section 108(a).

"(4) The Attorney General shall immediately transmit under seal to the court established under section 103(a) a copy of any certification of the Attorney General under this subsection. Such certification shall be maintained under security measures established by the Chief Justice with the concurrence of the Attorney General, in consultation with the Director of National Intelligence, and shall remain sealed unless the certification is necessary to determine the legality of the acquisition under subsection (o).

"(c) With respect to the acquisition authorized under this section, the Attorney General may direct a specified person to—

"(1) furnish the government forthwith all information, facilities, and assistance necessary to accomplish the acquisition in such a manner as will protect its secrecy and produce a minimum of interference with the services that such person is providing to the target; and

"(2) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such person wishes to maintain.

"(d) The government shall compensate, at the prevailing rate, such specified person for furnishing the aid set forth in subsection (c).

"(e) In the case of a failure to comply with a directive issued pursuant to this section, the Attorney General may invoke the aid of the court established under section 103(a) to compel compliance with the directive. The court shall issue an order requiring the person or entity to comply with the directive forthwith if it finds that the directive was issued in accordance with subsection (a) or (b) and is otherwise lawful. Any failure to obey the order of the court may be punished by the court as contempt thereof. Any process under this section may be served in any judicial district in which the person or entity may be found.

"(f)(1)(A) A person receiving an Attorney General directive issued pursuant to this section may challenge the legality of that directive by filing a petition with the pool established by section 103(e)(1).

"(B) The presiding judge shall immediately assign a petition to one of the judges serving in the pool established by section 103(e)(1). Not later than 24 hours after the assignment of such petition, the assigned judge shall conduct an initial review of the directive. If the assigned judge determines that the petition is frivolous, the assigned judge shall immediately deny the petition and affirm the directive or any part thereof that is the subject of the petition. If the assigned judge determines the petition is not frivolous, the assigned judge shall within 72 hours consider the petition in accordance with the procedures established under section 103(e)(2) and provide a written statement for the record of the reasons for any determination under this subsection.

"(2) A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that such directive does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the directive, the judge shall immediately affirm such directive, and order the recipient to comply therewith.

"(3) Any directive not explicitly modified or set aside consistent with this subsection shall remain in full effect.

"(g) A petition for review of a decision under subsection (f) to affirm, modify, or set aside a directive by the Government or any person receiving such directive shall be made within 7 days of issuance of the decision required by subsection (f) to the court of review established under section 103(b), which shall have jurisdiction to consider such petitions. The court of review shall provide for the record a written statement of the reasons for its decision and, on petition by the Government or any person receiving such directive for a writ of certiorari, the record shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(h) Judicial proceedings under this section shall be concluded as expeditiously as possible. The record of proceedings, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures established by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

"(i) All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions thereof, which may include classified information.

"(j) No cause of action shall lie in any court against any provider of a communication service or other person (including any officer, employee, agent, or other specified person thereof) for furnishing any information, facilities, or assistance in accordance with a directive under subsection (a) or (b).

"(k) Information acquired pursuant to an Attorney General authorization under this section concerning any United States person may be used and disclosed by Federal officers and employees without the consent of the United States person only in accordance with the minimization procedures required by subsection (a) or (b), as applicable. No otherwise privileged communication obtained in accordance with, or in violation of, the provisions of this section shall lose its privileged character. No information from an acquisition under this section may be used or disclosed by Federal officers or employees except for lawful purposes.

"(l) No information acquired pursuant to this section shall be disclosed for law enforcement purposes unless such disclosure is accompanied by a statement that such information, or any information derived therefrom, may only be used in a criminal proceeding with the advance authorization of the Attorney General.

"(m) Whenever the Government intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, against an aggrieved person, any information obtained or derived from an acquisition under this section, the Government shall, prior to the trial, hearing, or other proceeding or at a reasonable time prior to an effort to so disclose or so use that information or submit it in evidence, notify the aggrieved person and the court or other authority in which the information is to be disclosed or used that the Government intends to so disclose or so use such information.

"(n) Whenever any State or political subdivision thereof intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of a State or a political subdivision thereof, against an aggrieved person any information obtained or derived from an acquisition under this section, the State or political subdivision thereof shall notify the aggrieved person, the court or other authority in which the information is to be disclosed or used, and the Attorney General that the State or political subdivision thereof intends to so disclose or so use such information.

"(o) Any person against whom evidence obtained or derived from an acquisition authorized pursuant to this section to which he is an aggrieved person is to be, or has been, introduced or otherwise used or disclosed in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, a State, or a political subdivision thereof, may move to suppress the evidence obtained or derived from such acquisition on the grounds that—

"(1) the information was unlawfully acquired; or

"(2) the acquisition was not made in conformity with an order of authorization or approval.

Such a motion shall be made before the trial, hearing, or other proceeding unless there was no opportunity to make such a motion or the person was not aware of the grounds of the motion.

"(p) Whenever a court or other authority is notified pursuant to subsection (m) or (n), whenever a motion is made pursuant to subsection (o), or whenever any motion or request is made by an aggrieved person pursuant to any other statute or rule of the United States or any State before any court or other authority of the United States or any State to discover or obtain an Attorney General directive or other materials relating to the acquisition authorized under this section or to discover, obtain, or suppress evidence or information obtained or derived from the acquisition authorized under this section, the United States district court or, where the motion is made before another authority, the United States district court in the same district as the authority, shall, notwithstanding any other law, if the Attorney General files an affidavit under oath that disclosure or an adversary hearing would harm the national security of the United States, review in camera and ex parte the directive, and such other materials relating to the acquisition as may be necessary to determine whether the acquisition authorized under this section was lawfully authorized and conducted. In making this determination, the court may disclose to the aggrieved person, under appropriate security procedures and protective orders, portions of the directive or other materials relating to the acquisition only where such disclosure is necessary to make an accurate determination of the legality of the acquisition.

"(q) If the United States district court pursuant to subsection (o) determines that the acquisition authorized under this section was not lawfully authorized or conducted, it shall, in accordance with the requirements of law, suppress the evidence which was unlawfully obtained or derived or otherwise grant the motion of the aggrieved person. If the court determines that such acquisition was lawfully authorized and conducted, it shall deny the motion of the aggrieved person except to the extent that due process requires discovery or disclosure.

"(r) Orders granting motions or requests under subsection (o), decisions under this section that an acquisition was not lawfully authorized or conducted, and orders of the United States district court requiring review or granting disclosure of directives or other materials relating to such acquisition shall be final orders and binding upon all courts of the United States and the several States except a United States court of appeals and the Supreme Court.

"(s) Federal officers who acquire foreign intelligence information under this section may consult with Federal law enforcement officers or law enforcement personnel of a State or political subdivision of a State (including the chief executive officer of that State or political subdivision who has the authority to appoint or direct the chief law enforcement officer of that State or political subdivision) to coordinate efforts to investigate or protect against—

"(1) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(2) sabotage, international terrorism, or the development or proliferation of weapons of mass destruction by a foreign power or an agent of a foreign power; or

"(3) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

"(t) Coordination authorized by subsection (s) shall not preclude the certification required by subsection (a) or (b), as applicable.

"(u) RETENTION OF DIRECTIVES AND ORDERS.—Directives made and orders granted under this section shall be retained for a period of at least 10 years from the date when they were made.".

(d) DESIGNATION OF JUDGES.—Section 103 of FISA (50 U.S.C. 1803) is amended—

(1) in subsection (a), by inserting, "at least" before "seven of the United States judicial circuits"; and

(2) at the end by adding the following new subsection:

"(g) Applications for a court order under this title are authorized if the President has, by written authorization, empowered the Attorney General to approve applications to the court having jurisdiction under this section, and a judge to whom an application is made may, notwithstanding any other law, grant an order, in conformity with section 105, approving electronic surveillance of a foreign power or an agent of a foreign power for the purpose of obtaining foreign intelligence information.".

(e) APPLICATIONS FOR COURT ORDERS.—Section 104 of FISA (50 U.S.C. 1804) is amended—

(1) in subsection (a), by striking paragraphs (6) through (11) and inserting the following:

"(6) a certification or certifications by the Assistant to the President for National Security Affairs or an executive branch official authorized by the President to conduct electronic surveillance for foreign intelligence purposes—

"(A) that the certifying official deems the information sought to be foreign intelligence information;

"(B) that a significant purpose of the surveillance is to obtain foreign intelligence information;

"(C) that such information cannot reasonably be obtained by normal investigative techniques; and

"(D) including a statement of the basis for the certification that—

"(i) the information sought is the type of foreign intelligence information designated; and

"(ii) such information cannot reasonably be obtained by normal investigative techniques;

"(7) a statement of the period of time for which the electronic surveillance is required to be maintained, and if the nature of the intelligence gathering is such that the approval of the use of electronic surveillance under this title should not automatically terminate when the described type of information has first been obtained, a description of facts supporting the belief that additional information of the same type will be obtained thereafter;

"(8) a summary description of the nature of the information sought and the type of communications or activities to be subject to the surveillance;

"(9) a summary statement of the facts concerning all previous applications that have been made to any judge under this title involving any of the persons, facilities, or places specified in the application, and the action taken on each previous application; and

"(10) a summary statement of the means by which the surveillance will be effected and a statement whether physical entry is required to effect the surveillance.";

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in subsection (d)(1)(A), as redesignated by paragraph (3), by inserting after "Secretary of State" inserting "Director of the Central Intelligence Agency".

(f) Issuance of Order.—Section 105 of FISA (50 U.S.C. 1805) is amended—

(1) in subsection (a), by—

(A) striking paragraph (1); and

(B) redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) by striking paragraph (1) of subsection (c) and inserting the following:

"(1) An order approving an electronic surveillance under this section shall specify—

"(A) the identity, if known, or a description of the target of the electronic surveillance identified or described in the application pursuant to section 104(a)(3);

"(B) the nature and location of each of the facilities or places at which the electronic surveillance will be directed, if known;

"(C) the period of time during which the electronic surveillance is approved;

"(D) the type of information sought to be acquired and the type of communications or activities to be subjected to the surveillance; and

"(E) the means by which the electronic surveillance will be effected and whether physical entry will be used to effect the surveillance.";

(3) by striking subsection (d) and inserting the following:

"(d) Each order under this section shall specify the type of electronic surveillance involved, including whether physical entry is required.";

(4) by striking paragraph (2) of subsection (e) and inserting the following:

"(2) Extensions of an order issued under this title may be granted on the same basis as an original order upon an application for an extension and new findings made in the same manner as required for an original order and may be for a period not longer than the court determines to be reasonable or 1 year, whichever is less.";

(5) by striking subsection (f) and inserting the following:

"(f)(1) Notwithstanding any other provision of this title, when an executive branch officer appointed by the President with the advice and consent of the Senate who is authorized by the President to conduct electronic surveillance reasonably determines that—

"(A) an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained; and

"(B) the factual basis for issuance of an order under this title to approve such surveillance exists;

that official may authorize the emergency employment of electronic surveillance in accordance with paragraph (2).

"(2) Under paragraph (1), the following requirements shall be satisfied:

"(A) The Attorney General shall be informed of the emergency electronic surveillance.

"(B) A judge having jurisdiction under section 103 shall be informed by the Attorney General or his designee as soon as practicable following such authorization that the decision has been made to employ emergency electronic surveillance.

"(C) An application in accordance with this title shall be made to that judge or another judge having jurisdiction under section 103 as soon as practicable, but not more than 7 days after such surveillance is authorized. In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of emergency authorization, whichever is earliest. In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person. A denial of the application made under this subsection may be reviewed as provided in section 103.

"(D) The official authorizing the emergency employment of electronic surveillance shall require that the minimization procedures required by this title for the issuance of a judicial order be followed."; and

(6) in subsection (i)—

(A) by striking "a wire or" and inserting "any";

(B) by striking "chapter" and inserting "title"; and

(C) by adding at the end ", or in response to certification by the Attorney General or his designee seeking information, facilities, or technical assistance from such person under section 102 of this title".

(g) Use of Information.—Section 106 of FISA (50 U.S.C. 1806) is amended—

(1) in subsection (i)—

(A) by striking "radio"; and

(B) by inserting "contain foreign intelligence information or" after "the Attorney General determines that the contents" inserting "contain foreign intelligence information or"; and

(2) in subsection (k), by striking "1804(a)(7)" and inserting "104(a)(6)".

(h) Congressional Oversight.—Section 108 of FISA (50 U.S.C. 1808) is amended by adding at the end the following:

"(c) Document Management System for Applications for Orders Approving Electronic Surveillance.—

"(1) System proposed.—The Attorney General and Director of National Intelligence shall, in consultation with the Director of the Federal Bureau of Investigation, the Director of the National Security Agency, the Director of the Central Intelligence Agency, and the court established under section 103(b), conduct a feasibility study to develop and implement a secure, classified document management system that permits the prompt preparation, modification, and review by appropriate personnel of the Department of Justice, the Federal Bureau of Investigation, the National Security Agency, and other applicable elements of the United States Government of applications under section 104 before their submittal to that court.

"(2) Scope of system.—The document management system proposed in paragraph (1) shall—

"(A) permit and facilitate the prompt submittal of applications and all other matters, including electronic filings, to the court established under section 103(b) under section 104 or 105(g)(5); and

"(B) permit and facilitate the prompt transmittal of rulings of that court to personnel submitting applications described in paragraph (1).".

(i) Amendments to Fisa Title I Relating to Weapons of Mass Destruction.—

(1) Section 101 of FISA, as amended by subsection (b) of this section, is further amended—

(A) in subsection (b)(1)—

(i) by striking "or" at the end of subparagraph (D);

(ii) by redesignating subparagraph (E) as subparagraph (F); and

(iii) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) engages in the development or proliferation of weapons of mass destruction, or activities in preparation therefor; or;";

(B) in subsection (b)(2)(C), by striking "sabotage or international terrorism" and inserting "sabotage, international terrorism, or the development or proliferation of weapons of mass destruction"; and

(C) by inserting after subsection (k) the following new subsection (l):

"(l) 'Weapon of mass destruction' means—

"(1) any destructive device (as that term is defined in section 921 of title 18, United States Code) that is intended or has the capability, to cause death or serious bodily injury to a significant number of people;

"(2) any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;

"(3) any weapon involving a biological agent, toxin, or vector (as those terms are defined in section 178 of title 18, United States Code); or

"(4) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.".

(2) Sections 101(e)(1)(B), 106(k)(1)(B), and 305(k)(1)(B) of FISA are each amended by striking "sabotage or international terrorism" and inserting "sabotage, international terrorism, or the development or proliferation of weapons of mass destruction".

(j) CONFORMING AMENDMENTS TO TITLES I AND III OF FISA TO ACCOMMODATE INTERNATIONAL MOVEMENTS OF TARGETS.—

(1) Section 105(e) of FISA is amended by adding at the end the following new paragraph:

"(4) An order issued under this section shall remain in force during the authorized period of surveillance notwithstanding the absence of the target from the United States, unless the Government files a motion to extinguish the order and the court grants the motion.".

(2) Section 304(d) of FISA is amended by adding at the end the following new paragraph:

"(4) An order issued under this section shall remain in force during the authorized period of physical search notwithstanding the absence of the target from the United States, unless the Government files a motion to extinguish the order and the court grants the motion.".

SEC. 210. CONFORMING AMENDMENT TO TABLE OF CONTENTS.

The table of contents for the Foreign Intelligence Surveillance Act of 1978 is amended—

(1) by striking the item relating to section 102 and inserting the following new item:

"Sec. 102. Electronic surveillance authorization without court order; certification by attorney general; reports to congressional committees; transmittal under seal; duties and compensation of communication common carrier; applications; jurisdiction of court.";

(2) by striking the items relating to sections 111, 309, and 404; and

(3) by striking the items related to title VII and section 701 and inserting the following:

"TITLE VII—ELECTRONIC SURVEILLANCE PROGRAMS

"Sec. 701. Definitions.
"Sec. 702. Foreign intelligence surveillance court jurisdiction to review electronic surveillance programs.
"Sec. 703. Applications for approval of electronic surveillance programs.
"Sec. 704. Approval of electronic surveillance programs.
"Sec. 705. Congressional oversight.

"TITLE VIII—EFFECTIVE DATE

"Sec. 801.Effective date.".

By Mr. MCCONNELL (for himself, Mr. FRIST, and Mr. WARNER):

S. 3930. A bill to authorize trial by military commission for violations of the law of war, and for other purposes; read the first time.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3930

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Commissions Act of 2006".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Constitution of the United States grants to Congress the power "To define and punish . . . Offenses against the Law of Nations", as well as the power "To declare War . . . To raise and support Armies . . . [and] To provide and maintain a Navy".

(2) The military commission is the traditional tribunal for the trial of persons engaged in hostilities for violations of the law of war.

(3) Congress has, in the past, both authorized the use of military commission by statute and recognized the existence and authority of military commissions.

(4) Military commissions have been convened both by the President and by military commanders in the field to try offenses against the law of war.

(5) It is in the national interest for Congress to exercise its authority under the Constitution to enact legislation authorizing and regulating the use of military commissions to try and punish violations of the law of war.

SEC. 3. AUTHORIZATION FOR MILITARY COMMISSIONS.

(a) IN GENERAL.—The President is authorized to establish military commissions for the trial of alien unlawful enemy combatants engaged in hostilities against the United States for violations of the law of war and other offenses specifically made triable by military commission as provided in chapter 47 of title 10, United States Code, and chapter 47A of title 10, United States Code (as enacted by this Act).

(b) CONSTRUCTION.—The authority in subsection (a) may not be construed to alter or limit the authority of the President under the Constitution and laws of the United States to establish military commissions for areas declared to be under martial law or in occupied territories should circumstances so require.

(c) SCOPE OF PUNISHMENT AUTHORITY.—A military commission established pursuant to subsection (a) shall have authority to impose upon any person found guilty under a proceeding under chapter 47A of title 10, United States Code (as so enacted), a sentence that is appropriate for the offense or offenses for which there is a finding of guilt, including a sentence of death if authorized under such chapter, imprisonment for life or a term of years, payment of a fine or restitution, or such other lawful punishment or condition of punishment as the military commission shall direct.

(d) EXECUTION OF PUNISHMENT.—The Secretary of Defense is authorized to carry out a sentence of punishment imposed by a military commission established pursuant to subsection (a) in accordance with such procedures as the Secretary may prescribe.

(e) ANNUAL REPORT ON TRIALS BY MILITARY COMMISSIONS.—

(1) ANNUAL REPORT REQUIRED.—Not later than December 31 each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any trials conducted by military commissions established pursuant to subsection (a) during such year.

(2) FORM.—Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

SEC. 4. MILITARY COMMISSIONS.

(a) MILITARY COMMISSIONS.—

(1) IN GENERAL.—Subtitle A of title 10, United States Code, is amended by inserting after chapter 47 the following new chapter:

"CHAPTER 47A—MILITARY COMMISSIONS

"SUBCHAPTER	Sec.
"I. General Provisions	948a.
"II. Composition of Military Commissions	948h.
"III. Pre-Trial Procedure	948q.
"IV. Trial Procedure	949a.
"V. Sentences	949s.
"VI. Post-Trial Procedure and Review of Military Commissions	950a.
"VII. Punitive Matters	950aa.

"SUBCHAPTER I—GENERAL PROVISIONS

"Sec.
"948a. Definitions.
"948b. Military commissions generally.
"948c. Persons subject to military commissions.
"948d. Jurisdiction of military commissions.

"§ 948a. Definitions

"In this chapter:

"(1) ALIEN.—The term 'alien' means an individual who is not a citizen of the United States.

"(2) CLASSIFIED INFORMATION.—The term 'classified information' means the following:

"(A) Any information or material that has been determined by the United States Government pursuant to statute, Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security.

"(B) Any restricted data, as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

"(3) LAWFUL ENEMY COMBATANT.—The term 'lawful enemy combatant' means an individual who is—

"(A) a member of the regular forces of a State party engaged in hostilities against the United States;

"(B) a member of a militia, volunteer corps, or organized resistance movement belonging to a State party engaged in such hostilities, which are under responsible command, wear a fixed distinctive sign recognizable at a distance, carry their arms openly, and abide by the law of war; or

"(C) a member of a regular armed force who professes allegiance to a government engaged in such hostilities, but not recognized by the United States.

"(4) UNLAWFUL ENEMY COMBATANT.—The term 'unlawful enemy combatant' means an individual engaged in hostilities against the United States who is not a lawful enemy combatant.

"§ 948b. Military commissions generally

"(a) PURPOSE.—This chapter establishes procedures governing the use of military commissions to try alien unlawful enemy combatants engaged in hostilities against the United States for violations of the law of war and other offenses triable by military commission.

"(b) CONSTRUCTION OF PROVISIONS.—The procedures for military commissions set forth in this chapter are based upon the procedures for trial by general courts-martial under chapter 47 of this title (the Uniform Code of Military Justice). Chapter 47 of this title does not, by its terms, apply to trial by military commission except as specifically provided therein or in this chapter, and many of the provisions of chapter 47 of this title are by their terms inapplicable to military commissions. The judicial construction and application of chapter 47 of this title is therefore not binding on military commissions established under this chapter.

"(c) INAPPLICABILITY OF CERTAIN PROVISIONS.—(1) The following provisions of this title shall not apply to trial by military commission under this chapter:

"(A) Section 810 (article 10 of the Uniform Code of Military Justice), relating to speedy trial, including any rule of courts-martial relating to speedy trial.

"(B) Sections 831(a), (b), and (d) (articles 31(a), (b), and (d) of the Uniform Code of Military Justice), relating to compulsory self-incrimination.

"(C) Section 832 (article 32 of the Uniform Code of Military Justice), relating to pretrial investigation.

"(2) Other provisions of chapter 47 of this title shall apply to trial by military commission under this chapter only to the extent provided by the terms of such provisions or by this chapter.

"(d) STATUS OF MILITARY COMMISSIONS UNDER COMMON ARTICLE 3.—A military commission established under this chapter is a regularly constituted court, affording all the necessary 'judicial guarantees which are recognized as indispensable by civilized peoples' for purposes of common Article 3 of the Geneva Conventions.

"(e) TREATMENT OF RULINGS AND PRECEDENTS.—The findings, holdings, interpretations, and other precedents of military commissions under this chapter may not be introduced or considered in any hearing, trial, or other proceeding of a court-martial convened under chapter 47 of this title. The findings, holdings, interpretations, and other precedents of military commissions under this chapter may not form the basis of any holding, decision, or other determination of a court-martial convened under that chapter.

"(f) GENEVA CONVENTIONS NOT ESTABLISHING SOURCE OF RIGHTS.—No alien enemy unlawful combatant subject to trial by military commission under this chapter may invoke the Geneva Conventions as a source of rights at his trial by military commission.

"§948c. Persons subject to military commissions

"Any alien unlawful enemy combatant engaged in hostilities or having supported hostilities against the United States is subject to trial by military commission as set forth in this chapter.

"§948d. Jurisdiction of military commissions

"(a) JURISDICTION.—A military commission under this chapter shall have jurisdiction to try any offense made punishable by this chapter, sections 904 and 906 of this title (articles 104 and 106 of the Uniform Code of Military Justice), or the law of war when committed by an alien unlawful enemy combatant before, on, or after September 11, 2001.

"(b) LAWFUL ENEMY COMBATANTS.—Military commissions under this chapter shall not have jurisdiction over lawful enemy combatants. Lawful enemy combatants who violate the law of war are subject to chapter 47 of this title. Courts-martial established under that chapter shall have jurisdiction to try a lawful enemy combatant for any offense made punishable under this chapter.

"(c) PUNISHMENTS.—A miliary commission under this chapter may, under such limitations as the President may prescribe, adjudge any punishment not forbidden by this chapter, including the penalty of death when authorized under this chapter, chapter 47 of this title, or the law of war.

"SUBCHAPTER II—COMPOSITION OF MILITARY COMMISSIONS

"Sec.

"948h. Who may convene military commissions.

"948i. Who may serve on military commissions.

"948j. Military judge of a military commission.

"948k. Detail of trial counsel and defense counsel.

"948l. Detail or employment of reporters and interpreters.

"948m. Number of members; excuse of members; absent and additional members.

"§948h. Who may convene military commissions

"Military commissions under this chapter may be convened by the Secretary of Defense or by any officer or official of the United States designated by the Secretary for that purpose.

"§948i. Who may serve on military commissions

"(a) IN GENERAL.—Any commissioned officer of the armed forces on active duty is eligible to serve on a military commission under this chapter, including commissioned officers of the reserve components of the armed forces on active duty, commissioned officers of the National Guard on active duty in Federal service, or retired commissioned officers recalled to active duty.

"(b) DETAIL OF MEMBERS.—When convening a military commission under this chapter, the convening authority shall detail as members thereof such members of the armed forces eligible under subsection (a) who, as in the opinion of the convening authority, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member of an armed force is eligible to serve as a member of a military commission when such member is the accuser or a witness for the prosecution or has acted as an investigator or counsel in the same case.

"(c) EXCUSE OF MEMBERS.—Before a military commission under this chapter is assembled for the trial of a case, the convening authority may excuse a member from participating in the case.

"§948j. Military judge of a military commission

"(a) DETAIL OF MILITARY JUDGE.—A military judge shall be detailed to each military commission under this chapter. The Secretary of Defense shall prescribe regulations providing for the manner in which military judges are so detailed to military commissions. The military judge shall preside over each military commission to which he has been detailed.

"(b) ELIGIBILITY.—A military judge shall be a commissioned officer of the armed forces who is a member of the bar of a Federal court, or a member of the bar of the highest court of a State, and who is certified to be qualified for duty under section 826 of this title (article 26 of the Uniform Code of Military Justice) as a military judge in general courts-martial by the Judge Advocate General of the armed force of which such military judge is a member.

"(c) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person is eligible to act as military judge in a case of a military commission under this chapter if he is the accuser or a witness or has acted as investigator or a counsel in the same case.

"(d) CONSULTATION WITH MEMBERS; INELIGIBILITY TO VOTE.—A military judge detailed to a military commission under this chapter may not consult with the members except in the presence of the accused (except as otherwise provided in section 949d of this title), trial counsel, and defense counsel, nor may he vote with the members.

"(e) OTHER DUTIES.—A commissioned officer who is certified to be qualified for duty as a military judge of a military commission under this chapter may perform such other duties as are assigned to him by or with the approval of the Judge Advocate General of the armed force of which such officer is a member or the designee of such Judge Advocate General.

"(f) PROHIBITION ON EVALUATION OF FITNESS BY CONVENING AUTHORITY.—The convening authority of a military commission under this chapter shall not prepare or review any report concerning the effectiveness, fitness, or efficiency of a military judge detailed to the military commission which relates to his performance of duty as a military judge on the military commission.

"§948k. Detail of trial counsel and defense counsel

"(a) DETAIL OF COUNSEL GENERALLY.—(1) Trial counsel and military defense counsel shall be detailed for each military commission under this chapter.

"(2) Assistant trial counsel and assistant and associate defense counsel may be detailed for a military commission under this chapter.

"(3) Military defense counsel for a military commission under this chapter shall be detailed as soon as practicable after the swearing of charges.

"(4) The Secretary of Defense shall prescribe regulations providing for the manner in which trial counsel and military defense counsel are detailed for military commissions under this chapter and for the persons who are authorized to detail such counsel for such military commissions.

"(b) TRIAL COUNSEL.—Subject to subsection (e), trial counsel detailed for a military commission under this chapter must be—

"(1) a judge advocate (as that term is defined in section 801 of this title (article 1 of the Uniform Code of Military Justice)) who is—

"(A) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

"(B) certified as competent to perform duties as trial counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member; or

"(2) a civilian who is—

"(A) a member of the bar of a Federal court or of the highest court of a State; and

"(B) otherwise qualified to practice before the military commission pursuant to regulations prescribed by the Secretary of Defense.

"(c) MILITARY DEFENSE COUNSEL.—Subject to subsection (e), military defense counsel detailed for a military commission under this chapter must be a judge advocate (as so defined) who is—

"(1) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

"(2) certified as competent to perform duties as defense counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member.

"(d) Chief Prosecutor; Chief Defense Counsel.—(1) The Chief Prosecutor in a military commission under this chapter shall meet the requirements set forth in subsection (b)(1).

"(2) The Chief Defense Counsel in a military commission under this chapter shall meet the requirements set forth in subsection (c)(1).

"(e) Ineligibility of Certain Individuals.—No person who has acted as an investigator, military judge, or member of a military commission under this chapter in any case may act later as trial counsel or military defense counsel in the same case. No person who has acted for the prosecution before a military commission under this chapter may act later in the same case for the defense, nor may any person who has acted for the defense before a military commission under this chapter act later in the same case for the prosecution.

"§948l. Detail or employment of reporters and interpreters

"(a) Court Reporters.—Under such regulations as the Secretary of Defense may prescribe, the convening authority of a military commission under this chapter shall detail to or employ for the military commission qualified court reporters, who shall prepare a verbatim record of the proceedings of and testimony taken before the military commission.

"(b) Interpreters.—Under such regulations as the Secretary of Defense may prescribe, the convening authority of a military commission under this chapter may detail to or employ for the military commission interpreters who shall interpret for the military commission, and, as necessary, for trial counsel and defense counsel for the military commission, and for the accused.

"(c) Transcript; Record.—The transcript of a military commission under this chapter shall be under the control of the convening authority of the military commission, who shall also be responsible for preparing the record of the proceedings of the military commission.

"§948m. Number of members; excuse of members; absent and additional members

"(a) Number of Members.—(1) A military commission under this chapter shall, except as provided in paragraph (2), have at least five members.

"(2) In a case in which the accused before a military commission under this chapter may be sentenced to a penalty of death, the military commission shall have the number of members prescribed by section 949m(c) of this title.

"(b) Excuse of Members.—No member of a military commission under this chapter may be absent or excused after the military commission has been assembled for the trial of a case unless excused—

"(1) as a result of challenge;

"(2) by the military judge for physical disability or other good cause; or

"(3) by order of the convening authority for good cause.

"(c) Absent and Additional Members.—Whenever a military commission under this chapter is reduced below the number of members required by subsection (a), the trial may not proceed unless the convening authority details new members sufficient to provide not less than such number. The trial may proceed with the new members present after the recorded evidence previously introduced before the members has been read to the military commission in the presence of the military judge, the accused (except as provided in section 949d of this title), and counsel for both sides.

"SUBCHAPTER III—PRE-TRIAL PROCEDURE

"Sec.
"948q. Charges and specifications.
"948r. Compulsory self-incrimination prohibited; statements obtained by torture or other methods of coercion.
"948s. Service of charges.

"§948q. Charges and specifications

"(a) Charges and Specifications.—Charges and specifications against an accused in a military commission under this chapter shall be signed by a person subject to chapter 47 of this title under oath before a commissioned officer of the armed forces authorized to administer oaths and shall state—

"(1) that the signer has personal knowledge of, or reason to believe, the matters set forth therein; and

"(2) that they are true in fact to the best of his knowledge and belief.

"(b) Notice to Accused.—Upon the swearing of the charges and specifications in accordance with subsection (a), the accused shall be informed of the charges and specifications against him as soon as practicable.

"§948r. Compulsory self-incrimination prohibited; statements obtained by torture or other methods of coercion

"(a) In General.—No person shall be required to testify against himself at a proceeding of a military commission under this chapter.

"(b) Statements Obtained by Torture.—A statement obtained by use of torture shall not be admissible in a military commission under this chapter, except against a person accused of torture as evidence the statement was made.

"(c) Statements Obtained Before Enactment of Detainee Treatment Act of 2005.—A statement obtained before December 30, 2005 (the date of the enactment of the Detainee Treatment Act of 2005), in which the degree of coercion is disputed may be admitted only if the military judge finds that—

"(1) the totality of the circumstances renders it reliable and possessing sufficient probative value; and

"(2) the interests of justice would best be served by admission of the statement into evidence.

"(d) Statements Obtained After Enactment of Detainee Treatment Act of 2005.—A statement obtained on or after December 30, 2005 (the date of the enactment of the Detainee Treatment Act of 2005), in which the degree of coercion is disputed may be admitted only if the military judge finds that—

"(1) the totality of the circumstances renders it reliable and possessing sufficient probative value;

"(2) the interests of justice would best be served by admission of the statement into evidence; and

"(3) the interrogation methods used to obtain the statement do not violate the cruel, unusual, or inhumane treatment or punishment prohibited by the Fifth, Eighth, and 14th Amendments to the United States Constitution.

"§948s. Service of charges

"The trial counsel assigned to a case before a military commission under this chapter shall cause to be served upon the accused and military defense counsel a copy of the charges upon which trial is to be had in English and, if appropriate, in another language that the accused understands, sufficiently in advance of trial to prepare a defense.

"SUBCHAPTER IV—TRIAL PROCEDURE

"Sec.
"949a. Rules.
"949b. Unlawfully influencing action of military commission.
"949c. Duties of trial counsel and defense counsel.
"949d. Sessions.
"949e. Continuances.
"949f. Challenges.
"949g. Oaths.
"949h. Former jeopardy.
"949i. Pleas of the accused.
"949j. Opportunity to obtain witnesses and other evidence.
"949k. Defense of lack of mental responsibility.
"949l. Voting and rulings.
"949m. Number of votes required.
"949n. Military commission to announce action.
"949o. Record of trial.

"§949a. Rules

"(a) Procedures and Rules of Evidence.—Pretrial, trial, and post-trial procedures, including elements and modes of proof, for cases triable by military commission under this chapter may be prescribed by the Secretary of Defense. Such procedures may not be contrary to or inconsistent with this chapter. Except as otherwise provided in this chapter or chapter 47 of this title, the procedures and rules of evidence applicable in trials by general courts-martial of the United States shall apply in trials by military commission under this chapter.

"(b) Exceptions.—(1) The Secretary of Defense, in consultation with the Attorney General, may make such exceptions in the applicability in trials by military commission under this chapter from the procedures and rules of evidence otherwise applicable in general courts-martial as may be required by the unique circumstances of the conduct of military and intelligence operations during hostilities or by other practical need.

"(2) Notwithstanding any exceptions authorized by paragraph (1), the procedures and rules of evidence in trials by military commission under this chapter shall include, at a minimum, the following rights:

"(A) To examine and respond to all evidence considered by the military commission on the issue of guilt or innocence and for sentencing.

"(B) To be present at all sessions of the military commission (other than those for deliberations or voting), except when excluded under section 949d of this title.

"(C) To the assistance of counsel.

"(D) To self-representation, if the accused knowingly and competently waives the assistance of counsel, subject to the provisions of paragraph (4).

"(E) To the suppression of evidence that is not reliable or probative.

"(F) To the suppression of evidence the probative value of which is substantially outweighed by—

"(i) the danger of unfair prejudice, confusion of the issues, or misleading the members; or

"(ii) considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

"(3) In making exceptions in the applicability in trials by military commission under this chapter from the procedures and rules otherwise applicable in general courts-martial, the Secretary of Defense may provide the following:

"(A) Evidence seized outside the United States shall not be excluded from trial by military commission on the grounds that the evidence was not seized pursuant to a search warrant or authorization.

"(B) A statement of the accused that is otherwise admissible shall not be excluded from trial by military commission on grounds of alleged coercion or compulsory self-incrimination so long as the evidence complies with the provisions of section 948r of this title.

"(C) Evidence shall be admitted as authentic so long as—

"(i) the military judge of the military commission determines that there is sufficient evidence that the evidence is what it is claimed to be; and

"(ii) the military judge instructs the members that they may consider any issue as to authentication or identification of evidence in determining the weight, if any, to be given to the evidence.

"(D)(i) Except as provided in clause (ii), hearsay evidence not otherwise admissible under the rules of evidence applicable in trial by general courts-martial may be admitted in a trial by military commission if the proponent of the evidence makes known to the adverse party, sufficiently in advance to provide the adverse party with a fair opportunity to meet the evidence, the intention of the proponent to offer the evidence, and the particulars of the evidence (including information on the general circumstances under which the evidence was obtained). The disclosure of evidence under this clause is subject to the requirements and limitations applicable to the disclosure of classified information in section 949j(b) of this title.

"(ii) Hearsay evidence not otherwise admissible under the rules of evidence applicable in trial by general courts-martial shall not be admitted in a trial by military commission if the party opposing the admission of the evidence demonstrates that the evidence is unreliable or lacking in probative value.

"(4)(A) The accused in a military commission under this chapter who exercises the right to self-representation under paragraph (2)(D) shall conform his deportment and the conduct of the defense to the rules of evidence, procedure, and decorum applicable to trials by military commission.

"(B) Failure of the accused to conform to the rules described in subparagraph (A) may result in a partial or total revocation by the military judge of the right of self-representation under paragraph (2)(D). In such case, the detailed defense counsel of the accused or an appropriately authorized civilian counsel shall perform the functions necessary for the defense.

"(c) Delegation of Authority to Prescribe Regulations.—The Secretary of Defense may delegate the authority of the Secretary to prescribe regulations under this chapter.

"§949b. Unlawfully influencing action of military commission

"(a) In General.—(1) No authority convening a military commission under this chapter may censure, reprimand, or admonish the military commission, or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the military commission, or with respect to any other exercises of its or their functions in the conduct of the proceedings.

"(2) No person may attempt to coerce or, by any unauthorized means, influence—

"(A) the action of a military commission under this chapter, or any member thereof, in reaching the findings or sentence in any case;

"(B) the action of any convening, approving, or reviewing authority with respect to their judicial acts; or

"(C) the exercise of professional judgment by trial counsel or defense counsel.

"(3) The provisions of this subsection shall not apply with respect to—

"(A) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of military commissions; or

"(B) statements and instructions given in open proceedings by a military judge or counsel.

"(b) Prohibition on Consideration of Actions on Commission in Evaluation of Fitness.—In the preparation of an effectiveness, fitness, or efficiency report or any other report or document used in whole or in part for the purpose of determining whether a commissioned officer of the armed forces is qualified to be advanced in grade, or in determining the assignment or transfer of any such officer or whether any such officer should be retained on active duty, no person may—

"(1) consider or evaluate the performance of duty of any member of a military commission under this chapter; or

"(2) give a less favorable rating or evaluation to any commissioned officer because of the zeal with which such officer, in acting as counsel, represented any accused before a military commission under this chapter.

"§949c. Duties of trial counsel and defense counsel

"(a) Trial Counsel.—The trial counsel of a military commission under this chapter shall prosecute in the name of the United States.

"(b) Defense Counsel.—(1) The accused shall be represented in his defense before a military commission under this chapter as provided in this subsection.

"(2) The accused shall be represented by military counsel detailed under section 948k of this title.

"(3) The accused may be represented by civilian counsel if retained by the accused, provided that such civilian counsel—

"(A) is a United States citizen;

"(B) is admitted to the practice of law in a State, district, or possession of the United States, or before a Federal court;

"(C) has not been the subject of any sanction of disciplinary action by any court, bar, or other competent governmental authority for relevant misconduct;

"(D) has been determined to be eligible for access to information classified at the level Secret or higher; and

"(E) has signed a written agreement to comply with all applicable regulations or instructions for counsel, including any rules of court for conduct during the proceedings.

"(4) If the accused is represented by civilian counsel, military counsel detailed shall act as associate counsel.

"(5) The accused is not entitled to be represented by more than one military counsel. However, the person authorized under regulations prescribed under section 948k of this title to detail counsel, in such person's sole discretion, may detail additional military counsel to represent the accused.

"(6) Defense counsel may cross-examine each witness for the prosecution who testifies before a military commission under this chapter.

"§949d. Sessions

"(a) Sessions Without Presence of Members.—(1) At any time after the service of charges which have been referred for trial by military commission under this chapter, the military judge may call the military commission into session without the presence of the members for the purpose of—

"(A) hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty;

"(B) hearing and ruling upon any matter which may be ruled upon by the military judge under this chapter, whether or not the matter is appropriate for later consideration or decision by the members;

"(C) if permitted by regulations prescribed by the Secretary of Defense, receiving the pleas of the accused; and

"(D) performing any other procedural function which may be performed by the military judge under this chapter or under rules prescribed pursuant to section 949a of this title and which does not require the presence of the members.

"(2) Except as provided in subsections (b), (c), and (d), any proceedings under paragraph (1) shall be conducted in the presence of the accused, defense counsel, and trial counsel, and shall be made part of the record.

"(b) Deliberation or Vote of Members.—When the members of a military commission under this chapter deliberate or vote, only the members may be present.

"(c) Closure of Proceedings.—(1) The military judge may close to the public all or part of the proceedings of a military commission under this chapter.

"(2) The military judge may close to the public all or a portion of the proceedings under paragraph (1) only upon making a specific finding that such closure is necessary to—

"(A) protect information the disclosure of which could reasonably be expected to cause damage to the national security, including intelligence or law enforcement sources, methods, or activities; or

"(B) ensure the physical safety of individuals.

"(3) A finding under paragraph (2) may be based upon a presentation, including a presentation ex parte or in camera, by either trial counsel or defense counsel.

"(d) Exclusion of Accused From Certain Proceedings.—The military judge may exclude the accused from any portion of a proceeding upon a determination that, after being warned by the military judge, the accused persists in conduct that justifies exclusion from the courtroom—

"(1) to ensure the physical safety of individuals; or

"(2) to prevent disruption of the proceedings by the accused.

"(e) Protection of Classified Information.—

"(1) National security privilege.—(A) Classified information shall be protected and is privileged from disclosure if disclosure would be detrimental to the national security. This rule applies to all stages of the proceedings of military commissions under this chapter.

"(B) The privilege referred to in subparagraph (A) may be claimed by the head of the executive or military department or government agency concerned based on a finding by the head of that department or agency that—

“(i) the information is properly classified; and

“(ii) disclosure would be detrimental to the national security.

“(C) A person who may claim the privilege referred to in subparagraph (A) may authorize a representative, witness, or trial counsel to claim the privilege and make the finding described in subparagraph (B) on behalf of such person. The authority of the representative, witness, or trial counsel to do so is presumed in the absence of evidence to the contrary.

“(2) Introduction of Classified Information.—

“(A) Alternatives to Disclosure.—To protect classified information from disclosure, the military judge, upon motion of trial counsel, shall authorize, to the extent practicable—

“(i) the deletion of specified items of classified information from documents to be introduced as evidence before the military commission;

“(ii) the substitution of a portion or summary of the information for such classified documents; or

“(iii) the substitution of a statement of relevant facts that the classified information would tend to prove.

“(B) Protection of Sources, Methods, or Activities.—The military judge, upon motion of trial counsel, shall permit trial counsel to introduce otherwise admissible evidence before the military commission, while protecting from disclosure the sources, methods, or activities by which the United States acquired the evidence if the military judge finds that (i) the sources, methods, or activities by which the United States acquired the evidence are classified, and (ii) the evidence is reliable. The military judge may require trial counsel to present to the military commission and the defense, to the extent practicable and consistent with national security, an unclassified summary of the sources, methods, or activities by which the United States acquired the evidence.

“(C) Assertion of National Security Privilege at Trial.—During the examination of any witness, trial counsel may object to any question, line of inquiry, or motion to admit evidence that would require the disclosure of classified information. Following such an objection, the military judge shall take suitable action to safeguard such classified information. Such action may include the review of trial counsel's claim of privilege by the military judge in camera and on an ex parte basis, and the delay of proceedings to permit trial counsel to consult with the department or agency concerned as to whether the national security privilege should be asserted.

“(3) Consideration of Privilege and Related Materials.—A claim of privilege under this subsection, and any materials submitted in support thereof, shall, upon request of the Government, be considered by the military judge in camera and shall not be disclosed to the accused.

“(4) Additional Regulations.—The Secretary of Defense may prescribe additional regulations, consistent with this subsection, for the use and protection of classified information during proceedings of military commissions under this chapter. A report on any regulations so prescribed, or modified, shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives not later than 60 days before the date on which such regulations or modifications, as the case may be, go into effect.

“§ 949e. Continuances

“The military judge in a military commission under this chapter may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just.

“§ 949f. Challenges

“(a) Challenges Authorized.—The military judge and members of a military commission under this chapter may be challenged by the accused or trial counsel for cause stated to the military commission. The military judge shall determine the relevance and validity of challenges for cause, and may not receive a challenge to more than one person at a time. Challenges by trial counsel shall ordinarily be presented and decided before those by the accused are offered.

“(b) Peremptory Challenges.—The accused and trial counsel are each entitled to one peremptory challenge, but the military judge may not be challenged except for cause.

“(c) Challenges Against Additional Members.—Whenever additional members are detailed to a military commission under this chapter, and after any challenges for cause against such additional members are presented and decided, the accused and trial counsel are each entitled to one peremptory challenge against members not previously subject to peremptory challenge.

“§ 949g. Oaths

“(a) In General.—(1) Before performing their respective duties in a military commission under this chapter, military judges, members, trial counsel, defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully.

“(2) The form of the oath required by paragraph (1), the time and place of the taking thereof, the manner of recording thereof, and whether the oath shall be taken for all cases in which duties are to be performed or for a particular case, shall be as provided in regulations prescribed by the Secretary of Defense. The regulations may provide that—

“(A) an oath to perform faithfully duties as a military judge, trial counsel, or defense counsel may be taken at any time by any judge advocate or other person certified to be qualified or competent for the duty; and

“(B) if such an oath is taken, such oath need not again be taken at the time the judge advocate or other person is detailed to that duty.

“(b) Witnesses.—Each witness before a military commission under this chapter shall be examined on oath.

“(c) Oath Defined.—In this section, the term ‘oath’ includes an affirmation.

“§ 949h. Former jeopardy

“(a) In General.—No person may, without his consent, be tried by a military commission under this chapter a second time for the same offense.

“(b) Scope of Trial.—No proceeding in which the accused has been found guilty by military commission under this chapter upon any charge or specification is a trial in the sense of this section until the finding of guilty has become final after review of the case has been fully completed.

“§ 949i. Pleas of the accused

“(a) Plea of Not Guilty.—If an accused in a military commission under this chapter after a plea of guilty sets up matter inconsistent with the plea, or if it appears that the accused has entered the plea of guilty through lack of understanding of its meaning and effect, or if the accused fails or refuses to plead, a plea of not guilty shall be entered in the record, and the military commission shall proceed as though the accused had pleaded not guilty.

“(b) Finding of Guilt After Guilty Plea.—With respect to any charge or specification to which a plea of guilty has been made by the accused in a military commission under this chapter and accepted by the military judge, a finding of guilty of the charge or specification may be entered immediately without a vote. The finding shall constitute the finding of the military commission unless the plea of guilty is withdrawn prior to announcement of the sentence, in which event the proceedings shall continue as though the accused had pleaded not guilty.

“§ 949j. Opportunity to obtain witnesses and other evidence

“(a) In General.—(1) Defense counsel in a military commission under this chapter shall have a reasonable opportunity to obtain witnesses and other evidence as provided in regulations prescribed by the Secretary of Defense.

“(2) Process issued in military commissions under this chapter to compel witnesses to appear and testify and to compel the production of other evidence—

“(A) shall be similar to that which courts of the United States having criminal jurisdiction may lawfully issue; and

“(B) shall run to any place where the United States shall have jurisdiction thereof.

“(b) Protection of Classified Information.—(1) With respect to the discovery obligations of trial counsel under this section, the military judge, upon motion of trial counsel, shall authorize, to the extent practicable—

“(A) the deletion of specified items of classified information from documents to be made available to the accused;

“(B) the substitution of a portion or summary of the information for such classified documents; or

“(C) the substitution of a statement admitting relevant facts that the classified information would tend prove.

“(2) The military judge, upon motion of trial counsel, shall authorize trial counsel, in the course of complying with discovery obligations under this section, to protect from disclosure the sources, methods, or activities by which the United States acquired evidence if the military judge finds that the sources, methods, or activities by which the United States acquired such evidence are classified. The military judge may require trial counsel to provide, to the extent practicable, an unclassified summary of the sources, methods, or activities by which the United States acquired such evidence.

“(c) Exculpatory Evidence.—(1) As soon as practicable, trial counsel shall disclose to the defense the existence of any evidence known to trial counsel that reasonably tends to exculpate the accused. Where exculpatory evidence is classified, the accused shall be provided with an adequate substitute in accordance with the procedures under subsection (b).

“(2) In this subsection, the term ‘evidence known to trial counsel’, in the case of exculpatory evidence, means exculpatory evidence that the prosecution would be required to disclose in a trial by courts-martial under chapter 47 of this title.

“§ 949k. Defense of lack of mental responsibility

“(a) Affirmative Defense.—It is an affirmative defense in a trial by military commission under this chapter that, at the time of the commission of the acts constituting the offense, the accused, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of the acts. Mental disease or defect does not otherwise constitute a defense.

"(b) BURDEN OF PROOF.—The accused in a military commission under this chapter has the burden of proving the defense of lack of mental responsibility by clear and convincing evidence.

"(c) FINDINGS FOLLOWING ASSERTION OF DEFENSE.—Whenever lack of mental responsibility of the accused with respect to an offense is properly at issue in a military commission under this chapter, the military judge shall instruct the members as to the defense of lack of mental responsibility under this section and shall charge the members to find the accused—

"(1) guilty;

"(2) not guilty; or

"(3) subject to subsection (d), not guilty by reason of lack of mental responsibility.

"(d) MAJORITY VOTE REQUIRED FOR FINDING.—The accused shall be found not guilty by reason of lack of mental responsibility under subsection (c)(3) only if a majority of the members present at the time the vote is taken determines that the defense of lack of mental responsibility has been established.

"§949l. Voting and rulings

"(a) VOTE BY SECRET WRITTEN BALLOT.—Voting by members of a military commission under this chapter on the findings and on the sentence shall be by secret written ballot.

"(b) RULINGS.—(1) The military judge in a military commission under this chapter shall rule upon all questions of law, including the admissibility of evidence and all interlocutory questions arising during the proceedings.

"(2) Any ruling made by the military judge upon a question of law or an interlocutory question (other than the factual issue of mental responsibility of the accused) is conclusive and constitutes the ruling of the military commission. However, a military judge may change his ruling at any time during the trial.

"(c) INSTRUCTIONS PRIOR TO VOTE.—Before a vote is taken of the findings of a military commission under this chapter, the military judge shall, in the presence of the accused and counsel, instruct the members as to the elements of the offense and charge the members—

"(1) that the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond a reasonable doubt;

"(2) that in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and he must be acquitted;

"(3) that, if there is reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

"(4) that the burden of proof to establish the guilt of the accused beyond a reasonable doubt is upon the United States.

"§949m. Number of votes required

"(a) CONVICTION.—No person may be convicted by a military commission under this chapter of any offense, except as provided in section 949i(b) of this title or by concurrence of two-thirds of the members present at the time the vote is taken.

"(b) SENTENCES.—(1) Except as provided in paragraphs (2) and (3), sentences shall be determined by a military commission by the concurrence of two-thirds of the members present at the time the vote is taken.

"(2) No person may be sentenced to death by a military commission, except insofar as—

"(A) the penalty of death has been expressly authorized under this chapter, chapter 47 of this title, or the law of war for an offense of which the accused has been found guilty;

"(B) trial counsel expressly sought the penalty of death by filing an appropriate notice in advance of trial;

"(C) the accused was convicted of the offense by the concurrence of all the members present at the time the vote is taken; and

"(D) all members present at the time the vote was taken concurred in the sentence of death.

"(3) No person may be sentenced to life imprisonment, or to confinement for more than 10 years, by a military commission under this chapter except by the concurrence of three-fourths of the members present at the time the vote is taken.

"(c) NUMBER OF MEMBERS REQUIRED FOR PENALTY OF DEATH.—(1) Except as provided in paragraph (2), in a case in which the penalty of death is sought, the number of members of the military commission under this chapter shall be not less than 12 members.

"(2) In any case described in paragraph (1) in which 12 members are not reasonably available for a military commission because of physical conditions or military exigencies, the convening authority shall specify a lesser number of members for the military commission (but not fewer than 5 members), and the military commission may be assembled, and the trial held, with not less than the number of members so specified. In any such case, the convening authority shall make a detailed written statement, to be appended to the record, stating why a greater number of members were not reasonably available.

"§949n. Military commission to announce action

"A military commission under this chapter shall announce its findings and sentence to the parties as soon as determined.

"§949o. Record of trial

"(a) RECORD; AUTHENTICATION.—Each military commission under this chapter shall keep a separate, verbatim, record of the proceedings in each case brought before it, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of his death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by a member if the trial counsel is unable to authenticate it by reason of his death, disability, or absence. Where appropriate, and as provided in regulations prescribed by the Secretary of Defense, the record of a military commission under this chapter may contain a classified annex.

"(b) COMPLETE RECORD REQUIRED.—A complete record of the proceedings and testimony shall be prepared in every military commission under this chapter.

"(c) PROVISION OF COPY TO ACCUSED.—A copy of the record of the proceedings of the military commission under this chapter shall be given the accused as soon as it is authenticated. If the record contains classified information, or a classified annex, the accused shall receive a redacted version of the record consistent with the requirements of section 949d(e) of this title. Defense counsel shall have access to the unredacted record, as provided in regulations prescribed by the Secretary of Defense.

"SUBCHAPTER V—SENTENCES

"Sec.
"949s. Cruel or unusual punishments prohibited.
"949t. Maximum limits.
"949u. Execution of confinement.

"§949s. Cruel or unusual punishments prohibited

"Punishment by flogging, or by branding, marking, or tattooing on the body, or any other cruel or unusual punishment, may not be adjudged by a military commission under this chapter or inflicted under this chapter upon any person subject to this chapter. The use of irons, single or double, except for the purpose of safe custody, is prohibited under this chapter.

"§949t. Maximum limits

"The punishment which a military commission under this chapter may direct for an offense may not exceed such limits as the President or Secretary of Defense may prescribe for that offense.

"§949u. Execution of confinement

"(a) IN GENERAL.—Under such regulations as the Secretary of Defense may prescribe, a sentence of confinement adjudged by a military commission under this chapter may be carried into execution by confinement—

"(1) in any place of confinement under the control of any of the armed forces; or

"(2) in any penal or correctional institution under the control of the United States or its allies, or which the United States may be allowed to use.

"(b) TREATMENT DURING CONFINEMENT BY OTHER THAN THE ARMED FORCES.—Persons confined under subsection (a)(2) in a penal or correctional institution not under the control of an armed force are subject to the same discipline and treatment as persons confined or committed by the courts of the United States or of the State, District of Columbia, or place in which the institution is situated.

"SUBCHAPTER VI—POST-TRIAL PROCEDURE AND REVIEW OF MILITARY COMMISSIONS

"Sec.
"950a. Error of law; lesser included offense.
"950b. Review by the convening authority.
"950c. Waiver or withdrawal of appeal.
"950d. Appeal by the United States.
"950e. Rehearings.
"950f. Review by Court of Military Commission Review.
"950g. Review by the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court.
"950h. Appellate counsel
"950i. Execution of sentence; suspension of sentence.
"950j. Finality of proceedings, findings, and sentences.

"§950a. Error of law; lesser included offense

"(a) ERROR OF LAW.—A finding or sentence of a military commission under this chapter may not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

"(b) LESSER INCLUDED OFFENSE.—Any reviewing authority with the power to approve or affirm a finding of guilty by a military commission under this chapter may approve or affirm, instead, so much of the finding as includes a lesser included offense.

"§950b. Review by the convening authority

"(a) NOTICE TO CONVENING AUTHORITY OF FINDINGS AND SENTENCE.—The findings and sentence of a military commission under this chapter shall be reported in writing promptly to the convening authority after the announcement of the sentence.

"(b) SUBMITTAL OF MATTERS BY ACCUSED TO CONVENING AUTHORITY.—(1) The accused may submit to the convening authority matters for consideration by the convening authority with respect to the findings and the sentence of the military commission under this chapter.

"(2)(A) Except as provided in subparagraph (B), a submittal under paragraph (1) shall be made in writing within 20 days after accused has been give an authenticated record of trial under section 949o(c) of this title.

"(B) If the accused shows that additional time is required for the accused to make a submittal under paragraph (1), the convening authority may, for good cause, extend the applicable period under subparagraph (A) for not more than an additional 20 days.

"(3) The accused may waive his right to make a submittal to the convening authority under paragraph (1). Such a waiver shall be made in writing, and may not be revoked. For the purposes of subsection (c)(2), the time within which the accused may make a submittal under this subsection shall be deemed to have expired upon the submittal of a waiver under this paragraph to the convening authority.

"(c) ACTION BY CONVENING AUTHORITY.—(1) The authority under this subsection to modify the findings and sentence of a military commission under this chapter is a matter of the sole discretion and prerogative of the convening authority.

"(2) The convening authority is not required to take action on the findings of a military commission under this chapter. If the convening authority takes action on the findings, the convening authority may, in his sole discretion, only—

"(A) dismiss any charge or specification by setting aside a finding of guilty thereto; or

"(B) change a finding of guilty to a charge to a finding of guilty to an offense that is a lesser included offense of the offense stated in the charge.

"(3)(A) The convening authority shall take action on the sentence of a military commission under this chapter.

"(B) Subject to regulations prescribed by the Secretary of Defense, action under this paragraph may be taken only after consideration of any matters submitted by the accused under subsection (b) or after the time for submitting such matters expires, whichever is earlier.

"(C) In taking action under this paragraph, the convening authority may, in his sole discretion, approve, disapprove, commute, or suspend the sentence in whole or in part. The convening authority may not increase a sentence beyond that which is found by the military commission.

"(4) The convening authority shall serve on the accused or on defense counsel notice of any action taken by the convening authority under this subsection.

"(d) ORDER OF REVISION OR REHEARING.—(1) Subject to paragraphs (2) and (3), the convening authority of a military commission under this chapter may, in his sole discretion, order a proceeding in revision or a rehearing.

"(2)(A) Except as provided in subparagraph (B), a proceeding in revision may be ordered by the convening authority if—

"(i) there is an apparent error or omission in the record; or

"(ii) the record shows improper or inconsistent action by the military commission with respect to the findings or sentence that can be rectified without material prejudice to the substantial rights of the accused.

"(B) In no case may a proceeding in revision—

"(i) reconsider a finding of not guilty of a specification or a ruling which amounts to a finding of not guilty;

"(ii) reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation; or

"(iii) increase the severity of the sentence unless the sentence prescribed for the offense is mandatory.

"(3) A rehearing may be ordered by the convening authority if the convening authority disapproves the findings and sentence and states the reasons for disapproval of the findings. If the convening authority disapproves the finding and sentence and does not order a rehearing, the convening authority shall dismiss the charges. A rehearing as to the findings may not be ordered by the convening authority when there is a lack of sufficient evidence in the record to support the findings. A rehearing as to the sentence may be ordered by the convening authority if the convening authority disapproves the sentence.

"§950c. Waiver or withdrawal of appeal

"(a) WAIVER OF RIGHT OF REVIEW.—(1) An accused may file with the convening authority a statement expressly waiving the right of the accused to appellate review by the Court of Military Commission Review under section 950f of this title of the final decision of the military commission under this chapter.

"(2) A waiver under paragraph (1) shall be signed by both the accused and a defense counsel.

"(3) A waiver under paragraph (1) must be filed, if at all, within 10 days after notice of the action is served on the accused or on defense counsel under section 950b(c)(4) of this title. The convening authority, for good cause, may extend the period for such filing by not more than 30 days.

"(b) WITHDRAWAL OF APPEAL.—Except in a case in which the sentence as approved under section 950b of this title extends to death, the accused may withdraw an appeal at any time.

"(c) EFFECT OF WAIVER OR WITHDRAWAL.—A waiver of the right to appellate review or the withdrawal of an appeal under this section bars review under section 950f of this title.

"§950d. Appeal by the United States

"(a) INTERLOCUTORY APPEAL.—(1) Except as provided in paragraph (2), in a trial by military commission under this chapter, the United States may take an interlocutory appeal to the Court of Military Commission Review under section 950f of this title of any order or ruling of the military judge that—

"(A) terminates proceedings of the military commission with respect to a charge or specification;

"(B) excludes evidence that is substantial proof of a fact material in the proceeding; or

"(C) relates to a matter under subsection (c), (d), or (e) of section 949d of this title.

"(2) The United States may not appeal under paragraph (1) an order or ruling that is, or amounts to, a finding of not guilty by the military commission with respect to a charge or specification.

"(b) NOTICE OF APPEAL.—The United States shall take an appeal of an order or ruling under subsection (a) by filing a notice of appeal with the military judge within five days after the date of the order or ruling.

"(c) APPEAL.—An appeal under this section shall be forwarded, by means specified in regulations prescribed the Secretary of Defense, directly to the Court of Military Commission Review. In ruling on an appeal under this section, the Court may act only with respect to matters of law.

"§950e. Rehearings

"(a) COMPOSITION OF MILITARY COMMISSION FOR REHEARING.—Each rehearing under this chapter shall take place before a military commission under this chapter composed of members who were not members of the military commission which first heard the case.

"(b) SCOPE OF REHEARING.—(1) Upon a rehearing—

"(A) the accused may not be tried for any offense of which he was found not guilty by the first military commission; and

"(B) no sentence in excess of or more than the original sentence may be imposed unless—

"(i) the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings; or

"(ii) the sentence prescribed for the offense is mandatory.

"(2) Upon a rehearing, if the sentence approved after the first military commission was in accordance with a pretrial agreement and the accused at the rehearing changes his plea with respect to the charges or specifications upon which the pretrial agreement was based, or otherwise does not comply with pretrial agreement, the sentence as to those charges or specifications may include any punishment not in excess of that lawfully adjudged at the first military commission.

"§950f. Review by Court of Military Commission Review

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Court of Military Commission Review which shall be composed of one or more panels, and each such panel shall be composed of not less than three appellate military judges. For the purpose of reviewing military commission decisions under this chapter, the Court may sit in panels or as a whole in accordance with rules prescribed by the Secretary.

"(b) APPELLATE MILITARY JUDGES.—The Secretary shall assign appellate military judges to a Court of Military Commission Review. Each appellate military judge shall meet the qualifications for military judges prescribed by section 948j(b) of this title or shall be a civilian with comparable qualifications. No person may serve as an appellate military judge in any case in which that person acted as a military judge, counsel, or reviewing official.

"(c) RIGHT OF APPEAL.—The accused may appeal from a final decision of a military commission, and the United States may appeal as provided in section 950d of this title, to the Court of Military Commission Review in accordance with procedures prescribed under regulations of the Secretary.

"(d) SCOPE OF REVIEW.—In a case reviewed by the Court of Military Commission Review under this section, the Court may act only with respect to matters of law.

"§950g. Review by the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court

"(a) REVIEW BY UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.—(1) Subject to the provisions of this subsection, the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the final validity of any judgment rendered by a military commission under this chapter.

"(2) The United States Court of Appeals for the District of Columbia Circuit may not determine the final validity of a judgment of a military commission under this subsection until all other appeals from the judgment under this chapter have been waived or exhausted.

"(3)(A) An accused may seek a determination by the United States Court of Appeals for the District of Columbia Circuit of the final validity of the judgment of the military commission under this subsection only upon petition to the Court for such determination.

"(B) A petition on a judgment under subparagraph (A) shall be filed by the accused in the Court not later than 20 days after the date on which—

"(i) written notice of the final decision of the military commission is served on the accused or defense counsel; or

"(ii) the accused submits, in the form prescribed by section 950c of this title, a written notice waiving the right of the accused to review by the Court of Military Commission Review under section 950f of this title.

"(C) The accused may not file a petition under subparagraph (A) if the accused has waived the right to appellate review under section 950c(a) of this title.

"(4) The determination by the United States Court of Appeals for the District of Columbia Circuit of the final validity of a judgment of a military commission under this subsection shall be governed by the provisions of section 1005(e)(3) of the Detainee Treatment Act of 2005 (42 U.S.C. 801 note).

"(b) Review by Supreme Court.—The Supreme Court of the United States may review by writ of certiorari pursuant to section 1257 of title 28 the final judgment of the United States Court of Appeals for the District of Columbia Circuit in a determination under subsection (a).

"§950h. Appellate counsel

"(a) Appointment.—The Secretary of Defense shall, by regulation, establish procedures for the appointment of appellate counsel for the United States and for the accused in military commissions under this chapter. Appellate counsel shall meet the qualifications of counsel for appearing before military commissions under this chapter.

"(b) Representation of United States.—Appellate counsel may represent the United States in any appeal or review proceeding under this chapter. Appellate Government counsel may represent the United States before the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court in cases arising under this chapter when requested to do so by the Attorney General.

"(c) Representation of Accused.—The accused shall be represented before the United States Court of Appeals for the District of Columbia Circuit or the Supreme Court by military appellate counsel, or by civilian counsel if retained by him.

"§950i. Execution of sentence; suspension of sentence

"(a) Execution of Sentence of Death Only Upon Approval by the President.—If the sentence of a military commission under this chapter extends to death, that part of the sentence providing for death may not be executed until approved by the President. In such a case, the President may commute, remit, or suspend the sentence, or any part thereof, as he sees fit.

"(b) Execution of Sentence of Death Only Upon Final Judgment of Legality of Proceedings.—(1) If the sentence of a military commission under this chapter extends to death, the sentence may not be executed until there is a final judgement as to the legality of the proceedings (and with respect to death, approval under subsection (a)).

"(2) A judgement as to legality of proceedings is final for purposes of paragraph (1) when—

"(A) the time for the accused to file a petition for review by the United States Court of Appeals for the District of Columbia Circuit has expired and the accused has not filed a timely petition for such review and the case is not otherwise under review by the Court; or

"(B) review is completed in accordance with the judgment of the United States Court of Appeals for the District of Columbia Circuit and (A) a petition for a writ of certiorari is not timely filed, (B) such a petition is denied by the Supreme Court, or (C) review is otherwise completed in accordance with the judgment of the Supreme Court.

"(c) Suspension of Sentence.—The Secretary of the Defense, or the convening authority acting on the case (if other than the Secretary), may suspend the execution of any sentence or part thereof in the case, except a sentence of death.

"§950j. Finality of proceedings, findings, and sentences

"(a) Finality.—The appellate review of records of trial provided by this chapter, and the proceedings, findings, and sentences of military commissions as approved, reviewed, or affirmed as required by this chapter, are final and conclusive. Orders publishing the proceedings of military commissions under this chapter are binding upon all departments, courts, agencies, and officers of the United States, except as otherwise provided by the President.

"(b) Provisions of Chapter Sole Basis for Review of Military Commission Procedures and Actions.—Except as otherwise provided in this chapter and notwithstanding any other provision of law (including section 2241 of title 28 or any other habeas corpus provision), no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after the date of enactment of this chapter, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.

"SUBCHAPTER VII—PUNITIVE MATTERS

"Sec.
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"§950aa. Definitions; construction of certain offenses; common circumstances

"(a) Definitions.—In this subchapter:

"(1) The term 'military objective' means combatants and those objects during an armed conflict which, by their nature, location, purpose, or use, effectively contribute to the war-fighting or war-sustaining capability of an opposing force and whose total or partial destruction, capture, or neutralization would constitute a definite military advantage to the attacker under the circumstances at the time of an attack.

"(2) The term 'protected person' means any person entitled to protection under one or more of the Geneva Conventions, including civilians not taking an active part in hostilities, military personnel placed out of combat by sickness, wounds, or detention, and military medical or religious personnel.

"(3) The term 'protected property' means any property specifically protected by the law of war, including buildings dedicated to religion, education, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, but only if and to the extent such property is not being used for military purposes or is not otherwise a military objective. The term includes objects properly identified by one of the distinctive emblems of the Geneva Conventions, but does not include civilian property that is a military objective.

"(b) Construction of Certain Offenses.—The intent required for offenses under sections 950hh, 950ii, 950jj, 950kk, and 950ss of this title precludes their applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

"(c) Common Circumstances.—An offense specified in this subchapter is triable by military commission under this chapter only if the offense is committed in the context of and associated with armed conflict.

"§950bb. Statement of substantive offenses

"(a) Purpose.—The provisions of this subchapter codify offenses that have traditionally been triable by military commissions. This chapter does not establish new crimes that did not exist before its enactment, but rather codifies those crimes for trial by military commission.

"(b) Effect.—Because the provisions of this subchapter (including provisions that incorporate definitions in other provisions of law) are declarative of existing law, they do not preclude trial for crimes that occurred before the date of the enactment of this chapter.

"§950cc. Principals

"Any person is punishable as a principle under this chapter who—

“(1) commits an offense punishable by this chapter, or aids, abets, counsels, commands, or procures its commission;

“(2) causes an act to be done which if directly performed by him would be punishable by this chapter; or

“(3) is a superior commander who, with regard to acts punishable under this chapter, knew, had reason to know, or should have known, that a subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

“§ 950dd. Accessory after the fact

“Any person subject to this chapter who, knowing that an offense punishable by this chapter has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment shall be punished as a military commission under this chapter may direct.

“§ 950ee. Conviction of lesser offenses

“An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an attempt to commit either the offense charged or an offense necessarily included therein.

“§ 950ff. Attempts

“(a) IN GENERAL.—Any person subject to this chapter who attempts to commit any offense punishable by this chapter shall be punished as a military commission under this chapter may direct.

“(b) SCOPE OF OFFENSE.—An act, done with specific intent to commit an offense under this chapter, amounting to more than mere preparation and tending, even though failing, to effect its commission, is an attempt to commit that offense.

“(c) EFFECT OF CONSUMMATION.—Any person subject to this chapter may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

“§ 950gg. Solicitation

“Any person subject to this chapter who solicits or advises another or others to commit one or more substantive offenses triable by military commission under this chapter shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed or attempted, he shall be punished as a military commission under this chapter may direct.

“§ 950hh. Murder of protected persons

“Any person subject to this chapter who intentionally kills one or more protected persons shall be punished by death or such other punishment as a military commission under this chapter may direct.

“§ 950ii. Attacking civilians

“Any person subject to this chapter who intentionally engages in an attack upon a civilian population as such, or individual civilians not taking active part in hostilities, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“§ 950jj. Attacking civilian objects

“Any person subject to this chapter who intentionally engages in an attack upon a civilian object that is not a military objective shall be punished as a military commission under this chapter may direct.

“§ 950kk. Attacking protected property

“Any person subject to this chapter who intentionally engages in an attack upon protected property shall be punished as a military commission under this chapter may direct.

“§ 950ll. Pillaging

“Any person subject to this chapter who intentionally and in the absence of military necessity appropriates or seizes property for private or personal use, without the consent of a person with authority to permit such appropriation or seizure, shall be punished as a military commission under this chapter may direct.

“§ 950mm. Denying quarter

“Any person subject to this chapter who, with effective command or control over subordinate groups, declares, orders, or otherwise indicates to those groups that there shall be no survivors or surrender accepted, with the intent to threaten an adversary or to conduct hostilities such that there would be no survivors or surrender accepted, shall be punished as a military commission under this chapter may direct.

“§ 950nn. Taking hostages

“Any person subject to this chapter who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“§ 950oo. Employing poison or similar weapons

“Any person subject to this chapter who intentionally, as a method of warfare, employs a substance or weapon that releases a substance that causes death or serious and lasting damage to health in the ordinary course of events, through its asphyxiating, bacteriological, or toxic properties, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“§ 950pp. Using protected persons as a shield

“Any person subject to this chapter who positions, or otherwise takes advantage of, a protected person with the intent to shield a military objective from attack, or to shield, favor, or impede military operations, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“§ 950qq. Using protected property as a shield

“Any person subject to this chapter who positions, or otherwise takes advantage of the location of, protected property with the intent to shield a military objective from attack, or to shield, favor, or impede military operations, shall be punished as a military commission under this chapter may direct.

“§ 950rr. Torture

“(a) OFFENSE.—Any person subject to this chapter who commits an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(b) SEVERE MENTAL PAIN OR SUFFERING DEFINED.—In this section, the term ‘severe mental pain or suffering’ has the meaning given that term in section 2340(2) of title 18.

“§ 950ss. Cruel or inhuman treatment

“(a) OFFENSE.—Any person subject to this chapter who commits, or conspires or attempts to commit, an act intended to inflict severe or serious physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including serious physical abuse, upon another within his custody or control shall be punished, if death results to the victim, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to the victim, by such punishment, other than death, as a military commission under this chapter may direct.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘severe mental pain or suffering’ has the meaning given that term in section 2340(2) of title 18.

“(2) The term ‘serious physical pain or suffering’ means bodily injury that involves—

“(A) a substantial risk of death;

“(B) extreme physical pain;

“(C) a burn or physical disfigurement of a serious nature (other than cuts, abrasions, or bruises); or

“(D) significant loss or impairment of the function of a bodily member, organ, or mental faculty.

“(3) The term ‘serious mental pain or suffering’ has the meaning given the term ‘severe mental pain or suffering’ in section 2340(2) of title 18, except that—

“(A) the term ‘serious’ shall replace the term ‘severe’ where it appears; and

“(B) as to conduct occurring after the date of the enactment of the Military Commission Act of 2006, the term ‘serious and non-transitory mental harm (which need not be prolonged)’ shall replace the term ‘prolonged mental harm’ where it appears.

“§ 950tt. Intentionally causing serious bodily injury

“(a) OFFENSE.—Any person subject to this chapter who intentionally causes serious bodily injury to one or more persons, including lawful combatants, in violation of the law of war shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(b) SERIOUS BODILY INJURY DEFINED.—In this section, the term ‘serious bodily injury’ means bodily injury which involves—

“(1) a substantial risk of death;

“(2) extreme physical pain;

“(3) protracted and obvious disfigurement; or

“(4) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

“§950uu. Mutilating or maiming

“Any person subject to this chapter who intentionally injures one or more protected persons by disfiguring the person or persons by any mutilation of the person or persons, or by permanently disabling any member, limb, or organ of the body of the person or persons, without any legitimate medical or dental purpose, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“§950vv. Murder in violation of the law of war

“Any person subject to this chapter who intentionally kills one or more persons, including lawful combatants, in violation of the law of war shall be punished by death or such other punishment as a military commission under this chapter may direct.

“§950ww. Destruction of property in violation of the law of war

“Any person subject to this chapter who intentionally destroys property belonging to another person in violation of the law of war shall punished as a military commission under this chapter may direct.

“§950xx. Using treachery or perfidy

“Any person subject to this chapter who, after inviting the confidence or belief of one or more persons that they were entitled to, or obliged to accord, protection under the law of war, intentionally makes use of that confidence or belief in killing, injuring, or capturing such person or persons shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“§950yy. Improperly using a flag of truce

“Any person subject to this chapter who uses a flag of truce to feign an intention to negotiate, surrender, or otherwise suspend hostilities when there is no such intention shall be punished as a military commission under this chapter may direct.

“§950zz. Improperly using a distinctive emblem

“Any person subject to this chapter who intentionally uses a distinctive emblem recognized by the law of war for combatant purposes in a manner prohibited by the law of war shall be punished as a military commission under this chapter may direct.

“§950aaa. Intentionally mistreating a dead body

“Any person subject to this chapter who intentionally mistreats the body of a dead person, without justification by legitimate military necessary, shall be punished as a military commission under this chapter may direct.

“§950bbb. Rape

“Any person subject to this chapter who forcibly or with coercion or threat of force wrongfully invades the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused, or with any foreign object, shall be punished as a military commission under this chapter may direct.

“§950ccc. Hijacking or hazarding a vessel or aircraft

“Any person subject to this chapter who intentionally seizes, exercises unauthorized control over, or endangers the safe navigation of a vessel or aircraft that is not a legitimate military objective shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“§950ddd. Terrorism

“Any person subject to this chapter who intentionally kills or inflicts great bodily harm on one or more protected persons, or intentionally engages in an act that evinces a wanton disregard for human life, in a manner calculated to influence or affect the conduct of government or civilian population by intimidation or coercion, or to retaliate against government conduct, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“§950eee. Providing material support for terrorism

“(a) OFFENSE.—Any person subject to this chapter who provides material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, an act of terrorism (as set forth in section 950ddd of this title), or who intentionally provides material support or resources to an international terrorist organization engaged in hostilities against the United States, knowing that such organization has engaged or engages in terrorism (as so set forth), shall be punished as a military commission under this chapter may direct.

“(b) MATERIAL SUPPORT OR RESOURCES DEFINED.—In this section, the term ‘material support or resources’ has the meaning given that term in section 2339A(b) of title 18.

“§950fff. Wrongfully aiding the enemy

“Any person subject to this chapter who, in breach of an allegiance or duty to the United States, knowingly and intentionally aids an enemy of the United States, or one of the co-belligerents of the enemy, shall be punished as a military commission under this chapter may direct.

“§950ggg. Spying

“Any person subject to this chapter who, in violation of the law of war and with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign power, collects or attempts to collect information by clandestine means or while acting under false pretenses, for the purpose of conveying such information to an enemy of the United States, or one of the co-belligerents of the enemy, shall be punished by death or such other punishment as a military commission under this chapter may direct.

“§950hhh. Conspiracy

“Any person subject to this chapter who conspires to commit one or more substantive offenses triable by military commission under this subchapter, and who knowingly does any overt act to effect the object of the conspiracy, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“§950iii. Contempt

“A military commission under this chapter may punish for contempt any person who uses any menacing word, sign, or gesture in its presence, or who disturbs its proceedings by any riot or disorder.

“§950jjj. Perjury and obstruction of justice

“A military commission under this chapter may try offenses and impose such punishment as the military commission may direct for perjury, false testimony, or obstruction of justice related to the military commission.”.

(2) TABLES OF CHAPTERS AMENDMENTS.—The tables of chapters at the beginning of subtitle A and part II of subtitle A of title 10, United States Code, are each amended by inserting after the item relating to chapter 47 the following new item:

“Chapter 47A. Military Commissions 948a”.

(b) SUBMITTAL OF PROCEDURES TO CONGRESS.—

(1) SUBMITTAL OF PROCEDURES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the procedures for military commissions prescribed under chapter 47A of title 10, United States Code (as added by subsection (a)).

(2) SUBMITTAL OF MODIFICATIONS.—Not later than 60 days before the date on which any proposed modification of the procedures described in paragraph (1) shall go into effect, the Secretary shall submit to the committees of Congress referred to in that paragraph a report describing such modification.

SEC. 5. AMENDMENTS TO OTHER LAWS.

(a) DETAINEE TREATMENT ACT OF 2005.—Section 1004(b) of the Detainee Treatment Act of 2005 (title X of Public Law 109–148; 119 Stat. 2740; 42 U.S.C. 200dd–1(b)) is amended—

(1) by striking “may provide” and inserting “shall provide”;

(2) by inserting “or investigation” after “criminal prosecution”; and

(3) by inserting “whether before United States courts or agencies, foreign courts or agencies, or international courts or agencies,” after “described in that subsection,”.

(b) UNIFORM CODE OF MILITARY JUSTICE.—Chapter 47 of title, 10, United States Code (the Uniform Code of Military Justice), is amended as follows:

(1) Section 802 (article 2 of the Uniform Code of Military Justice) is amended by adding at the end the following new paragraph:

“(13) Lawful enemy combatants (as that term is defined in section 948a(3) of this title) who violate the law of war.”.

(2) Section 821 (article 21 of the Uniform Code of Military Justice) is amended by striking “by statute or law of war”.

(3) Section 836(a) (article 36(a) of the Uniform Code of Military Justice) is amended by inserting “(other than military commissions under chapter 47A of this title)” after “other military tribunals”.

(c) PUNITIVE ARTICLE OF CONSPIRACY.—Section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice)), is amended—

(1) by inserting “(a)” before “Any person”; and

(2) by adding at the end the following new subsection:

“(b) Any person subject to this chapter or chapter 47A of this title who conspires with any other person to commit an offense under the law of war, and who knowingly does an overt act to effect the object of the conspiracy, shall be punished, if death results to one or more of the victims, by death or such other punishment as a court-martial or military commission may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a court-martial or military commission may direct.".

(d) REVIEW OF JUDGMENTS OF MILITARY COMMISSIONS.—

(1) REVIEW BY SUPREME COURT.—Section 1259 of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(5) Cases tried by military commission and reviewed by the United States Court of Appeals for the District of Columbia Circuit under section 950g of title 10.".

(2) DETAINEE TREATMENT ACT OF 2005.—Section 1005(e)(3) of the Detainee Treatment Act of 2005 (title X of Public Law 109–148; 119 Stat. 2740; 10 U.S.C. 801 note) is amended—

(A) in subparagraph (A), by striking "pursuant to Military Commission Order No. 1, dated August 31, 2005 (or any successor military order)" and inserting "by a military commission under chapter 47A of title 10, United States Code";

(B) by striking subparagraph (B) and inserting the following new subparagraph (B):

"(B) GRANT OF REVIEW.—Review under this paragraph shall be as of right.";

(C) in subparagraph (C)—

(i) in clause (i)—

(I) by striking "pursuant to the military order" and inserting "by a military commission"; and

(II) by striking "at Guantanamo Bay, Cuba"; and

(ii) in clause (ii), by striking "pursuant to such military order" and inserting "by the military commission"; and

(D) in subparagraph (D)(i), by striking "specified in the military order" and inserting "specified for a military commission".

SEC. 6. HABEAS CORPUS MATTERS.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended—

(1) by striking subsection (e) (as added by section 1005(e)(1) of Public Law 109–148 (119 Stat. 2742)) and by striking subsection (e) (as added by added by section 1405(e)(1) of Public Law 109–163 (119 Stat. 3477)); and

(2) by adding at the end the following new subsection:

"(e)(1) No court, justice, or judge shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of an alien detained by the United States who—

"(A) is currently in United States custody; and

"(B) has been determined by the United States to have been properly detained as an enemy combatant or is awaiting such determination.

"(2) Except as provided in paragraphs (2) and (3) of section 1005(e) of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note), no court, justice, or judge shall have jurisdiction to hear or consider any other action against the United States or its agents relating to any aspect of the detention, transfer, treatment, trial, or conditions of confinement of an alien detained by the United States who—

"(A) is currently in United States custody; and

"(B) has been determined by the United States to have been properly detained as an enemy combatant or is awaiting such determination."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to all cases, without exception, pending on or after the date of the enactment of this Act which relate to any aspect of the detention, transfer, treatment, trial, or conditions of detention of an alien detained by the United States since September 11, 2001.

SEC. 7. TREATY OBLIGATIONS NOT ESTABLISHING GROUNDS FOR CERTAIN CLAIMS.

(a) IN GENERAL.—No person may invoke the Geneva Conventions, or any protocols thereto, in any habeas or civil action or proceeding to which the United States, or a current or former officer, employee, member of the Armed Forces, or other agent of the United States, is a party, as a source of rights in any court of the United States or its States or territories.

(b) GENEVA CONVENTIONS DEFINED.—In this section, the term "Geneva Conventions" means—

(1) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3217);

(2) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of the Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(3) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(4) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

SEC. 8. IMPLEMENTATION OF TREATY OBLIGATIONS.

(a) IMPLEMENTATION OF TREATY OBLIGATIONS.—

(1) IN GENERAL.—The acts enumerated in subsection (d) of section 2441 of title 18, United States Code, as added by subsection (b) of this section, and in subsection (c) of this section, constitute violations of common Article 3 of the Geneva Conventions prohibited by United States law.

(2) PROHIBITION ON GRAVE BREACHES.—The provisions of section 2441 of title 18, United States Code, as amended by this section, fully satisfy the obligation under Article 129 of the Third Geneva Convention for the United States to provide effective penal sanctions for grave breaches which are encompassed in common Article 3 in the context of an armed conflict not of an international character. No foreign or international source of law shall supply a basis for a rule of decision in the courts of the United States in interpreting the prohibitions enumerated in subsection (d) of such section 2441.

(3) INTERPRETATION BY THE PRESIDENT.—(A) As provided by the Constitution and by this section, the President has the authority for the United States to interpret the meaning and application of the Geneva Conventions and to promulgate higher standards and administrative regulations for violations of treaty obligations which are not grave breaches of the Geneva Conventions.

(B) The President shall issue interpretations described by subparagraph (A) by Executive Order published in the Federal Register.

(C) Any Executive Order published under this paragraph shall be authoritative (as to non-grave breach provisions of common Article 3) as a matter of United States law, in the same manner as other administrative regulations.

(D) Nothing in this section shall be construed to affect the constitutional functions and responsibilities of Congress and the judicial branch of the United States.

(4) DEFINITIONS.—In this subsection:

(A) The term "Geneva Conventions" means—

(i) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3217);

(ii) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of the Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(iii) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(iv) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

(B) The term "Third Geneva Convention" means the international convention referred to in subparagraph (A)(iii).

(b) REVISION TO WAR CRIMES OFFENSE UNDER FEDERAL CRIMINAL CODE.—

(1) IN GENERAL.—Section 2441 of title 18, United States Code, is amended—

(A) in subsection (c), by striking paragraph (3) and inserting the following new paragraph (3):

"(3) which constitutes a grave breach of common Article 3 as defined in subsection (d) when committed in the context of and in association with an armed conflict not of an international character; or"; and

(B) by adding at the end the following new subsection:

"(d) COMMON ARTICLE 3 VIOLATIONS.—

"(1) PROHIBITED CONDUCT.—In subsection (c)(3), the term 'grave breach of common Article 3' means any conduct (such conduct constituting a grave breach of common Article 3 of the international conventions done at Geneva August 12, 1949), as follows:

"(A) TORTURE.—The act of a person who commits, or conspires or attempts to commit, an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind.

"(B) CRUEL OR INHUMAN TREATMENT.—The act of a person who commits, or conspires or attempts to commit, an act intended to inflict severe or serious physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including serious physical abuse, upon another within his custody or control.

"(C) PERFORMING BIOLOGICAL EXPERIMENTS.—The act of a person who subjects, or conspires or attempts to subject, one or more persons within his custody or physical control to biological experiments without a legitimate medical or dental purpose and in so doing endangers the body or health of such person or persons.

"(D) MURDER.—The act of a person who intentionally kills, or conspires or attempts to kill, or kills whether intentionally or unintentionally in the course of committing any other offense under this subsection, one or more persons taking no active part in the hostilities, including those placed out of combat by sickness, wounds, detention, or any other cause.

"(E) MUTILATION OR MAIMING.—The act of a person who intentionally injures, or conspires or attempts to injure, or injures whether intentionally or unintentionally in the course of committing any other offense under this subsection, one or more persons taking no active part in the hostilities, including those placed out of combat by sickness, wounds, detention, or any other cause, by disfiguring the person or persons by any mutilation thereof or by permanently disabling any member, limb, or organ of his body, without any legitimate medical or dental purpose.

"(F) INTENTIONALLY CAUSING SERIOUS BODILY INJURY.—The act of a person who intentionally causes, or conspires or attempts to cause, serious bodily injury to one or more persons, including lawful combatants, in violation of the law of war.

"(G) RAPE.—The act of a person who forcibly or with coercion or threat of force wrongfully invades, or conspires or attempts to invade, the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused, or with any foreign object.

"(H) SEXUAL ASSAULT OR ABUSE.—The act of a person who forcibly or with coercion or threat of force engages, or conspires or attempts to engage, in sexual contact with one or more persons, or causes, or conspires or attempts to cause, one or more persons to engage in sexual contact.

"(I) TAKING HOSTAGES.—The act of a person who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons.

"(2) DEFINITIONS.—In the case of an offense under subsection (a) by reason of subsection (c)(3)—

"(A) the term 'severe mental pain or suffering' shall be applied for purposes of paragraphs (1)(A) and (1)(B) in accordance with the meaning given that term in section 2340(2) of this title;

"(B) the term 'serious bodily injury' shall be applied for purposes of paragraph (1)(F) in accordance with the meaning given that term in section 113(b)(2) of this title;

"(C) the term 'sexual contact' shall be applied for purposes of paragraph (1)(G) in accordance with the meaning given that term in section 2246(3) of this title;

"(D) the term 'serious physical pain or suffering' shall be applied for purposes of paragraph (1)(B) as meaning bodily injury that involves—

"(i) a substantial risk of death;

"(ii) extreme physical pain;

"(iii) a burn or physical disfigurement of a serious nature (other than cuts, abrasions, or bruises); or

"(iv) significant loss or impairment of the function of a bodily member, organ, or mental faculty; and

"(E) the term 'serious mental pain or suffering' shall be applied for purposes of paragraph (1)(B) in accordance with the meaning given the term 'severe mental pain or suffering' (as defined in section 2340(2) of this title), except that—

"(i) the term 'serious' shall replace the term 'severe' where it appears; and

"(ii) as to conduct occurring after the date of the enactment of the Military Commission Act of 2006, the term 'serious and non-transitory mental harm (which need not be prolonged)' shall replace the term 'prolonged mental harm' where it appears.

"(3) INAPPLICABILITY OF CERTAIN PROVISIONS WITH RESPECT TO COLLATERAL DAMAGE OR INCIDENT OF LAWFUL ATTACK.—The intent specified for the conduct stated in subparagraphs (D), (E), and (F) or paragraph (1) precludes the applicability of those subparagraphs to an offense under subsection (a) by reasons of subsection (c)(3) with respect to—

"(A) collateral damage; or

"(B) death, damage, or injury incident to a lawful attack.

"(4) INAPPLICABILITY OF TAKING HOSTAGES TO PRISONER EXCHANGE.—Paragraph (1)(I) does not apply to an offense under subsection (a) by reason of subsection (c)(3) in the case of a prisoner exchange during wartime.".

(2) RETROACTIVE APPLICABILITY.—The amendments made by this subsection, except as specified in subsection (d)(2)(E) of section 2441 of title 18, United States Code, shall take effect as of November 26, 1997, as if enacted immediately after the amendments made by section 583 of Public Law 105–118 (as amended by section 4002(e)(7) of Public Law 107–273).

(c) ADDITIONAL PROHIBITION ON CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.—

(1) IN GENERAL.—No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

(2) CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT DEFINED.—In this subsection, the term "cruel, inhuman, or degrading treatment or punishment" means cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984.

(3) COMPLIANCE.—The President shall take appropriate action to ensure compliance with this subsection, including through the establishment of administrative rules and procedures.

SEC. 9. DETENTION COVERED BY REVIEW OF DECISIONS OF COMBATANT STATUS REVIEW TRIBUNALS OF PROPRIETY OF DETENTION.

Section 1005(e)(2)(B)(i) of the Detainee Treatment Act of 2005 (title X of Public Law 109–148; 119 Stat. 2742; 10 U.S.C. 801 note) is amended by striking "the Department of Defense at Guantanamo Bay, Cuba" and inserting "the United States".

SEC. 10. SEVERABILITY.

If any provision of this Act or amendment made by a provision of this Act, or the application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of such provisions and amendments to any other person or circumstance, shall not be affected thereby.

By Mr. MCCONNELL (for himself and Mr. FRIST):

S. 3931. A bill to establish procedures for the review of electronic surveillance programs; read the first time.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3931

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorist Surveillance Act of 2006".

SEC. 2. FINDINGS.

Congress finds the following:

(1) After the terrorist attacks of September 11, 2001, President Bush authorized the National Security Agency to intercept communications between people inside the United States, including American citizens, and terrorism suspects overseas.

(2) One of the lessons learned from September 11, 2001, is that the enemies who seek to greatly harm and terrorize our Nation utilize technologies and techniques that defy conventional law enforcement practices.

(3) The President, as the constitutional officer most directly responsible for protecting the United States from attack, requires the ability and means to detect and track an enemy that can master and exploit modern technology.

(4) It is equally essential, however, that in protecting the United States against our enemies, the President does not compromise the very civil liberties that he seeks to safeguard. As Justice Hugo Black observed, "The President's power, if any, to issue [an] order must stem either from an Act of Congress or from the Constitution itself." Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 585 (1952) (opinion by Black, J.). Similarly, in 2004, Justice Sandra Day O'Connor explained in her plurality opinion for the Supreme Court in Hamdi v. Rumsfeld: "We have long since made clear that a state of war is not a blank check for the President when it comes to the rights of the Nation's citizens." Hamdi v. Rumsfeld, 542 U.S. 507, 536 (2004) (citations omitted).

(5) When deciding issues of national security, it is in our Nation's best interest that, to the extent feasible, all 3 branches of the Federal Government should be involved. This helps guarantee that electronic surveillance programs do not infringe on the constitutional rights of Americans, while at the same time ensuring that the President has all the powers and means necessary to detect and track our enemies and protect our Nation from attack.

(6) As Justice Sandra Day O'Connor explained in her plurality opinion for the Supreme Court in Hamdi v. Rumsfeld, "Whatever power the United States Constitution envisions for the Executive in its exchanges with other nations or with enemy organizations in times of conflict, it most assuredly envisions a role for all 3 branches when individual liberties are at stake." Hamdi v. Rumsfeld, 542 U.S. 507, 536 (2004) (citations omitted).

(7) Similarly, Justice Jackson famously explained in his Youngstown concurrence: "When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate . . . When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility . . . When the President takes

measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive Presidential control in such a case only by disabling the Congress from acting upon the subject." Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 635–38 (1952) (Jackson, J., concurring).

(8) Congress clearly has the authority to enact legislation with respect to electronic surveillance programs. The Constitution provides Congress with broad powers of oversight over national security and foreign policy, under article I, section 8 of the Constitution of the United States, which confers on Congress numerous powers, including the powers—

(A) "To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water";

(B) "To raise and support Armies";

(C) "To provide and maintain a Navy";

(D) "To make Rules for the Government and Regulation of the land and naval Forces";

(E) "To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions"; and

(F) "To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States".

(9) While Attorney General Alberto Gonzales explained that the executive branch reviews the electronic surveillance program of the National Security Agency every 45 days to ensure that the program is not overly broad, it is the belief of Congress that approval and supervision of electronic surveillance programs should be conducted outside of the executive branch, by the article III court established under section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) and the congressional intelligence committees. It is also the belief of Congress that it is appropriate for an article III court to pass upon the constitutionality of electronic surveillance programs that may be directed at Americans.

(10) The Foreign Intelligence Surveillance Court is the proper court to approve and supervise classified electronic surveillance programs because it is adept at maintaining the secrecy with which it was charged and it possesses the requisite expertise and discretion for adjudicating sensitive issues of national security.

(11) In 1975, [then] Attorney General Edward Levi, a strong defender of executive authority, testified that in times of conflict, the President needs the power to conduct long-range electronic surveillance and that a foreign intelligence surveillance court should be empowered to issue special approval orders in these circumstances.

(12) Granting the Foreign Intelligence Surveillance Court the authority to review electronic surveillance programs and pass upon their constitutionality is consistent with well-established, longstanding practices.

(13) The Foreign Intelligence Surveillance Court already has broad authority to approve surveillance of members of international conspiracies, in addition to granting warrants for surveillance of a particular individual under sections 104, 105, and 402 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804, 1805, and 1842).

(14) Prosecutors have significant flexibility in investigating domestic conspiracy cases. Courts have held that flexible warrants comply with the 4th amendment to the Constitution of the United States when they relate to complex, far-reaching, and multifaceted criminal enterprises like drug conspiracies and money laundering rings. The courts recognize that applications for search warrants must be judged in a common sense and realistic fashion, and the courts permit broad warrant language where, due to the nature and circumstances of the investigation and the criminal organization, more precise descriptions are not feasible.

(15) The Supreme Court, in the "Keith Case", United States v. United States District Court for the Eastern District of Michigan, 407 U.S. 297 (1972), recognized that the standards and procedures used to fight ordinary crime may not be applicable to cases involving national security. The Court recognized that national "security surveillance may involve different policy and practical considerations from the surveillance of ordinary crime" and that courts should be more flexible in issuing warrants in national security cases. United States v. United States District Court for the Eastern District of Michigan, 407 U.S. 297, 322 (1972).

(16) By authorizing the Foreign Intelligence Surveillance Court to review electronic surveillance programs, Congress enables the President to use the necessary means to guard our national security, while also protecting the civil liberties and constitutional rights that we cherish.

SEC. 3. DEFINITIONS.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by redesignating title VII as title VIII;

(2) by redesignating section 701 as section 801; and

(3) by inserting after title VI the following:

"TITLE VII—ELECTRONIC SURVEILLANCE PROGRAMS

"SEC. 701. DEFINITIONS.

"As used in this title—

"(1) the terms 'agent of a foreign power', 'Attorney General', 'contents', 'electronic surveillance', 'foreign power', 'international terrorism', 'minimization procedures', 'person', 'United States', and 'United States person' have the same meaning as in section 101;

"(2) the term 'congressional intelligence committees' means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives;

"(3) the term 'electronic surveillance program' means a program to engage in electronic surveillance—

"(A) that has as a significant purpose the gathering of foreign intelligence information or protecting against international terrorism;

"(B) where it is not feasible to name every person, address, or location to be subjected to electronic surveillance;

"(C) where effective gathering of foreign intelligence information requires the flexibility to begin electronic surveillance immediately after learning of suspect activity; and

"(D) where effective gathering of foreign intelligence information requires an extended period of electronic surveillance;

"(4) the term 'foreign intelligence information' has the same meaning as in section 101(e) and includes information necessary to protect against international terrorism;

"(5) the term 'Foreign Intelligence Surveillance Court' means the court established under section 103(a); and

"(6) the term 'Foreign Intelligence Surveillance Court of Review' means the court established under section 103(b).".

SEC. 4. FOREIGN INTELLIGENCE SURVEILLANCE COURT JURISDICTION TO REVIEW ELECTRONIC SURVEILLANCE PROGRAMS.

(a) In General.—Title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 3, is amended by adding at the end the following:

"SEC. 702. FOREIGN INTELLIGENCE SURVEILLANCE COURT JURISDICTION TO REVIEW ELECTRONIC SURVEILLANCE PROGRAMS.

"(a) Authorization of Review.—

"(1) Initial Authorization.—The Foreign Intelligence Surveillance Court shall have jurisdiction to issue an order under this title, lasting not longer than 90 days, that authorizes an electronic surveillance program to obtain foreign intelligence information or to protect against international terrorism.

"(2) Reauthorization.—The Foreign Intelligence Surveillance Court shall have jurisdiction to reauthorize an electronic surveillance program for a period of time not longer than such court determines to be reasonable. There shall be no limit on the number of times the Attorney General may seek reauthorization of an electronic surveillance program.

"(3) Resubmission or Appeal.—In the event that the Foreign Intelligence Surveillance Court refuses to approve an application under this subsection, the court shall state its reasons in a written opinion, which it shall submit to the Attorney General. The Attorney General or his designee may submit a new application under section 703 for the electronic surveillance program, with no limit on the number of resubmissions that may be made. Alternatively, the Attorney General may appeal the decision of the Foreign Intelligence Surveillance Court to the Foreign Intelligence Surveillance Court of Review.

"(4) Continued Surveillance Under Title I.—

"(A) In general.—If, at any time, the Attorney General determines that the known facts and circumstances relating to any target within the United States under this title satisfy the criteria for an application under section 104 for an order for electronic surveillance of the target under section 105, the Attorney General shall—

"(i) discontinue the surveillance of the target under this title; or

"(ii) continue the surveillance of the target under this title, subject to the requirements of subparagraph (B).

"(B) Continuation of Surveillance.—

"(i) In general.—The Attorney General may continue surveillance of a target under this title as specified in subparagraph (A)(ii) only if the Attorney General makes an application under section 104 for an order for electronic surveillance of the target under section 105 as soon as the Attorney General determines practicable after the date on which the Attorney General makes the determination to continue surveillance of the target under subparagraph (A)(ii).

"(ii) Period.—The period during which the Attorney General may continue surveillance of a target under this title after the Attorney General has determined that making an application is practicable shall be limited to a reasonable period, as determined by the Attorney General, during which the application is prepared and the period during which the application of the Attorney General under section 104 for an order for electronic surveillance of the target under section 105 is pending under title I, including during any period in which appeal from the denial of the application is pending with the Foreign Intelligence Surveillance Court of Review or the Supreme Court under section 103(b).

"(b) Mandatory Transfer for Review.—

"(1) In General.—In any case before any court challenging the legality of classified communications intelligence activity relating to a foreign threat, including an electronic surveillance program, or in which the legality of any such activity or program is in issue, if the Attorney General files an affidavit under oath that the case should be transferred to the Foreign Intelligence Surveillance Court of Review because further proceedings in the originating court would harm the national security of the United States, the originating court shall transfer the case of the Foreign Intelligence Surveillance for further proceedings under this subsection.

"(2) Procedures for Review.—The Foreign Intelligence Surveillance Court shall have jurisdiction as appropriate to determine standing and the legality of the program to the extent necessary for resolution of the underlying case. All proceedings under this paragraph shall be conducted in accordance with the procedures set forth in section 106(f). In the event the Foreign Intelligence Surveillance Court determines that, in the context of a criminal proceeding, the Constitution of the United States would require the disclosure of national security information, any such constitutionally required disclosure shall be governed by the Classified Information Procedures Act, (18 U.S.C. App.), or if applicable, section 2339B(f) of title 18, United States Code.

"(3) Appeal, Certiorari, and Effects of Decisions.—The decision of the Foreign Intelligence Surveillance Court made under paragraphs (1) and (2), including a decision that the disclosure of national security information is constitutionally required, shall be subject to review by the Foreign Intelligence Surveillance Court of Review under section 103(b). The Supreme Court of the United States shall have jurisdiction to review decisions of the Foreign Intelligence Surveillance Court of Review by writ of certiorari granted upon the petition of the United States. The decision by the Foreign Intelligence Surveillance Court shall otherwise be binding in all other courts.

"(4) Dismissal.—The Foreign Intelligence Surveillance Court or a court that is an originating court under paragraph (1) may dismiss a challenge to the legality of an electronic surveillance program for any reason provided for under law.

"(5) Preservation of Litigation Privileges.—Nothing in this Act shall be construed to abrogate, limit, or affect any litigation privileges in any court.".

SEC. 5. APPLICATIONS FOR APPROVAL OF ELECTRONIC SURVEILLANCE PROGRAMS.

Title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 4, is amended by adding at the end the following:

"SEC. 703. APPLICATIONS FOR APPROVAL OF ELECTRONIC SURVEILLANCE PROGRAMS.

"(a) In General.—Each application for approval of an electronic surveillance program under this title (including resubmission or application for reauthorization) shall—

"(1) be made by the Attorney General or his designee;

"(2) include a statement of the authority conferred on the Attorney General by the President of the United States;

"(3) include a statement setting forth the legal basis for the conclusion by the Attorney General that the electronic surveillance program is consistent with the Constitution of the United States;

"(4) certify that a significant purpose of the electronic surveillance program is to obtain foreign intelligence information or to protect against international terrorism;

"(5) certify that the information sought cannot reasonably be obtained by normal investigative techniques

"(6) certify that the information sought cannot reasonably be obtained through an application under section 104;

"(7) include a statement of the means and operational procedures by which the electronic surveillance will be executed and effected;

"(8) include an explanation of how the electronic surveillance program is reasonably designed to ensure that the communications that are acquired are communications of or with—

"(A) a foreign power that engages in international terrorism or activities in preparation therefor;

"(B) an agent of a foreign power that engages in international terrorism or activities in preparation therefor;

"(C) a person reasonably believed to have communication with or be associated with a foreign power that engages in international terrorism or activities in preparation therefor or an agent of a foreign power that engages in international terrorism or activities in preparation therefor; or

"(D) a foreign power that poses an imminent threat of attack likely to cause death, serious injury, or substantial economic damage to the United States, or an agent of a foreign power thereof;

"(9) include a statement of the proposed minimization procedures;

"(10) if the electronic surveillance program that is the subject of the application was initiated prior to the date the application was submitted, specify the date that the program was initiated;

"(11) include a description of all previous applications that have been made under this title involving the electronic surveillance program in the application (including the minimization procedures and the means and operational procedures proposed) and the decision on each previous application; and

"(12) include a statement of facts concerning the implementation of the electronic surveillance program described in the application, including, for any period of operation of the program authorized not less than 90 days prior to the date of submission of the application—

"(A) the minimization procedures implemented; and

"(B) the means and operational procedures by which the electronic surveillance was executed and effected.

"(b) Additional Information.—The Foreign Intelligence Surveillance Court may require the Attorney General to furnish such other information as may be necessary to make a determination under section 704.".

SEC. 6. APPROVAL OF ELECTRONIC SURVEILLANCE PROGRAMS.

Title VII of the Foreign Intelligence Surveillance Act 18 of 1978, as amended by section 5, is amended by adding at the end the following:

"SEC. 704. APPROVAL OF ELECTRONIC SURVEILLANCE PROGRAMS.

"(a) Necessary Findings.—Upon receipt of an application under section 703, the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested, or as modified, approving the electronic surveillance program if it finds that—

"(1) the President has authorized the Attorney General to make the application for electronic surveillance for foreign intelligence information or to protect against international terrorism;

"(2) approval of the electronic surveillance program in the application is consistent with the Constitution of the United States;

"(3) the electronic surveillance program is reasonably designed to ensure that the communications that are acquired are communications of or with—

"(A) a foreign power that engages in international terrorism or activities in preparation therefor;

"(B) an agent of a foreign power that is engaged in international terrorism or activities in preparation therefor;

"(C) a person reasonably believed to have communication with or be associated with a foreign power that is engaged in international terrorism or activities in preparation therefor or an agent of a foreign power that is engaged in international terrorism or activities in preparation therefor; or

"(D) a foreign power that poses an imminent threat of attack likely to cause death, serious injury, or substantial economic damage to the United States, or an agent of a foreign power thereof;

"(4) the proposed minimization procedures meet the definition of minimization procedures under section 101(h); and

"(5) the application contains all statements and certifications required by section 703.

"(b) Considerations.—In considering the constitutionality of the electronic surveillance program under subsection (a), the Foreign Intelligence Surveillance Court may consider—

"(1) whether the electronic surveillance program has been implemented in accordance with the proposal by the Attorney General, by comparing—

"(A) the minimization procedures proposed with the minimization procedures actually implemented;

"(B) the nature of the information sought with the nature of the information actually obtained; and

"(C) the means and operational procedures proposed with the means and operational procedures actually implemented; and

"(2) whether foreign intelligence information has been obtained through the electronic surveillance program.

"(c) Contents of Order.—An order approving an electronic surveillance program under this section shall direct—

"(1) that the minimization procedures be followed;

"(2) that, upon the request of the applicant, specified communication or other common carriers, landlords, custodians, or other specified persons, furnish the applicant forthwith with all information, facilities, or technical assistance necessary to undertake the electronic surveillance program in such a manner as will protect its secrecy and produce a minimum of interference with the services that such carriers, landlords, custodians, or other persons are providing potential targets of the electronic surveillance program;

"(3) that any records concerning the electronic surveillance program or the aid furnished or retained by such carriers, landlords, custodians, or other persons are maintained under security procedures approved by the Attorney General and the Director of National Intelligence; and

"(4) that the applicant compensate, at the prevailing rate, such carriers, landlords, custodians, or other persons for furnishing such aid.".

SEC. 7. CONGRESSIONAL OVERSIGHT.

Title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 6, is amended by adding at the end the following:

"SEC. 705. CONGRESSIONAL OVERSIGHT.

"(a) In General.—Not less often than every 180 days, the Attorney General shall submit to the congressional intelligence committees a report in classified form on the activities during the previous 180-day period under any electronic surveillance program authorized under this title.

"(b) Contents.—Each report submitted under subsection (a) shall provide, with respect to the previous 180-day period, a description of—

"(1) the minimization procedures implemented;

"(2) the means and operational procedures by which the electronic surveillance program was executed and effected;

"(3) significant decisions of the Foreign Intelligence Surveillance Court on applications made under section 703;

"(4) the total number of applications made for orders approving electronic surveillance programs pursuant to this title; and

"(5) the total number of orders applied for that have been granted, modified, or denied.

"(c) Rule of Construction.—Nothing in this title shall be construed to limit the authority or responsibility of any committee of either House of Congress to obtain such information as such committee may need to carry out its respective functions and duties.".

SEC. 8. CLARIFICATION OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) Repeal.—Sections 111, 309, and 404 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1811, 1829, and 1844) are repealed.

(b) Clarifying Amendments.—

(1) Title 18.—Section 2511(2) of title 18, United States Code, is amended—

(A) in paragraph (e), by striking ", as defined in section 101" and all that follows through the end of the paragraph and inserting the following: "under the Constitution or the Foreign Intelligence Surveillance Act of 1978."; and

(B) in paragraph (f), by striking "from international or foreign communications," and all that follows through the end of the paragraph and inserting "that is authorized under a Federal statute or the Constitution of the United States.".

(2) FISA.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking "authorized by statute" and inserting "authorized by law"; and

(II) by striking "or" at the end;

(ii) in paragraph (2)—

(I) by striking "authorized by statute" and inserting "authorized by law"; and

(II) by striking the period and inserting "; or"; and

(iii) by adding at the end the following:

"(3) and knowingly discloses or uses information obtained under color of law by electronic surveillance in a manner or for a purpose not authorized by law."; and

(B) in subsection (c)—

(i) by striking "$10,000" and inserting "$100,000"; and

(ii) by striking "five years" and inserting "15 years".

SEC. 9. MODERNIZING AMENDMENTS TO FISA.

(a) Reference.—In this section, a reference to "FISA" shall mean the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

(b) Definitions.—Section 101 of FISA (50 U.S.C. 1801) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (C), by striking "or" after the semicolon; and

(B) by adding at the end the following:

"(D) otherwise is reasonably expected to possess, control, transmit, or receive foreign intelligence information while that person is in the United States, provided that the official making the certification required by section 104(a)(6) deems such foreign intelligence information to be significant; or";

(2) by striking subsection (f) and inserting the following:

"(f) 'Electronic surveillance' means—

"(1) the installation or use of an electronic, mechanical, or other surveillance device for acquiring information by intentionally directing the surveillance at a particular known person who is reasonably believed to be in the United States under circumstances in which that person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes; or

"(2) the intentional acquisition of the contents of any communication under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, and if both the sender and all intended recipients are reasonably believed to be located within the United States.";

(3) in subsection (h), by striking paragraph (4) and inserting the following:

"(4) notwithstanding paragraphs (1), (2), and (3), with respect to any electronic surveillance approved pursuant to section 102 or 704, procedures that require that no contents of any communication originated or sent by a United States person shall be disclosed, disseminated, used or retained for longer than 7 days unless a court order under section 105 is obtained or unless the Attorney General determines that the information indicates a threat of death or serious bodily harm to any person.".

(4) by striking subsection (l); and

(5) by striking subsection (n) and inserting the following:

"(n) 'contents', when used with respect to a communication, includes any information concerning the substance, symbols, sounds, words, purport, or meaning of a communication, and does not include dialing, routing, addressing, or signaling information.".

(c) Electronic Surveillance Authorization.—Section 102 of FISA (50 U.S.C. 1802) is amended to read as follows:

"ELECTRONIC SURVEILLANCE AUTHORIZATION WITHOUT COURT ORDER; CERTIFICATION BY ATTORNEY GENERAL; REPORTS TO CONGRESSIONAL COMMITTEES; TRANSMITTAL UNDER SEAL; DUTIES AND COMPENSATION OF COMMUNICATION COMMON CARRIER; APPLICATIONS; JURISDICTION OF COURT

"Sec. 102. (a)(1) Notwithstanding any other law, the President through the Attorney General, may authorize electronic surveillance without a court order under this title to acquire foreign intelligence information for periods of up to 1 year if the Attorney General certifies in writing under oath that the electronic surveillance is directed at—

"(A)(i) the acquisition of the contents of communications of foreign powers, as defined in paragraph (1), (2), or (3) of section 101(a), or a person other than a United States person acting as an agent of a foreign power, as defined in section 101(b)(1)(A) or (B); or

"(ii) the acquisition of technical intelligence, other than the spoken communications of individuals, from property or premises under the open and exclusive control of a foreign power, as defined in paragraph (1), (2), or (3) of section 101(a); and

"(B) the proposed minimization procedures with respect to such surveillance meet the definition of minimization procedures under section 101(h);

if the Attorney General reports such minimization procedures and any changes thereto to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives at least 30 days prior to their effective date, unless the Attorney General determines immediate action is required and notifies the committees immediately of such minimization procedures and the reason for their becoming effective immediately.

"(2) An electronic surveillance authorized by this subsection may be conducted only in accordance with the Attorney General's certification and the minimization procedures. The Attorney General shall assess compliance with such procedures and shall report such assessments to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives under section 108(a). If an electronic surveillance authorized by this subsection is directed at an agent of a foreign power, the Attorney General's report assessing compliance with the minimization procedures shall also include a statement of the facts and circumstances relied upon to justify the belief that the target of the electronic surveillance is an agent of a foreign power.

"(3) The Attorney General shall immediately transmit under seal to the court established under section 103(a) a copy of any certification under this subsection. Such certification shall be maintained under security measures established by the Chief Justice with the concurrence of the Attorney General, in consultation with the Director of National Intelligence, and shall remain sealed unless—

"(A) an application for a court order with respect to the surveillance is made under section 104; or

"(B) the certification is necessary to determine the legality of the surveillance under section 106(f).

"(b)(1) Notwithstanding any other provision of law, the President, through the Attorney General, may authorize the acquisition of foreign intelligence information for periods of up to 1 year concerning a person reasonably believed to be outside the United States if the Attorney General certifies in writing under oath that he has determined that—

"(A) the acquisition does not constitute electronic surveillance as defined in section 101(f);

"(B) the acquisition involves obtaining the foreign intelligence information from or with the assistance of a wire or electronic communications service provider, custodian, or other person (including any officer, employee, agent, or other specified person thereof) who has access to wire or electronic communications, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications;

"(C) a significant purpose of the acquisition is to obtain foreign intelligence information; and

“(D) the minimization procedures to be employed with respect to such acquisition activity meet the definition of minimization procedures under section 101(h).

“(2) Such certification need not identify the specific facilities, places, premises, or property at which the acquisition will be directed.

“(3) An acquisition undertaken pursuant to this subsection may be conducted only in accordance with the Attorney General's certification and the minimization procedures adopted by the Attorney General. The Attorney General shall assess compliance with such procedures and shall report such assessments to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives under section 108(a).

“(4) The Attorney General shall immediately transmit under seal to the court established under section 103(a) a copy of any certification of the Attorney General under this subsection. Such certification shall be maintained under security measures established by the Chief Justice with the concurrence of the Attorney General, in consultation with the Director of National Intelligence, and shall remain sealed unless the certification is necessary to determine the legality of the acquisition under subsection (o).

“(c) With respect to the acquisition authorized under this section, the Attorney General may direct a specified person to—

“(1) furnish the government forthwith all information, facilities, and assistance necessary to accomplish the acquisition in such a manner as will protect its secrecy and produce a minimum of interference with the services that such person is providing to the target; and

“(2) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such person wishes to maintain.

“(d) The government shall compensate, at the prevailing rate, such specified person for furnishing the aid set forth in subsection (c).

“(e) In the case of a failure to comply with a directive issued pursuant to this section, the Attorney General may invoke the aid of the court established under section 103(a) to compel compliance with the directive. The court shall issue an order requiring the person or entity to comply with the directive forthwith if it finds that the directive was issued in accordance with subsection (a) or (b) and is otherwise lawful. Any failure to obey the order of the court may be punished by the court as contempt thereof. Any process under this section may be served in any judicial district in which the person or entity may be found.

“(f)(1)(A) A person receiving an Attorney General directive issued pursuant to this section may challenge the legality of that directive by filing a petition with the pool established by section 103(e)(1).

“(B) The presiding judge shall immediately assign a petition to one of the judges serving in the pool established by section 103(e)(1). Not later than 24 hours after the assignment of such petition, the assigned judge shall conduct an initial review of the directive. If the assigned judge determines that the petition is frivolous, the assigned judge shall immediately deny the petition and affirm the directive or any part thereof that is the subject of the petition. If the assigned judge determines the petition is not frivolous, the assigned judge shall within 72 hours consider the petition in accordance with the procedures established under section 103(e)(2) and provide a written statement for the record of the reasons for any determination under this subsection.

“(2) A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that such directive does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the directive, the judge shall immediately affirm such directive, and order the recipient to comply therewith.

“(3) Any directive not explicitly modified or set aside consistent with this subsection shall remain in full effect.

“(g) A petition for review of a decision under subsection (f) to affirm, modify, or set aside a directive by the Government or any person receiving such directive shall be made within 7 days of issuance of the decision required by subsection (f) to the court of review established under section 103(b), which shall have jurisdiction to consider such petitions. The court of review shall provide for the record a written statement of the reasons for its decision and, on petition by the Government or any person receiving such directive for a writ of certiorari, the record shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

“(h) Judicial proceedings under this section shall be concluded as expeditiously as possible. The record of proceedings, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures established by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

“(i) All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions thereof, which may include classified information.

“(j) No cause of action shall lie in any court against any provider of a communication service or other person (including any officer, employee, agent, or other specified person thereof) for furnishing any information, facilities, or assistance in accordance with a directive under subsection (a) or (b).

“(k) Information acquired pursuant to an Attorney General authorization under this section concerning any United States person may be used and disclosed by Federal officers and employees without the consent of the United States person only in accordance with the minimization procedures required by subsection (a) or (b), as applicable. No otherwise privileged communication obtained in accordance with, or in violation of, the provisions of this section shall lose its privileged character. No information from an acquisition under this section may be used or disclosed by Federal officers or employees except for lawful purposes.

“(l) No information acquired pursuant to this section shall be disclosed for law enforcement purposes unless such disclosure is accompanied by a statement that such information, or any information derived therefrom, may only be used in a criminal proceeding with the advance authorization of the Attorney General.

“(m) Whenever the Government intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, against an aggrieved person, any information obtained or derived from an acquisition under this section, the Government shall, prior to the trial, hearing, or other proceeding or at a reasonable time prior to an effort to so disclose or so use that information or submit it in evidence, notify the aggrieved person and the court or other authority in which the information is to be disclosed or used that the Government intends to so disclose or so use such information.

“(n) Whenever any State or political subdivision thereof intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of a State or a political subdivision thereof, against an aggrieved person any information obtained or derived from an acquisition under this section, the State or political subdivision thereof shall notify the aggrieved person, the court or other authority in which the information is to be disclosed or used, and the Attorney General that the State or political subdivision thereof intends to so disclose or so use such information.

“(o) Any person against whom evidence obtained or derived from an acquisition authorized pursuant to this section to which he is an aggrieved person is to be, or has been, introduced or otherwise used or disclosed in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, a State, or a political subdivision thereof, may move to suppress the evidence obtained or derived from such acquisition on the grounds that—

“(1) the information was unlawfully acquired; or

“(2) the acquisition was not made in conformity with an order of authorization or approval.

Such a motion shall be made before the trial, hearing, or other proceeding unless there was no opportunity to make such a motion or the person was not aware of the grounds of the motion.

“(p) Whenever a court or other authority is notified pursuant to subsection (m) or (n), whenever a motion is made pursuant to subsection (o), or whenever any motion or request is made by an aggrieved person pursuant to any other statute or rule of the United States or any State before any court or other authority of the United States or any State to discover or obtain an Attorney General directive or other materials relating to the acquisition authorized under this section or to discover, obtain, or suppress evidence or information obtained or derived from the acquisition authorized under this section, the United States district court or, where the motion is made before another authority, the United States district court in the same district as the authority, shall, notwithstanding any other law, if the Attorney General files an affidavit under oath that disclosure or an adversary hearing would harm the national security of the United States, review in camera and ex parte the directive, and such other materials relating to the acquisition as may be necessary to determine whether the acquisition authorized under this section was lawfully authorized and conducted. In making this determination, the court may disclose to the aggrieved person, under appropriate security procedures and protective orders, portions of the directive or other materials relating to the acquisition only where such disclosure is necessary to make an accurate determination of the legality of the acquisition.

"(q) If the United States district court pursuant to subsection (o) determines that the acquisition authorized under this section was not lawfully authorized or conducted, it shall, in accordance with the requirements of law, suppress the evidence which was unlawfully obtained or derived or otherwise grant the motion of the aggrieved person. If the court determines that such acquisition was lawfully authorized and conducted, it shall deny the motion of the aggrieved person except to the extent that due process requires discovery or disclosure.

"(r) Orders granting motions or requests under subsection (o), decisions under this section that an acquisition was not lawfully authorized or conducted, and orders of the United States district court requiring review or granting disclosure of directives or other materials relating to such acquisition shall be final orders and binding upon all courts of the United States and the several States except a United States court of appeals and the Supreme Court.

"(s) Federal officers who acquire foreign intelligence information under this section may consult with Federal law enforcement officers or law enforcement personnel of a State or political subdivision of a State (including the chief executive officer of that State or political subdivision who has the authority to appoint or direct the chief law enforcement officer of that State or political subdivision) to coordinate efforts to investigate or protect against—

"(1) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(2) sabotage, international terrorism, or the development or proliferation of weapons of mass destruction by a foreign power or an agent of a foreign power; or

"(3) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

"(t) Coordination authorized by subsection (s) shall not preclude the certification required by subsection (a) or (b), as applicable.

"(u) RETENTION OF DIRECTIVES AND ORDERS.—Directives made and orders granted under this section shall be retained for a period of at least 10 years from the date when they were made.".

(d) DESIGNATION OF JUDGES.—Section 103 of FISA (50 U.S.C. 1803) is amended—

(1) in subsection (a), by inserting, "at least" before "seven of the United States judicial circuits"; and

(2) at the end by adding the following new subsection:

"(g) Applications for a court order under this title are authorized if the President has, by written authorization, empowered the Attorney General to approve applications to the court having jurisdiction under this section, and a judge to whom an application is made may, notwithstanding any other law, grant an order, in conformity with section 105, approving electronic surveillance of a foreign power or an agent of a foreign power for the purpose of obtaining foreign intelligence information.".

(e) APPLICATIONS FOR COURT ORDERS.—Section 104 of FISA (50 U.S.C. 1804) is amended—

(1) in subsection (a), by striking paragraphs (6) through (11) and inserting the following:

"(6) a certification or certifications by the Assistant to the President for National Security Affairs or an executive branch official authorized by the President to conduct electronic surveillance for foreign intelligence purposes—

"(A) that the certifying official deems the information sought to be foreign intelligence information;

"(B) that a significant purpose of the surveillance is to obtain foreign intelligence information;

"(C) that such information cannot reasonably be obtained by normal investigative techniques; and

"(D) including a statement of the basis for the certification that—

"(i) the information sought is the type of foreign intelligence information designated; and

"(ii) such information cannot reasonably be obtained by normal investigative techniques;

"(7) a statement of the period of time for which the electronic surveillance is required to be maintained, and if the nature of the intelligence gathering is such that the approval of the use of electronic surveillance under this title should not automatically terminate when the described type of information has first been obtained, a description of facts supporting the belief that additional information of the same type will be obtained thereafter;

"(8) a summary description of the nature of the information sought and the type of communications or activities to be subject to the surveillance;

"(9) a summary statement of the facts concerning all previous applications that have been made to any judge under this title involving any of the persons, facilities, or places specified in the application, and the action taken on each previous application; and

"(10) a summary statement of the means by which the surveillance will be effected and a statement whether physical entry is required to effect the surveillance.";

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in subsection (d)(1)(A), as redesignated by paragraph (3), by inserting after "Secretary of State" inserting "Director of the Central Intelligence Agency".

(f) ISSUANCE OF ORDER.—Section 105 of FISA (50 U.S.C. 1805) is amended—

(1) in subsection (a), by—

(A) striking paragraph (1); and

(B) redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) by striking paragraph (1) of subsection (c) and inserting the following:

"(1) An order approving an electronic surveillance under this section shall specify—

"(A) the identity, if known, or a description of the target of the electronic surveillance identified or described in the application pursuant to section 104(a)(3);

"(B) the nature and location of each of the facilities or places at which the electronic surveillance will be directed, if known;

"(C) the period of time during which the electronic surveillance is approved;

"(D) the type of information sought to be acquired and the type of communications or activities to be subjected to the surveillance; and

"(E) the means by which the electronic surveillance will be effected and whether physical entry will be used to effect the surveillance.";

(3) by striking subsection (d) and inserting the following:

"(d) Each order under this section shall specify the type of electronic surveillance involved, including whether physical entry is required.";

(4) by striking paragraph (2) of subsection (e) and inserting the following:

"(2) Extensions of an order issued under this title may be granted on the same basis as an original order upon an application for an extension and new findings made in the same manner as required for an original order and may be for a period not longer than the court determines to be reasonable or 1 year, whichever is less.";

(5) by striking subsection (f) and inserting the following:

"(f)(1) Notwithstanding any other provision of this title, when an executive branch officer appointed by the President with the advice and consent of the Senate who is authorized by the President to conduct electronic surveillance reasonably determines that—

"(A) an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained; and

"(B) the factual basis for issuance of an order under this title to approve such surveillance exists;

that official may authorize the emergency employment of electronic surveillance in accordance with paragraph (2).

"(2) Under paragraph (1), the following requirements shall be satisfied:

"(A) The Attorney General shall be informed of the emergency electronic surveillance.

"(B) A judge having jurisdiction under section 103 shall be informed by the Attorney General or his designee as soon as practicable following such authorization that the decision has been made to employ emergency electronic surveillance.

"(C) An application in accordance with this title shall be made to that judge or another judge having jurisdiction under section 103 as soon as practicable, but not more than 7 days after such surveillance is authorized. In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of emergency authorization, whichever is earliest. In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person. A denial of the application made under this subsection may be reviewed as provided in section 103.

"(D) The official authorizing the emergency employment of electronic surveillance shall require that the minimization procedures required by this title for the issuance of a judicial order be followed."; and

(6) in subsection (i)—

(A) by striking "a wire or" and inserting "any";

(B) by striking "chapter" and inserting "title"; and

(C) by adding at the end ", or in response to certification by the Attorney General or his designee seeking information, facilities, or technical assistance from such person under section 102 of this title".

(g) Use of Information.—Section 106 of FISA (50 U.S.C. 1806) is amended—

(1) in subsection (i)—

(A) by striking "radio"; and

(B) by inserting "contain foreign intelligence information or" after "the Attorney General determines that the contents" inserting "contain foreign intelligence information or"; and

(2) in subsection (k), by striking "1804(a)(7)" and inserting "104(a)(6)".

(h) Congressional Oversight.—Section 108 of FISA (50 U.S.C. 1808) is amended by adding at the end the following:

"(c) Document Management System for Applications for Orders Approving Electronic Surveillance.—

"(1) System proposed.—The Attorney General and Director of National Intelligence shall, in consultation with the Director of the Federal Bureau of Investigation, the Director of the National Security Agency, the Director of the Central Intelligence Agency, and the court established under section 103(b), conduct a feasibility study to develop and implement a secure, classified document management system that permits the prompt preparation, modification, and review by appropriate personnel of the Department of Justice, the Federal Bureau of Investigation, the National Security Agency, and other applicable elements of the United States Government of applications under section 104 before their submittal to that court.

"(2) Scope of system.—The document management system proposed in paragraph (1) shall—

"(A) permit and facilitate the prompt submittal of applications and all other matters, including electronic filings, to the court established under section 103(b) under section 104 or 105(g)(5); and

"(B) permit and facilitate the prompt transmittal of rulings of that court to personnel submitting applications described in paragraph (1).".

(i) Amendments to Fisa Title I Relating to Weapons of Mass Destruction.—

(1) Section 101 of FISA, as amended by subsection (b) of this section, is further amended—

(A) in subsection (b)(1)—

(i) by striking "or" at the end of subparagraph (D);

(ii) by redesignating subparagraph (E) as subparagraph (F); and

(iii) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) engages in the development or proliferation of weapons of mass destruction, or activities in preparation therefor; or;";

(B) in subsection (b)(2)(C), by striking "sabotage or international terrorism" and inserting "sabotage, international terrorism, or the development or proliferation of weapons of mass destruction"; and

(C) by inserting after subsection (k) the following new subsection (l):

"(l) 'Weapon of mass destruction' means—

"(1) any destructive device (as that term is defined in section 921 of title 18, United States Code) that is intended or has the capability, to cause death or serious bodily injury to a significant number of people;

"(2) any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;

"(3) any weapon involving a biological agent, toxin, or vector (as those terms are defined in section 178 of title 18, United States Code); or

"(4) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.".

(2) Sections 101(e)(1)(B), 106(k)(1)(B), and 305(k)(1)(B) of FISA are each amended by striking "sabotage or international terrorism" and inserting "sabotage, international terrorism, or the development or proliferation of weapons of mass destruction".

(j) Conforming Amendments to Titles I and III of Fisa to Accommodate International Movements of Targets.—

(1) Section 105(e) of FISA is amended by adding at the end the following new paragraph:

"(4) An order issued under this section shall remain in force during the authorized period of surveillance notwithstanding the absence of the target from the United States, unless the Government files a motion to extinguish the order and the court grants the motion.".

(2) Section 304(d) of FISA is amended by adding at the end the following new paragraph:

"(4) An order issued under this section shall remain in force during the authorized period of physical search notwithstanding the absence of the target from the United States, unless the Government files a motion to extinguish the order and the court grants the motion.".

SEC. 10. CONFORMING AMENDMENT TO TABLE OF CONTENTS.

The table of contents for the Foreign Intelligence Surveillance Act of 1978 is amended—

(1) by striking the item relating to section 102 and inserting the following new item:

"Sec. 102. Electronic surveillance authorization without court order; certification by attorney general; reports to congressional committees; transmittal under seal; duties and compensation of communication common carrier; applications; jurisdiction of court.";

(2) by striking the items relating to sections 111, 309, and 404; and

(3) by striking the items related to title VII and section 701 and inserting the following:

"TITLE VII—ELECTRONIC SURVEILLANCE PROGRAMS

"Sec. 701. Definitions.
"Sec. 702. Foreign intelligence surveillance court jurisdiction to review electronic surveillance programs.
"Sec. 703. Applications for approval of electronic surveillance programs.
"Sec. 704. Approval of electronic surveillance programs.
"Sec. 705. Congressional oversight.

"TITLE VIII—EFFECTIVE DATE

"Sec. 801. Effective date.".

AMENDMENTS SUBMITTED AND PROPOSED

SA 5035. Mr. McCONNELL (for Mr. Shelby (for himself and Mr. Sarbanes)) proposed an amendment to the bill S. 3850, to improve ratings quality for the protection of investors and in the public interest by fostering accountability, transparency, and competition in the credit rating agency industry.

TEXT OF AMENDMENTS

SA 5035. Mr. McCONNELL (for Mr. Shelby (for himself and Mr. Sarbanes)) proposed an amendment to the bill S. 3850, to improve ratings quality for the protection of investors and in the public interest by fostering accountability, transparency, and competition in the credit rating agency industry; as follows:

On page 8, line 23, insert before the semicolon ", except as provided in subparagraph (D)".

On page 10, line 3, strike "(D)" and insert "(E)".

On page 10, between lines 2 and 3, insert the following:

"(D) Exemption from certification requirement.—A written certification under subparagraph (B)(ix) is not required with respect to any credit rating agency which has received, or been the subject of, a non-action letter from the staff of the Commission prior to August 2, 2006, stating that such staff would not recommend enforcement action against any broker or dealer that considers credit ratings issued by such credit rating agency to be ratings from a nationally recognized statistical rating organization.".

On page 14, line 15, strike "the authority" and insert "exclusive authority".

On page 15, line 11, strike "organizations," and all that follows through line 15 and insert the following: "organizations. Notwithstanding any other provision of law, neither the Commission nor any State (or political subdivision thereof) may regulate the substance of credit ratings or the procedures and methodologies by which any nationally recognized statistical rating organization determines credit ratings.".

On page 27, between lines 5 and 6, insert the following:

"(o) NRSROs Subject to Commission Authority.—

"(1) In general.—No provision of the laws of any State or political subdivision thereof requiring the registration, licensing, or qualification as a credit rating agency or a nationally recognized statistical rating organization shall apply to any nationally recognized statistical rating organization or person employed by or working under the control of a nationally recognized statistical rating organization.

"(2) Limitation.—Nothing in this subsection prohibits the securities commission (or any agency or office performing like functions) of any State from investigating and bringing an enforcement action with respect to fraud or deceit against any nationally recognized statistical rating organization or person associated with a nationally recognized statistical rating organization.".

On page 27, line 6, strike "(o)" and insert "(p)".

On page 27, strike lines 6 and 7, and insert the following:

"(p) Applicability.—This section, other than subsection (n), which shall apply on the date of enactment of this section, shall apply on the earlier of—".

On page 28, line 25, strike "and" and all that follows through "(B) in" on page 29, line 1, and insert the following:

"(B) in section 202(a)(11) (15 U.S.C. 80b–2(a)(11)), by striking 'or (F)' and inserting the following: '(F) any nationally recognized statistical rating organization, as that term is defined in section 3(a)(62) of the Securities Exchange Act of 1934, unless such organization engages in issuing recommendations as to purchasing, selling, or holding securities or in managing assets, consisting in whole or in part of securities, on behalf of others; or (G)'; and

"(C) in".

On page 33, strike lines 1 through 5.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 25, 2006, AT 2 P.M.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:40 a.m., adjourned until Monday, September 25, 2006, at 2 p.m.

SENATE—*Monday, September 25, 2006*

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, we have often stumbled into Your presence not sure why we have come, and yet You continue to show us Your compassionate mercy.

Inspire the Members of this body today with faith, hope, and love. Renew their spiritual vision so that they will continue to please You. Protect them from pride, and deliver them from confusion. Inspire them to persevere. Answer the perplexing questions they face, as You fill them with Your healing spirit.

May they express their gratitude to You by their faithful deeds. Grant them this day the grace to praise You with their lives.

We pray in Your life-changing Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this afternoon, we have an order for a period for the transaction of morning business so that Senators can come to the Chamber to introduce legislation and make statements.

ORDER OF PROCEDURE

I now ask unanimous consent that the period extend until 5:20 p.m., with the time equally divided between the two leaders or their designees.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, at 5:20 p.m., we have an order to proceed to executive session to consider the nomination of Francisco Besosa to be U.S. district judge for the District of Puerto Rico. The agreement provides for 10 minutes of debate prior to a vote on the nomination, which will occur at 5:30 p.m.

I have said repeatedly over the last days and weeks that we will be finishing our work at the end of this week. Accordingly, I ask for the cooperation of all of our colleagues as we bring together a lot of legislation that has been produced over a long period of time, but over the course of the week it will be a challenge to consider all of that legislation. It is going to take cooperation and working together to allow us to continue to govern with these meaningful solutions, challenges, and issues which have been set before us.

We have the pending border fence legislation that we will need to complete. We have legislation relating to the terrorist tribunals, the military commissions, the Hamdan decision that will be considered and finished prior to adjournment. In addition, we have several conferences that will be completed in the next several days—Defense appropriations and Homeland Security appropriations—that we absolutely must finish this week as well. Other legislation, such as port security, is being worked on very aggressively, and I believe we should be able to finish that bill and bring it to the floor as well.

We have a very small window in which to complete our business over the next 6 days. I have said our intention is to finish on Friday, although if we are unable to do that, of course, we will be here on Saturday to wrap things up. I will update my colleagues over the course of the week on progress that is being made and how that affects plans. At this point, cooperation is key and flexibility with people's schedules will be key in order that we get our work done and leave at the end of the week.

MEASURES PLACED ON THE CALENDAR—S. 3925, S. 3929, S. 3930, S. 3931

Mr. FRIST. Mr. President, I understand there are four bills at the desk due for a second reading.

The PRESIDENT pro tempore. The clerk will report the bills by title for the second time.

The assistant legislative clerk read as follows:

> A bill (S. 3925) to provide certain authorities for the Secretary of State and the Broadcasting Board of Governors, and for other purposes.
>
> A bill (S. 3929) to authorize military commissions to bring terrorists to justice, to strengthen and modernize terrorist surveillance capabilities, and for other purposes.
>
> A bill (S. 3930) to authorize trial by military commissions for violations of the law of war, and for other purposes.
>
> A bill (S. 3931) to establish procedures for the review of electronic surveillance programs.

Mr. FRIST. Mr. President, in order to place the bills on the calendar under the provisions of rule XIV, I object to further proceedings en bloc.

The PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

Mr. FRIST. Mr. President, I yield the floor.

The PRESIDENT pro tempore. The assistant majority leader.

ARMY RECRUITING

Mr. McCONNELL. Mr. President, we may not see it on the front page, but there is good news. Last Friday, the U.S. Army met its annual recruiting goal more than a week ahead of schedule. This will cap the Army's best recruiting year since 1997.

Let me repeat that. The Army will be completing its best recruiting year in almost a decade—this despite all the gloom and doom we have heard about young people not wanting to serve their country in the war on terror.

On Friday, in New York City, Shirley Salvi, a 23-year-old graduate of Rutgers, joined the Army as the 80,000th soldier to enlist this year. That is 80,000 soldiers this year. She will report to Fort Leonard Wood in Missouri to become either an Army linguist or intelligence analyst.

In spite of all the danger and all the hardship and sacrifice involved, thousands of young Americans, such as Ms. Salvi, are stepping forward to say: I will defend my country.

We have an All-Volunteer Army, and it is the best in the world. While the enemy fights solely to instill fear and death, our soldiers fight for the hope and opportunity that only comes with liberty.

Before the fiscal year is over, the Army anticipates having a total of 504,000 soldiers—an increase of 12,000 from last year. The Army Reserve and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Army National Guard also expect to meet their recruiting goals for this year. This increased recruiting comes even as administrators in a number of institutions of higher learning and even some high schools remain openly hostile to military recruiting on campus.

Retention in the Army also shows encouraging signs. In July of this year, GEN Pete Schoomaker, Chief of Staff of the Army, noted that the reenlistment rate for two of the divisions deployed in Iraq was over 140 percent. One of those divisions, I am proud to report, is the 101st Airborne located in my home State of Kentucky.

I think what this good recruiting and retention news reflects is basically three things:

First, it reflects the patriotism and commitment of today's youth. The generation coming of age today has grown up with the war on terror, and they understand its importance. They understand the need to defend America's values. They understand what is at stake, and they want to do their part by volunteering to protect the Nation from al-Qaida and others who would do this Nation harm.

Second, I think this good Army recruiting news reflects the recognition by today's youth that a career in the military is, indeed, a noble calling. In fact, it is hard to think of anything more honorable than serving and protecting America.

Third, the achievement of the Army's recruiting goal a week early sends a strong signal to our allies and our enemies in the war on terror. It shows that the American people are resolute in defending our Nation and in defending freedom.

I must say, I take some pride in this good news about recent recruiting numbers since the U.S. Army recruiting command is located at another base in my State, Fort Knox. The command is doing a great job for America.

I salute Ms. Salvi and the thousands of other volunteers like her who have joined the Army this year. I thank them for their patriotism and for their future service on behalf of our country.

OVERSIGHT HEARINGS ON IRAQ AND THE GLOBAL WAR ON TERROR

Mr. McCONNELL. Mr. President, I wish to say a few words about oversight hearings on Iraq and the global war on terror.

Just last week, our good friend, the Democratic leader, complained that there has not been "a single oversight hearing, none." That was our good friend, the Democratic leader, saying there hasn't been a single oversight hearing on Iraq and the global war on terror. But the Senate has conducted scores of hearings on Iraq and related issues since 2003. For example, the Armed Services Committee held more than 20—20—hearings on such topics as military operations in Iraq and Afghanistan, operations and strategy in Iraq, and Iraq-Afghanistan and the global war on terrorism. That is 20 hearings by the Armed Services Committee alone. The Foreign Relations Committee has held more than 30 hearings in the past 3 years, including hearings on post-Saddam Iraq, on the status of and prospect for Iraq reconstruction, Iraq's transition to sovereignty, and post-transition Iraq. That is 30 hearings by the Foreign Relations Committee on Iraq and the war on terror in the last 3 years. And then there is the Judiciary Committee, the Banking Committee, and the Homeland Security Committee hearings. All told, more than 80—80—hearings have been held on Iraq and related issues.

I ask unanimous consent that a listing of all of these hearings to which I just referred indicating the Senate has engaged in extensive oversight on the war in Iraq and the war on terror over the last 3 years be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE FOREIGN RELATIONS COMMITTEE HEARINGS

U.N. Weapons Inspector's Report, CQ Committee Hearings, 108th Congress (Event Date: 1/30/2003)

Post-Saddam Iraq, CQ Committee Hearings, 108th Congress (Event Date: 2/11/2003)

Afghanistan and the War on Terror, CQ Committee Hearings, 108th Congress (Event Date: 2/12/2003)

Post-Conflict Afghanistan, CQ Committee Hearings, 108th Congress (Event Date: 2/26/2003)

Aid to Turkey and Issues in Northern Iraq, CQ Committee Hearings, 108th Congress (Event Date: 3/5/2003)

Reconstruction of Iraq, CQ Committee Hearings, 108th Congress (Event Date: 3/11/2003)

Political Future of Iraq, CQ Committee Hearings, 108th Congress (Event Date: 3/13/2003)

Diplomacy and the War on Terrorism, CQ Committee Hearings, 108th Congress (Event Date: 3/18/2003)

An Enlarged NATO: Moving Forward on Iraq, CQ Committee Hearings, 108th Congress (Event Date: 4/29/2003)

Iraq Stabilization and Reconstruction, CQ Committee Hearings, 108th Congress (Event Date: 5/22/2003)

Repercussions of Iraq Stabilization and Reconstruction Policies, CQ Committee Hearings, 108th Congress (Event Date: 6/12/2003)

Status and Prospects for Iraq Reconstruction, CQ Committee Hearings, 108th Congress (Event Date: 7/23/2003)

Review of Iraq Policy and Issues, CQ Committee Hearings, 108th Congress (Event Date: 9/23/2003)

Review of Iraq Policy and Issues Updated, CQ Committee Hearings, 108th Congress (Event Date: 9/24/2003)

Security and Democracy in Afghanistan, CQ Committee Hearings, 108th Congress (Event Date: 10/16/2003)

Afghanistan Reconstruction, CQ Committee Hearings, 108th Congress (Event Date: 1/27/2004)

Iraq Stabilization and Reconstruction, CQ Committee Hearings, 108th Congress (Event Date: 3/9/2004)

Effect of Madrid Attacks on U.S. European Cooperation, CQ Committee Hearings, 108th Congress (Event Date: 3/31/2004)

Iraq's Transition to Sovereignty, CQ Committee Hearings, 108th Congress (Event Date: 4/20/2004)

Iraq's Transition to Sovereignty, CQ Committee Hearings, 108th Congress (Event Date: 4/21/2004)

Iraq's Transition to Sovereignty, CQ Committee Hearings, 108th Congress (Event Date: 4/22/2004)

Afghanistan, CQ Committee Hearings, 108th Congress (Event Date: 5/12/2004)

Iraq: The Way Ahead, CQ Committee Hearings, 108th Congress (Event Date: 5/18/2004)

Iraq: The Way Ahead, CQ Committee Hearings, 108th Congress (Event Date: 5/19/2004)

Post-Transition Situation in Iraq, CQ Committee Hearings, 108th Congress (Event Date: 7/22/2004)

Accelerating U.S. Assistance to Iraq, CQ Committee Hearings, 108th Congress (Event Date: 9/15/2004)

Reshaping U.S. Policy in Iraq and Middle East, CQ Committee Hearings, 109th Congress (Event Date: 2/1/2005)

Iran: Weapons Proliferation, Terrorism and Democracy, CQ Committee Hearings, 109th Congress (Event Date: 5/19/2005)

Iraq Ambassador Nomination, CQ Committee Hearings, 109th Congress (Event Date: 6/7/2005)

The Future of Iraq, CQ Committee Hearings, 109th Congress (Event Date: 7/18/2005)

The Future of Iraq, CQ Committee Hearings, 109th Congress (Event Date: 7/19/2005)

The Future of Iraq, CQ Committee Hearings, 109th Congress (Event Date: 7/20/2005)

Iraq and U.S. Foreign Policy, CQ Committee Hearings, 109th Congress (Event Date: 10/19/2005)

Iraq Stabilization and Reconstruction, CQ Committee Hearings, 109th Congress (Event Date: 2/8/2006)

Iraq Update, CQ Committee Hearings, 109th Congress (Event Date: 7/13/2006)

SENATE ARMED SERVICES COMMITTEE HEARINGS

Post-Conflict Iraq, CQ Committee Hearings, 108th Congress (Event Date: 2/26/2003)

NATO Enlargement Post-Conflict Iraq, CQ Committee Hearings, 108th Congress (Event Date: 4/10/2003)

U.S. Policy and Military Operations in Afghanistan and Iraq, CQ Committee Hearings, 108th Congress (Event Date: 5/23/2003)

Iraqi Weapons of Mass Destruction, CQ Committee Hearings, 108th Congress (Event Date: 6/6/2003)

Lessons Learned from Operation Iraqi Freedom, CQ Committee Hearings, 108th Congress (Event Date: 7/9/2003)

Military Operations Briefing, CQ Committee Hearings, 108th Congress (Event Date: 9/3/2003)

Iraq Briefing, CQ Committee Hearings, 108th Congress (Event Date: 9/11/2003)

Operations and Reconstruction in Iraq, CQ Committee Hearings, 108th Congress (Event Date: 9/25/2003)

Report on Iraq's Weapons of Mass Destruction, CQ Committee Hearings, 108th Congress (Event Date: 10/3/2003)

Iraq Stabilization Report, CQ Committee Hearings, 108th Congress (Event Date: 3/30/2004)

U.S. Policy and Operations in Iraq and Afghanistan, CQ Committee Hearings, 108th Congress (Event Date: 4/20/2004)

$25 Billion Iraq Contingency Fund, CQ Committee Hearings, 108th Congress (Event Date: 5/13/2004)

Treatment of Iraqi Prisoners, CQ Committee Hearings, 108th Congress (Event Date: 5/19/2004)

Iraq Multi-National Force Commander Nomination, CQ Committee Hearings, 108th Congress (Event Date: 6/24/2004)

Transition to Sovereignty in Iraq, CQ Committee Hearings, 108th Congress (Event Date: 6/25/2004)

Military Operations In Iraq and Afghanistan, CQ Committee Hearings, 109th Congress (Event Date: 2/3/2005)

Iraq Issues, CQ Committee Hearings, 109th Congress (Event Date: 6/23/2005)

The War on Terror, CQ Committee Hearings, 109th Congress (Event Date: 6/30/2005)

Operations and Strategy In Iraq, CQ Committee Hearings, 109th Congress (Event Date: 9/29/2005)

Defense Authorization: Contracting Issues in Iraq, CQ Committee Hearings; 109th Congress (Event Date: 2/7/2006)

Iraq, Afghanistan and the Global War on Terrorism, CQ Committee Hearings, 109th Congress (Event Date: 8/3/2006)

SENATE HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE HEARINGS

Consolidating Intelligence Analysis, CQ Committee Hearings, 108th Congress (Event Date: 2/26/2003)

Combating Terrorist Financing, CQ Committee Hearings, 108th Congress (Event Date: 9/23/2003)

Terrorism Financing, CQ Committee Hearings, 108th Congress (Event Date: 6/15/2004)

9/11 Commission Report, CQ Committee Hearings, 108th Congress (Event Date: 8/26/2004)

Improving Ability of Intelligence Community to Fight Terrorism, CQ Committee Hearings, 108th Congress (Event Date: 9/8/2004)

Contracting and Procurement In Iraq, CQ Committee Hearings, 109th Congress (Event Date: 8/2/06)

SENATE JUDICIARY COMMITTEE HEARINGS

War Against Terrorism, CQ Committee Hearings, 108th Congress (Event Date: 3/4/2003)

Terrorism in the United States, CQ Committee Hearings, 108th Congress (Event Date: 6/26/2003)

Law Enforcement and Terrorism, CQ Committee Hearings, 108th Congress (Event Date: 7/23/2003)

Terrorism in the Post 9–11 Era, CQ Committee Hearings, 108th Congress (Event Date: 9/10/2003)

Recruitment of Terrorists in Prisons and the Military, CQ Committee Hearings, 108th Congress (Event Date: 10/14/2003)

Efforts to Prevent Terrorism in the United States, CQ Committee Hearings, 108th Congress (Event Date: 10/21/2003)

Seaport Security Since 9–11, CQ Committee Hearings, 108th Congress (Event Date: 1/27/2004)

Cyberterrorism, CQ Committee Hearings, 108th Congress (Event Date: 2/24/2004)

Preventing and Responding to Acts of Terrorism, CQ Committee Hearings, 108th Congress (Event Date: 4/14/2004)

Bioterrorism Detection and Response, CQ Committee Hearings, 108th Congress (Event Date: 5/11/2004)

Department of Justice: Terrorism Oversight, CQ Committee Hearings, 108th Congress (Event Date: 6/8/2004)

Terrorism Oversight: Department of Homeland Security, CQ Committee Hearings, 108th Congress (Event Date: 6/9/2004)

Tools To Fight Terrorism Act, CQ Committee Hearings, 108th Congress (Event Date: 9/13/2004)

Patriot Act Reauthorization: Section 805, CQ Committee Hearings, 109th Congress (Event Date: 4/20/2005)

Intelligence Information Sharing, CQ Committee Hearings, 109th Congress (Event Date: 9/21/2005)

Saudi Arabia and the War on Terror, CQ Committee Hearings, 109th Congress (Event Date: 11/8/2005)

SENATE BANKING, HOUSING AND URBAN AFFAIRS COMMITTEE

Financial Reconstruction in Iraq, CQ Committee Hearings, 108th Congress (Event Date: 9/16/2003)

Prevention of Terrorist Financing, CQ Committee Hearings, 108th Congress (Event Date: 9/25/2003)

Economic and Financial Reconstruction in Iraq, CQ Committee Hearings, 108th Congress (Event Date: 2/11/2004)

Terrorist Financing and Couterterror Initiatives, CQ Committee Hearings, 108th Congress (Event Date: 4/29/2004)

Terrorism Risk Insurance, CQ Committee Hearings, 108th Congress (Event Date: 5/18/2004)

Terror Financing and Money Laundering, CQ Committee Hearings, 108th Congress (Event Date: 9/28/2004)

Terror Financing in the Middle East, CQ Committee Hearings, 109th Congress (Event Date: 7/13/2005)

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

THE SUPERDOME

Ms. LANDRIEU. Mr. President, it is only 1:50 p.m. in New Orleans, but the bands have been marching since early this morning, and the singing is joyful. People have been so excited not only in New Orleans but in all of Louisiana because tonight the Saints will be marching again into that grand, wonderful building we call the Superdome.

The Superdome has always been a special symbol to New Orleans, but tonight that symbol takes on a new meaning. It has been a symbol of pride in the past, and tonight it is a symbol of hope—a symbol of hope for the great rebuilding of our wonderful city, region, and State.

Just a year ago, the Superdome was a symbol of sadness, loss, confusion, and despair as New Orleans, the region, and our State faced the worst natural disaster in the history of this country. It wasn't just Hurricanes Katrina and Rita that caused devastation, it was also the levees that collapsed and put a great city and region under some 20 to 25 feet of water. It was in that overwhelming flood that people fled to the Dome looking for safety and security. All of America knows this sad story.

But I am here to talk about a story of recovery, a story of leadership. I want to thank the people who made the Dome's reopening possible—to thank the men and women who work at the Dome: the welders, the janitors, the cleanup crews, the construction crews, the managers, the architects, and the engineers.

They spent the whole year rebuilding this Dome on a schedule that no one thought was possible, at a cost that came under budget. A partnership formed between the NFL, the State of Louisiana, and the Federal Emergency Management Agency to get this building back into shape and reopen tonight with 68,000 fans coming to watch the Saints play the Atlanta Falcons.

I want to remind the country that these employees showed up to work each day to restore the Dome, many of them traveling hours to get there in the morning and hours back in the evening because there were no nearby houses for them to sleep. Many of them lost their homes, their children lost their schools, and their churches were destroyed.

The successful rebuilding of the Dome is because of the people who showed up to work. Their journeys in the morning and their journeys home show a commitment to rebuilding a great city. Despite the criticism that the city, the State and the region have received, tonight is a symbol of all that is great about the spirit of the people who refuse to let this city die.

Desiree Jones, who lives in Violet, La., is the housekeeping manager for the Superdome. She started working at the Dome 25 years ago as a janitor. Every day for the past two weeks, she has been working to get the Dome ready for tonight. She knows the Dome's reopening is a signal of rebirth for our city.

I come to the floor to thank the thousands of men and women who worked on the Superdome. They were led by a wonderful leader, a young man who has really shown his stripes and all of New Orleans is singing his praises: Doug Thornton, the general manager of the Dome. He stayed in the Superdome with his wife and children doing everything he could to help the evacuees. His heroic efforts during those harrowing days a year ago have been well reported. But what might not be known is that Doug and his wife also lost their home. He didn't see his wife for weeks because he spent his time rebuilding the Dome while Denise spent time rebuilding their house in Lakeview. That is what people all over New Orleans and South Louisiana and the Gulf Coast are doing—going to work to rebuild the refineries, the pipelines, the industries, while their spouses are at home rebuilding what is left of their houses.

Doug Thornton, general manager of the Superdome, is no exception. He deserves a tremendous amount of credit.

Tim Coulon, the chairman of the Louisiana Stadium Exhibition District, is a former Jefferson Parish president and a man I know well. Tim has always been a very quiet but competent and effective leader. His leadership doesn't come from loud speeches and pushing but from quiet determination. Tim, his staff, and other board members worked very closely with Governor Blanco, who signed executive order after executive order, to cut through the redtape and expedite the Superdome's rebuilding.

That partnership between our Governor, the stadium commissioners, and Doug Thornton was the leadership team that put this Superdome back together.

I also have to say for the record that Paul Tagliabue, former commissioner of the NFL, saw what happened at the Superdome and decided that the NFL was a service organization, and its first job was to service teams and the cities. He understands something about the emotional connection between the teams and the cities that host them. The teams become a part of the spirit of every city, and he would not allow the Saints' spirit to die.

He said the Saints will march again. He said the Dome will be rebuilt, and let's get to it. New Orleans will forever be grateful to Paul Tagliabue and his staff at the NFL for their belief in our city and for not cutting and running, not leaving when times got tough for us. They stood their ground, and we are very grateful.

I also want to go on the record to say that the Dome has been a symbol of our city for 31 years. Its origin goes back to Governor John McKeithen. He was not from New Orleans. He was actually a country boy from Columbia, LA. But as our Governor, he had a vision of what a great Dome could mean to a great American city, a great southern city. He, along with the mayor at that time, my father, Moon Landrieu, along with Dave Dixon, a local businessman, decided the Dome would mean renewal for the city. The three of them overcame all sorts of political hurdles and were able to build this great Dome.

We have hosted more Super Bowls than any building in America. It sits on 52 acres of land in the central business district. The Superdome has a seating capacity of over 70,000, depending on the event.

When Dave Dixon had a vision for this Dome, he told our Governor at the time: You know, Governor, we will have a Pope here one day and a President here one day.

Nobody believed him when he said that. But sure enough, President Reagan honored all of us when the Republican National Convention came to New Orleans 18 years ago.

It was a proud time for New Orleans and Louisiana when 19 years ago, Pope John Paul II made the first ever Papal visit to Louisiana and held a rally in front of 80,000 children in that Dome. It was a site to behold.

We have had a proud Superdome history right there on the corner of Poydras and Loyola, right across the street from city hall. It will be there for years to come because the heroic efforts of the employees at the Dome and our local contractors who put their shoulders to the wheel and their hearts into their work and decided that this would be a symbol of our rebirth.

I am proud as the Senator from the great State of Louisiana to come and honor them, to thank them, and to say that this is the beginning of our recovery. This week, we close a chapter on Hurricane Rita, which, Mr. President, hit your own State of Texas, and which did so much damage to both Louisiana and Texas. I visited Louisiana this past weekend with some of Louisiana's delegation and local leaders. It is clear that recovery has begun, but there is still a long way to go.

As we close the Rita and Katrina chapters of the last year, let the Saints go marching in tonight, and let them lead us to a new chapter of hope and recovery for New Orleans, for Louisiana, for the whole gulf coast, and for all of America.

I yield the floor.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Alabama.

BORDER FENCING

Mr. SESSIONS. Mr. President, the House and Senate have a piece of legislation more commonly known as the Fence bill, but it is really a bill to establish operational control of our borders through fencing and other means. It includes authorization for 700 specific miles fencing along the Mexican border and a study of the situation on the northern border. It is designed to help multiply the capacity of American Border Patrol agents to be effective in creating a lawful border instead of the unlawful border we have.

It passed the House with a strong bipartisan vote. They have had five formal hearings on the matter and have considered information from previous hearings. They had a number of field hearings in August and they actually talked to people in the region to find out what is going on.

The House has sent the Senate a bill they have worked on for some time and to which they have given a great deal of thought. It is very similar to the bill we passed in the Senate which authorized 870 total miles of physical infrastructure at the border.

Let me take a moment to discussion the history of the legislation in this Senate dealing with barriers at the border. I will discuss why the barriers are an important component—not all of what we need to do, but an essential component of what we need to do—to create a lawful system of immigration. But first let us talk about the votes we have had in the Senate.

On May 17, I offered an amendment that mandated the construction of 370 miles of fencing and 500 miles of vehicle barriers along the southwest border of the United States. That is a total of 870 miles of physical barriers. This is not a lot different from what the House is sending the Senate, some 700 or so miles of fencing. When we voted on my amendment, we discussed it at some length.

I did not know how we would vote. I didn't know how the vote would turn out. A number of Members said they were for fencing; a number of Members said they were against fencing. I argued that good fences make good neighbors. It clarifies where property lines are, what your rights are, and neighbors can get along pretty well. Leave them ambiguous, and people get in fusses.

At any rate, when we voted, the vote was 83 to 16 to approve my amendment mandating construction of this fence. That was part of the overall immigration bill. That immigration bill was fatally flawed. The truth is, it is not going to become law. We can all be thankful for that.

This amendment, though, was voted on 83 to 16. A lot of our colleagues say, I voted for an amendment to build a fence; I voted as one of the 83. But, we all are grownups, we know that legislation containing that amendment is not going to become law. So, now it is time to either put up or shut up about enforcement. It is time to either be honest with our constituents and say, I am not going to vote for a stand alone fence bill, or, yes, I believe a fence is an important component of border security and I will vote for this bill because it takes the first step.

So where did the Senate go after the first vote of 83 to 13? I suggest that strong vote indicated border fencing and barriers are a high priority of this Senate. This was a strong bipartisan vote, if people were voting with integrity, to build a fence.

We had a second vote. One of the things that is unusual about the Senate, to people who are not used to it, is a vote to authorize a matter—a subject, a fence—is not the end of it. Before that construction can take place, the Congress has to vote again to appropriate the money to build it. It takes two votes. One vote can be a signal, but it does not have any reality until a second vote is a fact.

When the Department of Homeland Security appropriations bill hit the Senate, we were more than a little disappointed that even though the original vote was 83 to 16, when we come along with the Department of Homeland appropriations bill, what did we see? Thirty-nine miles of vehicle barriers only. This was most discouraging.

I urged my colleagues, if they were serious about the previous vote, we ought to have a vote to actually fund it. I offered an amendment that would actually have funded this fence at $1.8 billion which we think if we get someone to run it as it ought to be run and build it in a cost-effective way, it would be enough to meet that standard. I offered that amendment on July 13. It would have reduced a percent or two of funding for other appropriations in the bill, an across-the-board reduction, and we voted on it. Unfortunately, only 29 Senators voted to actually appropriate the money to do what they had already voted to do.

That was very discouraging to me. I talked about it, particularly the fact that if there is one area where the American people are most cynical about Congress, it is about their protestations they are doing everything they can do to create a lawful system of immigration when they are actually not. They are very cynical about that. They have every right to be. The American people have understood this issue for 30 years. No President, no Congress, has listened to them and done what actually needs to be done and could be done to create a lawful system of immigration. This was most troubling.

So we continued to study what could be done to get fencing built. On August 2 the Defense bill was in the Senate. The National Guard had been deployed to the border and was making some progress, assisting those at the border—not as much as some would like and would hope, but it has made a positive step. They have the capability of building some fencing and actually were already working on some fencing projects. Again, I offered an amendment on the floor to actually fund the fencing, this time through the Defense Department, through the National Guard. The amendment would have let them either build the fencing themselves, or manage private contractors who would build a fence.

When we voted on that amendment, perhaps after my colleagues had spent some time talking to their constituents, the vote to authorize $1.8 billion for funding passed 93 to 3. So we got 93 to 3. Now we are cooking. We have money, we have actually put up money to follow through on the fencing idea. I was very happy about that.

In the course of the conference on the Defense appropriations legislation that we won the amendment vote on, I was informed they were moving $1.8 billion from the Department of Defense bill over to Homeland Security bill which was also in their conference because that was the more appropriate vehicle to put funding to build a fence for Homeland Security. So, I was told that the Homeland Security Appropriators would handle it.

Now we are hearing that less money for the fence is going to be included in the conference report, that was included in my amendment. There was an article in the paper today, one of the Web sites of the AP, saying they agreed to $1.2 billion instead of $1.8 billion. That is a 30-percent reduction. We voted to fund a $1.8 billion one-time expenditure to build miles of fence and barriers. It is something that ought to be done at one time and it will save money in great amounts over the long term.

I am worried about that reduction in funding. Some have said the numbers may even be worse than that because those in charge of the process feel an obligation to fund other things related to Homeland Security and they may not even appropriate the full $1.2 billion for fencing construction. I hope that is not so. I think that would be unacceptable. That would be inconsistent with the votes we have had and would not make Congress look good. It would not be the kind of action worthy of a Senate that is attempting to gain the respect of the American people on the subject of immigration, a subject about which they have lost the respect of the American people and deserve to get back.

So the House passed a bill. They passed an authorization bill that mandates the fencing, very similar to what the Senate voted for, and is now before the Senate. A filibuster was suggested, indicated by the several procedural votes we have had to have on this bill. The majority leader had to file for cloture on the motion to proceed. That gives 30 hours of debate. Then 30 hours later, we voted on the motion to proceed and we did not see the filibuster continue. The vote was 94 to 0 to proceed to the Secure Fence Act. It took a lot of time, not much debate. I was one of the few Members who spoke. The 30 hours slowed down everything we were doing.

The people are saying, I am for a vote, I voted for cloture. Why did we have to have cloture? Why couldn't we move straight to the bill as we do time and time again in this Senate—although less and less, as time has gone by. We are in a slowdown mode. We are moving along now. We will have a vote, I thought today, on cloture on the bill. However, it looks as though that may be tomorrow. Then we will have another 30 hours of debate. Then we will have an opportunity or complaints about how many amendments can be offered or fall. Who knows where this will go?

There are some Members who like to claim they support barriers at the border, but when the chips are down, through legerdemain in this body, manage to create logjams and headaches so it will never become law if it appears that is their wish. I suspect we will have people who say they want to add amendments on comprehensive reform, on amnesty, on agriculture jobs or other issues that would kill this amendment if adopted. They want to try to offer those amendments. Or they are complaining that virtual fencing, some sort of a satellite, unmanned aerial vehicle, can do the same thing as a fence. That is not so. It can be an asset, but it cannot replace individual people apprehending people coming across the border illegally—not a virtual fence. How silly is that? They will say they do not favor the locations where the fencing is or they will say they favor fencing, but they really favor comprehensive reform and if we pass anything such as fencing, even though the American people want it, then the American people will not pass their version of amnesty or whatever they want to see in the form of comprehensive reform.

They are afraid the American people will get what they want, and if the American people get what they want in terms of increased enforcement, they may not be so interested in their ideas about how to reach final settlement on amnesty.

We will have two real votes on fencing this week: cloture on the underlying bill and final passage. We should be able to achieve cloture and final passage. It takes 60 votes, but we have had 80, 90 votes on this before. Without this authorization language, there will be no mandate that the fencing act will be constructed or in what manner it will be constructed.

So these votes are the real test this week—not the final test, but very critical steps in the process. The American people will want to watch and see if they agree with their Senators in how they vote. I note we will also have to have some more votes somewhere along the line that are also critical that deal with actual funding of the border barriers.

I see my colleague from Oklahoma is in the Chamber, my distinguished colleague on the Armed Services Committee, who chairs the Environment and Public Works Committee. I ask my colleague, do you have a time agreement to speak? What is your schedule?

Mr. INHOFE. Mr. President, I am going to be requesting unanimous consent to be recognized for up to 1 hour.

Mr. SESSIONS. All right. I will wrap up and be pleased to yield to the Senator. The Senator is going to ask unanimous consent to be recognized after I finish?

Mr. INHOFE. After the Senator concludes, yes.

Mr. SESSIONS. Mr. President, I will continue a couple more minutes.

Fencing works. We have a major problem. Last year, our Border Patrol agents apprehended 1.12 million people along our border coming into our country unlawfully. Can you imagine that? Where we did build fencing along the San Diego border—only 14 miles, but it was one of the worst areas—that area was tremendously improved. Crime went down, drug dealing went down, violence went down, illegal immigration plummeted and property values went up.

But we have 1,800 miles along the border. This bill would not provide funding and authorization but for fencing about one-third of that distance.

I will share with my colleagues some of the debate in the House of Representatives recently, as they passed the very bill that is before us. Chairman ROYCE—he is from California—who chairs the International Terrorism and Nonproliferation Subcommittee talked about the difficulties they have had with a breach, a gap in the border fencing. He said this: It is called "smugglers' gulch," a fence that runs from the foothills to the ocean through that small 3-mile breach. It has taken 8½ years to get the California Coastal Commission to go along with closing that fence in consultation—8½ years to get it done.

He talked about the problem of that gap. And he talked about the field hearings he had participated in. He said: We heard from witnesses, and we heard them express that border fencing was very effective. He quoted Darryl Griffen, who is the chief agent in San Diego for the Border Patrol—the chief agent. Mr. Griffen, referring to the fencing, said this: It is a great force multiplier. It expands our enforcement capacity. It allows us the discretion to redeploy agents to areas of vulnerability or risk. It is one component that certainly has been integral to everything we have accomplished here raising the level of security.

That is what the chief of the Border Patrol for San Diego said. So people will tell you fencing makes no difference, it is not important, it does not help. It is not so. Listen to the professionals. I know President Bush has been reluctant to support fencing, but this man works for President Bush. He testified, as has Secretary Chertoff, about the subject. Secretary of Homeland Security Chertoff supports the fence, the bill that we passed in the Senate. Indeed, it was passed on his recommendation, the details of it were.

Then Chairman ROYCE, in the House, who chairs the International Terrorism Subcommittee, said this about the dangerous people who are coming across the border: So we see people coming over the border illegally from Afghanistan, Angola, Jordan, Qatar, Pakistan, Yemen. And I will give you one example. Mohammed Karani is the brother of a commander of Hezbollah in south Lebanon. He came over the border in my State in the trunk of a car. He paid a coyote to get him across the border. He was later arrested in Dearborn, Michigan. He is serving 4½ years. He is a member of Hezbollah. He was in the process of securing funds and resources for Hezbollah in the United States.

He then goes on to say: Two border Governors have declared states of emergency over illegal immigration. Then one of the agents told him a personal story of stopping a man who had been trained in an Afghan training camp originally from Uzbekistan. This man injured the Border Patrol agent, actually bit his arm as he was trying to take him down. This agent told Chairman ROYCE one of his concerns was this was the second time the man had tried to come into the country after 9/11.

So I would say we are dealing with an important issue. I am glad to see from previous votes that the Senate is coming around to a uniform position on it. It is time for us now, as we wind up this session, to fulfill our obligation for actually making a law, legislation to authorize the building of the fence, and then, in the few days we have left, to come forward with legislation that will actually fund this requirement we authorize. Otherwise, we risk going home and even further arousing cynicism and irritation among the voters who have sent us here.

I believe we can get it done. I think we are moving in the right direction. I am optimistic. But there will be some around here who would like to see it fail in the last minute. Let's don't let that happen. Let's follow through, and let's be consistent with the wishes of the American people and the security of the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized for 1 hour in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, let me first say to my friend from Alabama that as to the last comment he made about whether at the last minute someone may come along and try to torpedo this, I suspect that might be the case. It is like when I had the amendment to make English our national language—and 89 percent of the American people were for it; 70 percent of the Hispanics were for it—and yet some of the liberals in this Chamber were catering to La Raza, an extremist group, in trying to torpedo what we are doing, and merely doing what 51 other countries have done, making English the official language.

I also want to say to my friend from Alabama, I have never been prouder to serve on the Armed Services Committee with any member more than I am to serve with him. It was you and seven other of the Republicans who tried from the very beginning to give the President everything he needed to interrogate these people, to prosecute these people, and to get as much human intelligence as possible to save American lives. I thank the Senator publicly for standing up as one of all nine of us.

Mr. SESSIONS. Mr. President, if the Senator will yield, I think the Senator has provided great leadership on security on a number of issues. You may be talking about other issues as we go forward right now, but I know the Senator would agree that our borders do represent vulnerabilities, and fixing our borders is also an aspect of national security, as I read of Hezbollah people coming across and others who have dangerous reputations.

I also thank the Senator for his steadfast leadership and his clear thinking in regard to the fundamental issue that barriers do represent a critical part of what we need to do to have a lawful border.

Mr. INHOFE. Mr. President, I thank the Senator from Alabama. And I think we will prevail. As to what you are suggesting, and what you have been suggesting over the last few minutes, the vast majority of the American people are on our side. They know as to people who say: You cannot secure our border, fences will not work—they worked for a long time up in between North Korea and South Korea. I think they will work down here, too.

CLIMATE CHANGE

Mr. INHOFE. Mr. President, I rise to speak today about the most media-hyped environmental issue of all time. It is the word that gets everybody upset when you say it and the word or the phrase that many politicians are afraid to say, and that is "global warming." I have spoken more about global warming than any other politician in Washington today. My speech will be a bit different from the previous seven floor speeches I have made on this subject, as I focus not only on the science, as I have many times before, but on the media's coverage of climate change.

Global warming—just the term—evokes many Members in this Chamber, the media, Hollywood elites, and our pop culture to nod their heads and fret about an impending climate disaster. As the Senator who has spent more time educating about the actual facts about global warming, I will address some of the recent media coverage of global warming and Hollywood's involvement in this issue. And, of course, I will also discuss former Vice President Al Gore's movie, "An Inconvenient Truth."

Let's keep in mind, I do chair the committee in the Senate called Environment and Public Works, the committee that has jurisdiction. I recall so well when I first became chairman of this committee, almost 4 years ago, I was actually a believer that because I had heard it so many times there must be something to this thing, until I started looking at the science. But I have talked about that before.

Since 1895, the media has alternated between global cooling and global warming scares during four separate and sometimes overlapping time periods. From 1895 until the 1930s, the media peddled a coming ice age. From the late 1920s until the 1960s, they warned of global warming. From the 1950s until the 1970s, they warned us again of a coming ice age. This makes modern global warming the fourth estate's fourth attempt to promote opposing climate change fears during the last 100 years—4 times during the last 100 years—and every time just as hysterical as the time before.

Recently, advocates of alarmism have grown increasingly desperate to try to convince the public that global warming is the greatest moral issue of our generation. Just last week, the vice president of London's Royal Society sent a chilling letter to the media encouraging them to stifle the voices of scientists skeptical of climate alarmism.

During the past year, the American people have been served up an unprecedented parade of environmental alarmism by the media and entertainment industry, which links every possible weather event to global warming. The year 2006 saw many major organs of the media dismiss any pretense of balance and objectivity on climate change coverage and instead crossed squarely on into global warming advocacy.

First, I will summarize some of the recent developments in the controversy over whether humans have created a climate catastrophe. One of the key aspects the United Nations, environmental groups, and the media have promoted as the "smoking gun" of proof of catastrophic global warming is the so-called hockey stick temperature graph by climate scientist Michael Mann from Virginia and some of his liberal colleagues.

This graph purported to show that temperatures in the northern hemisphere remained relatively stable over 900 years, and then spiked upward as we moved into the 20th century. And that spike would be the "blade" on the hockey stick. They say this was due to human activity. Mann, who also copublishes a global warming propaganda blog—reportedly set up with the help of an environmental group—had his hockey stick come under severe scrutiny.

The hockey stick was completely and thoroughly broken once and for all in 2006. Several years ago, two Canadian researchers tore apart the statistical foundation for the hockey stick. In 2006, both the National Academy of Sciences and an independent researcher further refuted the foundation of the hockey stick.

The National Academy of Sciences report reaffirmed the existence of the Medieval Warming Period. That was from about 900 AD to 1300 AD, and the Little Ice Age from about 1500 to approximately 1850. Both of these periods occurred long before the invention of the SUV or human industrial activity and it could not have possibly impacted the Earth's climate. In fact, scientists believe the Earth was warmer than today during the Medieval Warming Period, when the Vikings grew crops in Greenland. We all remember reading about that. That was a period of time when the Vikings, all of a sudden, because it became warmer back around 1000 AD, started inhabiting Greenland. They flourished up there, until the Little Ice Age came along in 1500, and most of them died at that time. Now the climate alarmists have attempted to erase the inconvenient Medieval Warming Period from the Earth's climate history for at least a decade.

David Demming, an assistant professor at the University of Oklahoma's College of Geosciences, can testify firsthand about this effort. Dr. Demming was welcomed into the close-knit group of global warming believers after he published a paper in 1995 that noted some warming in the 20th century. He says he was subsequently contacted by a prominent global warming alarmist and told point blank:

> We have to get rid of the medieval warming period.

When the "hockey stick" first appeared in 1998, it did exactly that. This guy, Michael Mann, turned around and ignored the fact that we had this medieval warming period and then went into the little ice age, which changed it.

The media has missed big pieces of the puzzle when it comes to the Earth's temperatures and mankind's carbon dioxide, CO_2, emissions. It is very simplistic to feign horror and say the 1-degree Fahrenheit temperature increase in the 20th century means we are all doomed. First of all, the 1-degree Fahrenheit rise coincided with the greatest advancement in living standards, life expectancy, food production, and human health in the history of our planet. So it is hard to argue that the global warming we experienced in the 20th century was somehow negative or part of a catastrophic trend.

Here on the chart you can see during this period of time, when things were flourishing and they went down, it was far more prosperous during the medieval part.

Second, what the climate alarmists and their advocates in the media have continued to ignore is the fact that the little ice age, which resulted in harsh winters which froze New York Harbor and caused untold deaths, ended about 1850. So trying to prove manmade global warming by comparing the well-known fact that today's temperatures are warmer than during the little ice age is like comparing summer to winter to show a catastrophic temperature trend.

In addition, something that the media almost never addresses are the holes in the theory that CO_2 has been the driving force in global warming.

The alarmists fail to adequately explain why temperatures began warming at the end of the little ice age in about 1850, long before manmade CO_2 emissions could have impacted the climate. Then in about 1940, just as manmade CO_2 emissions rose sharply—about 80 percent, with the largest increase in the middle of the 1940s—the temperatures began a decline, and that lasted until about the 1970s, prompting the media and many scientists to fear a coming ice age.

I am saying that this increase in CO_2 emissions did not precipitate a warming period; it precipitated a cooling period.

If CO_2 is the driving force of the global climate change, why do so many in the media ignore the many skeptical scientists who cite these rather obvious inconvenient truths?

My skeptical views on manmade catastrophic global warming have only strengthened as new science comes in. There have been recent findings in peer-reviewed literature over the past few years showing that the Antarctic is getting colder, and ice is growing. And a new study in Geophysical Research Letters found that the Sun was responsible for 50 percent of the 20th century warming. Now, that is shocking: the Sun is responsible for warmth.

Recently, many scientists, including a leading member of the Russian Academy of Sciences, predicted long-term global cooling may be on the horizon due to a projected decrease in the Sun's output. It is going to start getting cooler again.

A letter that was sent to the Canadian Prime Minister on April 6 of this year by 60 prominent scientists who question the basis for climate alarmism, clearly explains the current state of the scientific knowledge on global warming. Keep in mind, these 60 scientists were the ones who recommended back in the 1990s that Canada sign onto the Kyoto Treaty. They wrote this to Prime Minister Harper:

> If, back in the mid-1990s, we knew what we know today about climate, Kyoto would almost certainly not exist, because we would have concluded that it was not necessary.

The letter also noted:

> "Climate change is real" is a meaningless phase used repeatedly by activists to convince the public that a climate catastrophe is looming and humanity is the cause. Neither of these fears is justified. Global climate changes occur all the time due to natural causes, and the human impact still remains impossible to distinguish from the natural "noise."

These are scientists talking. People realize that these cycles go on. God is still up there, and we have the cycles every 1,500 years or so. Every time this happens, alarmists get this out and say we are all going to die.

One of the ways alarmists have pounded the mantra of a "consensus" on global warming into our pop culture is through the use of computer models that project future calamity. But the science is not there to place so much faith in scary computer model scenarios which extrapolate the current and projected buildup of greenhouse gases in the atmosphere and conclude that the planet faces certain doom.

Dr. Vincent Gray, a research scientist and a 2001 reviewer with the U.N. Intergovernmental Panel—they started like most bad things do, with the U.N. Back in the 1990s they came out with the Intergovernmental Panel on Climate Change, and Dr. Gray said:

> The effects of aerosols, and their uncertainties, are such as to nullify completely the reliability of any of the climate models.

Earlier this year, the director of the International Arctic Research Center in Fairbanks, AK, testified to Congress that highly publicized climate models showing a disappearing Arctic were nothing more than "science fiction."

That is not Senator INHOFE talking. That is the director of the International Arctic Research Center in Fairbanks, who ought to know a little bit about the Arctic.

In fact, after years of hearing about the computer-generated scary scenarios about the future of our planet, I now believe that the greatest climate threat we face may be coming from alarmist computer models.

This threat is originating from the software installed on hard drives of the publicity-seeking climate modelers. It is long past time for us to separate climate change fact from hysteria.

One final point—and there are many. We have made seven talks, averaging about an hour apiece, about the flawed science. One final point about the science: I am approached by many in the media and others who ask: What if you are wrong, INHOFE, to doubt the dire global warming predictions? Will you be able to live with yourself for opposing the Kyoto Protocol?

My answer is blunt. The history of the modern environmental movement is chock full of predictions of doom that never came true. We have all heard the dire predictions about the threat of overpopulation, resource scarcity, mass starvation, and the projected death of our oceans. None of them came true. Yet it never stopped the doomsayers from predicting a dire environmental future.

The more the eco-doomsayers' predictions fail, the more the eco-doomsayers predict. These failed predictions are just one reason I respect the serious scientists out there today debunking the latest scare mongering on climate change: scientists such as MIT's Richard Lindzen; former Colorado State climatologist, Roger Pielke, Sr.; the University of Alabama's Roy Spencer and John Christy; Virginia State climatologist Patrick Michaels; Colorado State University's William Gray; atmospheric physicist, S. Fred Singer; Willie Soon of the Harvard-Smithsonian Center for Astrophysics; Oregon State climatologist George Taylor; astrophysicist Sallie Baliunas, to name a few.

You never hear about these well-established scientists.

More important, it is the global warming alarmists who should ask the question: What if they are correct about manmade catastrophic global warming? They have come up with no meaningful solution to their supposed climate crisis in the two decades they have been hyping this issue.

If the alarmists truly believe that manmade greenhouse gas emissions are dooming the planet, then they must face up to the fact that symbolism does not solve a supposed climate crisis.

It is long past time for them to separate symbolism from fact. Let me show you this. This is a chart I used on the floor before. A very prominent Senator from the Northeast who bought into this hoax called global warming—after he researched this chart, found it was true. This chart says in the event that everything is true that they have said about global warming, and if all of the countries—I am talking about the developing nations, as well as the developed nations—adhere to or achieve Kyoto goals, this is the difference it would make by 2050. It is not even measurable.

A final point on the science of climate change. Again, I am approached by many in the media and others who ask what if you are wrong? I think the answer is that they have been wrong all along.

The alarmists freely concede that the Kyoto Protocol, even if fully ratified and complied with, would not have any meaningful impact on global temperatures. Keep in mind that Kyoto is not even close to being complied with by many of the ratifying nations. Fifteen European nations ratified the Kyoto Protocol, and 13 have not made their goals. So they are not going to be able to do it.

Many of the nations that ratified Kyoto are now realizing what I have been saying all along: The Kyoto Protocol is a lot of economic pain for no climate gain.

Legislation that has been proposed in this Chamber would have even less of a temperature effect than Kyoto's undetectable impact. And more recently, global warming alarmists and the media have been praising California for taking action to limit CO_2. But here again this costly, feel-good, California measure, which is actually far less severe than Kyoto, will have no impact on the climate, only the economy.

Symbolism does not solve a climate crisis.

In addition, we now have many environmentalists and Hollywood celebrities, such as Laurie David, who have been advocating measures like changing standard light bulbs in your home to fluorescents to help avert global warming. Changing to more energy-efficient light bulbs is fine, but to somehow imply that we can avert a climate disaster by these actions is absurd.

Once again, symbolism does not solve a climate crisis. But this symbolism may be hiding a dark side. While greenhouse gas limiting proposals may cost the industrialized West trillions of dollars, it is the effect on the developing world's poor that is being lost in this debate.

The Kyoto Protocol's post-2012 agenda, which mandates that the developing world be subjected to restrictions on greenhouse gases, could have the potential to severely restrict development in regions such as Africa, Asia, and South America, where some of the Earth's most energy-deprived people currently reside.

Expanding basic necessities like running water and electricity in the developing world are seen by many in the Green Movement as a threat to the planet's health that must be avoided.

Energy poverty equals a life of backbreaking poverty and premature death.

If we allow scientifically unfounded fears of global warming to influence policymakers to restrict future energy production and the creation of basic infrastructure in the developing world, billions of people will continue to suffer.

Last week, my committee heard testimony from Danish statistician Bjorn Lomborg, who was once a committed leftwing environmentalist until he realized that so much of what that the movement preached was based on bad science. Lomborg wrote a book called "The Skeptical Environmentalist" and has organized some of the world's top Nobel laureates to form the 2004 "Copenhagen Consensus," which ranked the world's most pressing problems.

Guess what. They place global warming at the bottom of the list in terms of our planet's priorities. The "Copenhagen Consensus" found that the most important priorities for our planet include combating disease, stopping malaria, securing clean water, and building infrastructure to help lift the developing nations out of poverty.

I have made a lot of trips to Africa. A lot of people know I have had a mission there for well over 10 years now. Once you see the devastating poverty—we think we have poverty in this country. Well, if you saw their poverty and the kids running through the junk piles and rats biting at the heels of their bloody feet, you would realize that these fears about global warming are severely misguided.

I firmly believe that when the history of our era is written, future generations will look back with puzzlement and wonder why we spent so much time and effort on global warming fears and pointless solutions, such as the Kyoto protocol.

One of your favorite Frenchmen, Mr. President, Jacques Chirac, the French President, provided the key clue as to why so many in the international community still revere the Kyoto Protocol, when in 2000 he said Kyoto represents not climate change but represents "the first component of an authentic global governance."

Furthermore, if your goal is to limit CO_2 emissions, the only effective way to go about it is the use of cleaner, more effective technologies that will meet the energy demands of this century and beyond.

The Bush administration and my Environment and Public Works Committee—the committee I chair—have been engaged in these efforts as we work to expand nuclear power and promote the Asian-Pacific Partnership. This partnership stresses the sharing of new technology among member nations, including three of the world's top 10 emitters—China, India, and Korea—all of whom are exempt from Kyoto.

Keep in mind, even if all these charts were true and everyone is going to comply with this, we passed in this Chamber just a very short while ago, by a unanimous vote, 96 to 0, legislation that said if you come back with any kind of treaty where we are going to treat developing nations differently from developed nations, we are going to oppose it. So it is unanimously opposed.

Many in the media, as I noted earlier, have taken it upon themselves to drop all pretense of balance on global warming and have instead become committed advocates for the issue.

Here is a quote from Newsweek. You have to listen to this, Mr. President. This is very important. I am going to quiz you later. This is a quote from Newsweek magazine:

> There are numerous signs that the Earth's weather patterns have begun to change dramatically and that these changes may portend a drastic decline in food production—with serious political implications for just about every nation on Earth.

A headline in the New York Times reads:

> Climate Changes Endanger World's Food Output.

Here is another quote from Time magazine:

> As they review the bizarre and unpredictable weather pattern of the past several years, a growing number of scientists are beginning to suspect that many seemingly contradictory meteorological fluctuations are actually part of a global climate upheaval.

All this sounds very ominous. That is until one realizes that the three quotes I just read are from articles in 1975 editions of Newsweek magazine and the New York Times, and Time magazine in 1974. They were not referring to global warming; they were warning of a coming ice age. The same people who were hysterical back then are using the same words to describe what is happening today.

Let me repeat: All three of those quotes were published in the 1970s warning of a coming ice age. An ice age is coming; we are all going to die.

In addition to global cooling fears, Time magazine has also reported on global warming. Here is an example:

> [Those] who claim that winters were harder when they were boys are quite right . . . weathermen have no doubt that the world at least for the time being is growing warmer.

Before one thinks that this is just another example of the media promoting former Vice President Gore's movie, one needs to know that the quote I just read is from Time magazine and not a recent quote. It is from January 22, 1939. Yes, in 1939—9 years before former Vice President Gore was born and over three decades before Time magazine began hyping a coming ice age, and almost five decades before they returned to hyping global warming.

Time magazine, in 1951, pointed to receding permafrost in Russia as proof that the planet was warming.

In 1952, the New York Times noted that the "trump card" of global warming "has been the melting glaciers."

But the media could not decide between warming or cooling scares. There are many more examples of the media and scientists flip-flopping between warming and cooling scares. They don't really care. They just want to scare you. They want to make sure you are scared, and then they are satisfied.

Here is a quote from the New York Times on fears of an approaching ice age:

> Geologists Think the World May be Frozen Up Again.

That sentence appeared over 100 years ago in the February 24, 1895, edition of the New York Times. Let me repeat, 1895, not 1995.

A front-page article in the October 7, 1912, New York Times, just a few months after the Titanic struck an iceberg and sank, declared that a prominent professor "Warns Us of an Encroaching Ice Age."

The very same day in 1912, the Los Angeles Times ran an article warning that the "human race will have to fight for its existence against the cold."

An August 10, 1923, Washington Post article declared:

> Ice Age Coming Here.

By the 1930s, the media took a break from reporting on the coming ice age and instead switched gears to promoting global warming. This is the 1930s:

> America in Longest Warm Spell Since 1776; Temperature Line Records a 25-year Rise.

That was in an article in the New York Times on March 27, 1933.

The media of yesteryear was also not above injecting large amounts of fear and alarmism into their climate articles.

An August 9, 1923, front-page article in the Chicago Tribune declared:

> Scientist Says Arctic Ice Will Wipe Out Canada.

The article quoted a Yale University professor who predicted that large parts of Europe and Asia would be "wiped out" and Switzerland would be "entirely obliterated."

A December 29, 1974, New York Times article on global cooling reported that climatologists believed "the facts of the present climate change are such that the most optimistic experts would assign near certainty to major crop failure in a decade."

The article also warned that unless Government officials reacted to the coming catastrophe "mass deaths by starvation and probably in anarchy and violence" would result. In 1975, the New York Times reported that "a major cooling [was] widely considered to be inevitable."

These past predictions of doom have a familiar ring, don't they? They sound strikingly similar to our modern media promotion of the former Vice President's brand of climate alarmism, an alarmism he believes will put him back in the White House.

After more than a century of alternating between global cooling and warming, one would think that this media history would serve a cautionary tale for today's voices in the media and scientific community who are promoting yet another round of eco-doom.

Much of the 100-year media history on climate change that I have documented today can be found in a publication entitled "Fire and Ice" from the Business and Media Institute.

Which raises the question: How has this embarrassing 100-year documented legacy of coverage on what turned out to be trendy climate science theories made the media more skeptical of today's sensational promoters of global warming? You be the judge.

On February 19 of this year, CBS News's "60 Minutes" produced a segment on the North Pole. The segment was a completely one-sided report alleging rapid and unprecedented melting at the polar cap. It even featured correspondent Scott Pelley claiming that the ice in Greenland was melting so fast that he barely got off an iceberg before it collapsed into the water.

Mr. President, "60 Minutes" failed to inform its viewers that a 2005 study by a scientist named Ola Johannessen and his colleagues showed that the interior of Greenland is gaining ice mass and that, according to scientists, the Arctic was warmer in the 1930s than it is today. If you see this film, they will say it is the warmest it has ever been. It is just not true.

By the way, around the edges of ice caps there is a phenomenon known as calving. So when it becomes thicker in the middle, it melts a little on the outside, but the overall volume density increases.

On March 19 of this year, "60 Minutes" profiled NASA scientists and alarmist James Hansen who was once again making allegations of being censored by the Bush administration. In this segment, objectivity and balance were again tossed aside in favor of a one-sided glowing profile of Hansen.

The "60 Minutes" segment made no mention of Hansen's partisan ties to former Democratic Vice President Al Gore or Hansen's receiving of a grant of a quarter of a million dollars from the leftwing Heinz Foundation run by Teresa Heinz Kerry. I guess she is Teresa Heinz now. There was also no mention of Hansen's subsequent endorsement of her husband JOHN KERRY for the presidency in 2004. He is a political activist. This was never mentioned in the "60 Minutes" segment.

Many in the media dwell on any industry support given to so-called climate skeptics, but the same media completely failed to note Hansen's huge grant from the leftwing Heinz Foundation.

The foundation's money originated from the Heinz family ketchup fortune. So it appears that the media makes a distinction between oil money and ketchup money.

Mr. President, "60 Minutes" also did not inform viewers that Hansen appeared to concede in a 2003 issue of "Natural Science" that the use of "extreme scenarios" to dramatize climate change "may have been appropriate one time" to drive the public's attention on the issue. In other words, it is all right to lie in order to drive the public's attention to an issue that you want them to have and to that opinion.

Why would "60 Minutes" ignore the basic tenets of journalism that call for objectivity and balance in sourcing and do such one-sided segments?

The answer was provided by correspondent Scott Pelley. Pelley told the CBS News Web site that he justified excluding scientists skeptical of global warming alarmism from his segments because he considers skeptics to be the equivalent of "Holocaust deniers."

This year also saw a New York Times reporter write a children's book entitled "The North Pole Was Here." The author of the book, New York Times reporter Andrew Revkin, wrote that it may someday be "easier to sail to than stand on" the North Pole in summer. So here we have a very prominent environmental reporter for the New York Times who is promoting the aspect of global warming alarmism in a book aimed at our kids.

In April of this year, Time magazine devoted an issue to global warming alarmism entitled "Be Afraid. Be Very Afraid." This is the same Time magazine which first warned of a coming ice age in the 1920s before it switched to warning about global warming in the 1930s, before it switched again to promoting the 1970s coming ice age scare. The April 3, 2006, global warming special report of Time magazine was a prime example of the media's shortcomings, as the magazine cited partisan leftwing environmental groups with a vested financial interest in hyping alarmism.

Headlines blared: "More and More Land is Being Devastated by Drought."

"Earth is at the Tipping Point."

"The Climate is Crashing."

Time magazine did not make the slightest attempt to balance its reporting with any views of scientists skeptical of this alleged climate disaster.

I don't have journalism training, but I daresay calling a bunch of environmental groups with an obvious fundraising agenda and asking them to make wild speculations on how bad global warming might become is nothing more than advocacy for leftwing causes. It is a violation of basic journalistic standards.

To his credit, New York Times reporter Revkin saw fit to criticize Time magazine for its embarrassing coverage of climate science.

So in the end, Time's cover story title of "Be Worried, Be Very Worried" appears to have been apt. The American people should be worried—they should be very worried—of such shoddy journalism.

As to Al Gore's inconvenient truth, in May, our Nation was exposed to perhaps one of the slickest science propaganda films of all time. Former Vice President Gore's "An Inconvenient Truth," in addition to having the backing of Paramount Pictures to market this film, had the full backing of the media, and leading the cheerleading charge was none other than the Associated Press, and of course they had the elitists, from Hollywood.

On June 27, the Associated Press ran an article by Seth Borenstein that boldly declared:

> "Scientists give two thumbs up to Gore's movie."

The article quoted only five scientists—two thumbs up, five scientists. They were praising Gore's science, despite the Associated Press having contacted over 100 scientists.

The fact that over 80 percent of the scientists contacted by the AP had not even seen the movie or that many scientists have harshly criticized the science presented by Gore did not dissuade the news outlet one bit from its mission to promote Gore's brand of climate alarmism.

Let's keep in mind, they said it is thumbs up, 100 percent of the scientists, and it was only 5 out of the 100.

I am almost at a loss as to how to begin to address the series of errors, misleading science, and unfounded speculation that appear in the former Vice President's film and in his book of the same name.

Here is what Richard Lindzen, a meteorologist from MIT, has written about "An Inconvenient Truth." He is talking about Al Gore and his movie. This is a scientist. Richard Lindzen, a meteorologist from MIT:

> A general characteristic of Mr. Gore's approach is to ignore the fact that the Earth and its climate are dynamic; they are always changing even without any external forcing. To treat all change as something to fear is bad enough; to do so in order to exploit that fear is much worse.

That is exactly what Al Gore is doing.

What follows is a brief summary of the science the former Vice President promotes in either a wrong or misleading way:

He promoted the now debunked "hockey stick" temperature chart in an attempt to prove man's overwhelming impact on the climate.

He attempted to minimize the significance of the medieval warm period and the little ice age.

He insists on a link between increased hurricane activity and global warming that most scientists believe does not exist.

He asserted that today's Arctic is experiencing unprecedented warmth while ignoring that temperatures in the 1930s were as warm or warmer than they are today.

He claimed the Antarctic is warming and losing ice but failed to note that is only true of a small region and the vast bulk has been cooling and gaining ice. This is the Antarctic.

He hyped unfounded fears that Greenland's ice is in danger of disappearing.

He erroneously claimed that the icecap on Mount Kilimanjaro is disappearing because of global warming, even while the region cools and researchers blame ice loss on local land-use practices. What they are talking about here is they had deforested the area down below. That was the reason. It had nothing to do with CO_2, obviously.

He made assertions of massive future sea level rise that is way outside of any supposed scientific consensus and is not supported in even the most alarmist literature.

He incorrectly implied that a Peruvian glacier's retreat is due to global warming, while ignoring the fact that the region has been cooling since the 1930s and other glaciers in South America are advancing.

He blamed global warming for water loss in Africa's Lake Chad despite NASA scientists concluding that local population and grazing factors are the more likely culprits.

He inaccurately claimed polar bears are drowning in significant numbers due to melting ice when in fact they are thriving.

He completely failed to inform viewers that the 48 scientists who accused President Bush of distorting science were part of a political advocacy group set up to support the Democratic Presidential candidate John Kerry in 2004.

That was just a brief sampling of some of the errors presented in "An Inconvenient Truth." Imagine how long the list would have been if I had actually seen the movie. There wouldn't be enough time to deliver the speech today.

So along comes Tom Brokaw. Following the promotion of "An Inconvenient Truth," the press did not miss a beat in their role as advocates for global warming fears.

ABC News put forth its best effort to secure its standing as an advocate for climate alarmism when the network put out a call for people to submit their anecdotal global warming horror stories in June for use in a future news segment.

In July, the Discovery Channel presented a documentary on global warming narrated by former NBC anchor Tom Brokaw. The program presented only those views of scientists promoting the idea that humans are destroying the Earth's climate. You don't have to take my word for the program's overwhelming bias. A Bloomberg TV news review noted: "You'll find more dissent at a North Korean political rally than in this program" because of its lack of scientific objectivity.

Brokaw also presented climate alarmist James Hansen to viewers as unbiased, failing to note his quarter-million-dollar grant from the partisan Heinz Foundation or his endorsement of Democratic Presidential nominee John Kerry in 2004 and his role promoting former Vice President Gore's Hollywood movie. Brokaw, however, did find time to impugn the motives of scientists skeptical of climate alarmism when he featured paid environmental partisan Michael Oppenhimer, of the group Environmental Defense, accusing skeptics of being bought out by fossil fuel interests.

The fact remains that political campaign funding by environmental groups to promote climate and environmental alarmism dwarfs spending by the fossil fuel industry by 3 to 1. Environmental special interests, through their 527s, spent over $19 million compared to $7 million spent by the oil and gas industry through political action committees in the 2004 election cycle.

I am reminded of a question the media often asks me about how much I have received in campaign contributions from the fossil fuel industry. My unapologetic answer is always: Not enough, especially when you consider the millions partisan environmental groups pour into political campaigns.

Continuing with our media analysis: On July 24, 2006, the Los Angeles Times featured an op-ed by Naomi Oreskes, a social scientist at the University of California, San Diego, and the author of a 2004 Science magazine study. Oreskes insisted that a review of 928 scientific papers showed there was 100 percent consensus that global warming was not caused by natural climate variations. This study was also featured in former Vice President Al Gore's "An Inconvenient Truth."

However, the analysis in Science magazine excluded nearly 11,000 studies or more than 90 percent of the papers dealing with global warming, according to a critique by British social scientist Benny Peiser. Peiser also pointed out that less than 2 percent of the climate studies in the survey actually endorsed the so-called "consensus view" that human activity is driving global warming and some of the studies actually opposed that view. Oreskes called 2 percent, 100 percent. But despite this manufactured "consensus," the media continued to ignore any attempt to question the orthodoxy of climate alarmism.

As the dog days of August rolled in, the American people were once again hit with more hot hype regarding global warming, this time from the New York Times op-ed pages. A columnist penned an August 3 column filled with so many inaccuracies it is a wonder the editor of the Times saw fit to publish it. For instance, Bob Herbert's column made dubious claims about polar bears, the snows of Kilimanjaro, and he attempted to link this past summer's heat wave in the United States to global warming—something even the alarmist James Hansen does not support.

Finally, a September 15, 2006, Reuters News article claimed that polar bears in the Arctic are threatened with extinction by global warming. The article by correspondent Alister Doyle quoted a visitor to the Arctic—now listen to this, Mr. President—a visitor to the Arctic who claimed he saw two distressed polar bears. According to the Reuters article, the man noted that one of the polar bears looked to be dead and the other one looked to be exhausted. The article did not state the bears were actually dead or exhausted, they merely looked that way. Have we really arrived at the point where major news outlets in the United States are reduced to analyzing whether polar bears in the Arctic appear restful? How reporting such as this gets approved for publication by the editors at Reuters, I don't know. What happened to covering the hard science in this issue?

What was missing from the Reuters News article was the fact that according to biologists who study animals, polar bears are doing quite well. Biologist Dr. Mitchell Taylor from the Arctic government of Nunavut, which is a territory of Canada, refuted these claims in May when he noted that—this is a quote. Keep in mind I am quoting the biologist Dr. Mitchell Taylor from the Arctic government. He said:

> Of the 13 populations of polar bears in Canada, 11 are stable or increasing in number. They are not going extinct, or even appear to be affected at present.

Sadly, it appears that reporting anecdotes and hearsay is now fast replacing the tenets of journalism for many media outlets.

It is an inconvenient truth that so far 2006 has been a year in which most major segments of the media have given up on any quest for journalistic balance, fairness, and objectivity when it comes to climate change. The global warming alarmists and their friends in the media have attempted to smear scientists who dare to question the premise of manmade catastrophic global warming, and as a result some scientists have seen their reputations and their research funding dry up.

The media has so relentlessly promoted global warming fears that a British group called the Institute For Public Policy Research—and this from a left-leaning group—issued a report in 2006 accusing media outlets of engaging in what they termed "climate porn" in order to attract the public's attention. Bob Carter, a paleoclimate geologist from James Cook University in Australia, has described how the media promotes this kind of fear:

> Each such alarmist article is larded with words such as "if," "might," "could," "probably," "perhaps," "expected," "projected," or "modeled," and many involve such deep dreaming, or ignorance of scientific facts or principles, that they are akin to nonsense.

He concluded this in an op-ed in April of this year.

Another example of this relentless hype is the reporting on the seemingly endless number of global warming impact studies which do not even address whether global warming is going to happen. They merely project the impact of potential temperature increases.

The media endlessly hypes studies that purportedly show that global warming could increase mosquito populations, malaria, West Nile virus, heat waves and hurricanes, threaten the oceans, damage coral reefs, boost poison ivy growth, damage vineyards and global food crops, to name just a few of the global warming-linked calamities. Oddly, according to the media reports, warmer temperatures almost never seem to have any positive effects on plant or animal life or food production.

Fortunately, the media's addiction to so-called "climate porn" has failed to seduce many Americans. According to a July Pew Research Center poll, the American public is split about evenly between those who say global warming is due to human activity versus those who believe it is from natural factors or not happening at all. This is significantly down from the previous polls. In addition, an August Los Angeles Times/Bloomberg poll found that most Americans do not attribute the cause of recent severe weather events to global warming, and the portion of Americans who believe global warming is naturally occurring is on the rise. It is nothing short of a miracle and amazing that the American people are not buying this alarmism. It is all they see on TV. It is all they hear about. I would rather believe the American people know when their intelligence is being insulted and they know when they are being used and when they are being duped by the hysterical left.

The American people deserve much better from our fourth estate. We have a right to expect accuracy and objectivity on climate change coverage. We have a right to expect balance in sourcing and fair analysis from reporters who cover the issue. Above all, the media must roll back this mantra that there is scientific "consensus" of impending climatic doom as an excuse to ignore recent science. I used to get this all the time from the left. They say: Well, the consensus is already there; we don't want to talk about science. No wonder they don't—because most of the science since 1999 has refuted everything they are asserting. After all, there was a so-called scientific consensus that there were nine planets in our solar system until Pluto was recently demoted.

I am a realist. I want to challenge the news media to reverse course and report on the objective science of climate change, stop ignoring legitimate voices in this scientific debate, and stop being used by the hysterical left. Breaking the cycles of media hysteria will not be easy since hysteria sells and it is very profitable, but I really believe the issue is getting worn out. They have not been able to come up with anything to support their side. And as Winston Churchill said:

> The truth is incontrovertible. Panic may resent it, ignorance may deride it, malice may destroy it, but there it is. And it will be there, and we will understand.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I ask that I be recognized to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPREHENSIVE IMMIGRATION REFORM

Mr. SALAZAR. Mr. President, I come to the floor of the Senate today to talk about the importance of immigration reform in a comprehensive manner. We are in the last week of this legislative session before the November elections. It is obvious to me, in terms of what is going on in the country, that the leadership of the Senate, the Congress, and the White House has decided to allow politics to triumph over the very fundamental national purposes for which we have tried to work together with respect to comprehensive immigration reform.

It is my hope that those speaking for principled immigration reform stand up and say that we are not going to let politics triumph over national security, that we are not going to let politics triumph over the rule of law, which is a central tenet of our Nation, basic to the stability of our Nation, and that we are not going to let politics triumph over the economic and human and moral realities with which we deal in immigration.

As we move forward in the days ahead, dealing with this fence legislation, legislation that would create a fence across Arizona and Texas and Mexico and the possibility of a fence between the United States and Canada, I hope the voices of reason that brought Republicans and Democrats together on the floor of this Senate to say we needed comprehensive immigration reform, once again will say we reject piecemeal legislation that deals with creating a fence only because we know that will not be the answer for the comprehensive immigration reform we need.

When I look at the map which has come out of the House of Representatives which would create a fence which would essentially follow the entire border of Arizona and large pieces of the Texas border, it seems to me what we are doing here in Washington is we are telling those States that we know better here in Washington where the fence ought to be located and we will authorize this fence to be built only in these particulars locations. We are, in fact, not listening to the Department of Homeland Security and to our Border Patrol officers who know there are places where it is appropriate for us to put a fence. Indeed, in our legislation here in the Senate, what we did is we authorized the construction of a fence, but we also recognized there was latitude to be given to those experts who are in charge of making sure we create a secure border.

When I look at what we are trying to do in this debate which will take place with respect to the Secure Fence Act on the floor this year, I would like us to look back and see what was being said around the country with respect to immigration reform just a few months ago when we were debating immigration reform here on the floor of the Senate.

Our Secretary of Homeland Security, Secretary Chertoff, said this about the fence:

> Fencing has its place in some areas, but as a total solution, I don't think it's a good solution.

Secretary Chertoff, on February 9, 2006, also said the following:

> When you're dealing with the desert, for example, we don't advocate putting a fence in the desert because it's more efficient for us to intercept people when they're in the desert at a place of our own choosing as opposed to being forced to guard the entire fence, right up against the fence.

From our friend, Attorney General Alberto Gonzales, speaking about the fence, back in those days: "I think that's contrary to our traditions," he said, noting that "99.9 percent" of illegal immigrants "come across to seek a better life for their families. . . ." This is from Attorney General Gonzales.

He continued and said:

> I don't know if that would make much sense. We've got a 2,000-mile border. Because of natural geography, we don't need a fence . . . along certain portions of that border. Obviously, we believe it does make sense to have fencing along certain areas of our border. We do have several hundred miles of fencing currently, but the objective here is to make sure we're being smart in securing our border.

Commissioner W. Ralph Basham from Customs and Border Protection said:

It doesn't make sense, it's not practical.

We are in the last week of the legislative session, doing our business prior to the time we go out for elections. So what has happened here? What has happened here is people have decided to ride this horse of immigration reform, with all the divisiveness it has created around the country, to try to gain a political advantage in these November elections. It would be my hope that Democrats and Republicans of this body, who stood with the President in calling for comprehensive immigration reform, would stand by those principles and say: We are going to push forward for immigration reform that really works for our country because it addresses all aspects of the immigration issue we face in America.

We as a Senate did that several months ago. I was very proud to have worked with people such as Senator MCCAIN, Senator GRAHAM, Senator DURBIN, Senator KENNEDY, and a whole host of other people who were involved in putting together what became a comprehensive immigration reform package. It was a law-and-order bill that we debated here on the floor for weeks and was ultimately adopted by a significant bipartisan group of Senators. It was a law-and-order bill because it dealt in a comprehensive way with the issue of immigration. It dealt in a comprehensive way with the recognition that we have a national security crisis on our hands that requires us to deal with immigration reform in a comprehensive way.

The components of the legislative which we subsequently shepherded through the Senate included border security, strengthening our border. It included immigration law enforcement so we make sure that we as a nation uphold our tradition of being a nation of laws; that we enforce our immigration laws here in our country.

It also includes huge registration penalties applying against those who have broken the law and have come to this country illegally.

The law and order bill deserves the support of the Senate. It is my hope as we move forward in the debate on immigration this week that we return to that legislation and move that legislation as an amendment to the legislation which has been introduced in this body.

Let me again quickly walk through to refresh my colleagues' memory about the components of this legislation which we felt so urgently was needed to deal with national security and the economic and human reality relating to the immigration issue.

First, we all want our borders secure. We recognize we can't have a secure nation if we can't deal with the threats we face with homeland security unless we secure the border. We recognize the United States of America as a sovereign nation has a sovereign right to protect its borders. We need to make sure we are protecting our borders.

We included in our legislation many aspects of a cross-border security solution. They included 12,000 new Border Patrol agents which we would add to our Border Patrol effort to make sure we have the right manpower to address the border security issue.

In that legislation through an amendment that was sponsored by our friend from Alabama, we created additional fences that would be established along the border, some 370 miles of fences that had been established and constructed in critical locations along the border.

We provided new criminal penalties for construction of border tunnels to address what has happened in places where there are currently fences across borders; where people have created tunnels to dig under those fences to come to the United States. We added new checkpoints and points of entry throughout the entire border. We expanded the exit-entry security system at all land borders and airports.

Our legislation dealt in a comprehensive way moving forward to make sure we were creating a secure border. That was a key component of legislation we are dealing with.

Beyond securing our borders, which is very essential as we put together this effort on comprehensive immigration reform, we also recognized that we as a nation must enforce our immigration laws. So we included in our legislation significant provisions to ensure we are enforcing those laws.

We added 5,000 new investigators to help us enforce our laws. We established in that legislation 20 new detention facilities so we can effectively process those who are caught here in our country illegally. We included provisions in our legislation that would reimburse States for detaining and imprisoning criminal aliens. That is an issue which has affected local and State governments throughout our country.

We included in our legislation requirements for a faster deportation process. We increased penalties for gang members, for money laundering, and human trafficking. We increased document fraud detection, and we created new fraudproof immigration documents for people who are here in this country with biometric identifiers.

Finally, we expanded authority to remove suspected terrorists from our country.

Looking at what we did in coming up with an immigration enforcement package in our country, we said we were going to ensure that we as a nation of laws would have a legal system in place that would in fact be enforceable and that we would put the resources behind that enforcement.

We also dealt with another issue; that is, an issue that has caused so much controversy around this country. Essentially, it had to do with the question what do you do with 11 million or 12 million human beings currently residing in our country. We felt as a group of Democrats and Republicans working on this legislation that we needed to come up with a realistic and humane way of approaching the 12 million people who are here illegally in our country. These are the people who probably have cleaned the hotel rooms and motel rooms where most Americans stay. These are the people who are working at construction sites in each one of the our States around the country. These are the people who are the backbone of the agricultural workforce in places such as Idaho, Colorado, and throughout our great Nation.

So we decided to come up with a program where we would deal with these 12 million people in an honest, realistic, and straightforward manner. We said we would require them to pay a fine. They have broken the law. They will be punished. They have broken the law and they will be punished by the requirements that they pay a fine for their illegal conduct. We require that they register with the U.S. Government. That is not a requirement for any U.S. citizen, but we require these people to step forward, to come out of the shadows and to register themselves with the U.S. Government.

We require them to pay additional registration fees. We require them to learn English. We require them to learn American history and government. We require them to pass medical exams. And we require them to be continuously employed with a valid temporary visa.

We came up with a program that the President himself has talked about in positive terms, where essentially we would bring these people to come out of the shadows. We require them to go to the back of the line. We require them to pay a penalty. We require them to learn English, and we require them to learn about American history as a realistic way of approaching the reality of 12 million human beings who live here in our country today.

Let me come back and talk a little bit about the piecemeal approach—this political approach which is being talked about here in the Congress today. It is in fact a piecemeal approach because all of those who have studied this issue recognize that unless we deal with immigration issues in a comprehensive way, it will not work. Many of us in this Chamber have had many conversations with the President of the United States about the need for comprehensive immigration reform. On August 3 of this year, in a public statement, the President said:

> I'm going to talk today about comprehensive immigration reform. I say comprehensive because unless you have all five pieces working together it's not going to work at all.

This is the President of the United States saying it is not going to work at all unless we do this in a comprehensive manner.

In another statement, he said the following:

> We will fix the problems created by illegal immigration, and we deliver a system that is secure, orderly, and fair. So I support comprehensive immigration reform that will accomplish these five objectives.

That was the President of our country.

He said in another statement on May 15 of 2006 the following:

> Some in this country argue that the solution is to deport every illegal immigrant, and that any proposal short of this amounts to amnesty. I disagree. It is neither wise nor realistic to round up millions of people, many with deep roots in the United States, and send them across the border. There is a rational middle ground.

That is from the President's Presidential address of May 15, 2006.

On May 15, on that same day, he said the following:

> An immigration reform bill needs to be comprehensive, because all elements of this problem must be addressed together, or none of them will be solved at all. Congress can pass a comprehensive bill for me to sign into law.

That is what the President of the United States has asked us as a Congress to do. That was what Democrats and Republicans in this Chamber came together to do several months ago.

It would be my hope as we consider the legislation which we will be debating this week that we take the statements of the President, the statements that have been made by members of his administration, and statements made here on the floor, and that we address this issue of immigration reform in a manner that is truly going to work as opposed to addressing it in a piecemeal manner as has been suggested by the legislation which we will be considering.

I conclude by asking my colleagues in the Senate today to make sure as we move forward to not let politics triumph over the national security issue of the broken borders that we face today; that we as a Senate do not let politics triumph over the rule of law which makes us have the kind of country we can all be very proud of because we abide by the rule of law; that we as a country make sure we stand up for the human and moral issues that are very much on stage in this debate over immigration reform. Those issues should take precedence over a political agenda which is obviously unfolding with this legislation that has been brought to the floor of the Senate today.

Finally, I ask the White House, President Bush, to end the silence on this issue. President Bush has been working on this issue for a long time. He is a former Governor of a border State. He knows what is at stake on this issue. I hope the White House can provide this body and the House of Representatives with the kind of guidance they were providing us when we were dealing with the issue some months ago.

I thank the Chair. I yield the floor.

Mr. KENNEDY. Mr. President, how much time is allocated in morning business?

The PRESIDING OFFICER. There is 37 minutes.

Mr. KENNEDY. For each speaker, is there a time limitation?

The PRESIDING OFFICER. On the Democratic side, 37 minutes remain.

GLOBAL TERRORISM

Mr. KENNEDY. Mr. President, according to reports in Sunday's New York Times and Washington Post, a National Intelligence Estimate prepared last April concludes that the war in Iraq has made the problem of global terrorism worse and that terrorist cells have metastasized and spread across the globe.

For more than 3 years, President Bush and the Republican Congress have repeatedly claimed the war in Iraq is making America safer. Now, we learn that the 16 agencies in the intelligence community concluded just the opposite last April—that the Iraq war has become a rallying cry for extremists against the United States and made the war on terror more difficult to win.

The American people have the right to hear from our Nation's top intelligence official about the conclusions of the intelligence community in this report. Before Congress adjourns this week, Director of National Intelligence John Negroponte should testify in open session about this report. In addition, an unclassified version of the key judgments and discussion about Iraq in the report should be made available to the public in a way that protects sources and methods.

With more than 140,000 American troops on the ground in Iraq and terrorist attacks increasing around the globe, the stakes for the safety of all Americans are enormously high. It is our obligation to hear directly from Mr. Negroponte before adjourning at the end of this week. It is essential that Congress and the American people obtain a fuller understanding about the conclusions of the intelligence community about the impact of the Iraq war.

In addition, the President and Vice President must explain statements they have made that are directly at odds with this National Intelligence Estimate.

Despite the conclusion of the intelligence community that the war has been a recruitment tool for a new generation of extremists, on numerous occasions since the document was prepared, President Bush has claimed that the war has made America safer.

On September 7, President Bush said:

> We've learned the lessons of 9/11 . . . We've gone on the offense against our enemies, and transformed former adversaries into allies. We have put in place the institutions needed to win this war. Five years after September the 11th, 2001, America is safer—and America is winning the war on terror.

On September 11, President Bush said:

> Saddam's regime posed a risk that the world could not afford to take. The world is safer because Saddam Hussein is no longer in power.

Despite the conclusion of the intelligence community 5 months earlier that new threats are emerging because of the war in Iraq, Vice President CHENEY said the exact opposite on September 10. He said:

> We are better off there because of what we've done to date. We are less likely to have a threat emerge against the United States from that corner of the world than would have been the case if Saddam were still there.

The American people deserve to know whether the President and Vice President are intentionally misleading us about our safety or whether they are simply ignoring the intelligence community. Clearly, America deserves better from its leaders.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. I ask to speak for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. I ask unanimous consent I be permitted to speak for up to 20 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORIST TRIBUNALS

Mr. CORNYN. Mr. President, one of the lessons America learned after the tragic events of September 11, 2001, is the danger of treating our fight against global terrorism as a law enforcement function alone. This was documented time and time again, whether it is the wall that was erected that prevented intelligence authorities from getting access to important information and sharing it with law enforcement authorities, and vice versa, or whether it was waiting until a terrorist attack occurred and then merely investigating in the rubble and the destruction left behind, and then prosecuting the person, if, in fact, he could be prosecuted and brought to justice.

It concerns me a great deal that we have seemed to lapse once again into a pre-September 11 mindset where some of our colleagues, as we debate the use of terrorist tribunals and the access to our court system those convicted of war crimes should have, seem to have forgotten some of those lessons learned from September 11. It is important we not fight this global war on terrorism strictly as a law enforcement matter, punishing conduct after the fact rather than gaining intelligence we need in order to detect, deter, and disrupt terrorist attacks from occurring in the first place. Specifically, I will address what sort of avenues of appeal detainees at Guantanamo Bay should have regarding their convictions and their status review.

Members may recall late last year the Congress passed something called the Detainee Treatment Act in which we thought we had dealt comprehensively with the issue of how detainees, unlawful combatants, should be treated. Of course, we reiterated our commitment, the ban against torture, cruel and inhumane and degrading conduct, but in that important piece of legislation, Congress also said that detainees, these unlawful combatants, people who do not observe the laws of war, who target innocent civilian populations, are not entitled to receive the full panoply of rights accorded to American citizens when tried in an Article III court of law.

Specifically, we said that for the writ of habeas corpus that otherwise might be available to them, we would substitute an alternative procedure composed of three different things. We created the combat status review tribunal, first, which was designed to make sure the individuals who are actually detained at Guantanamo Bay were, in fact, enemy combatants, and to make sure we did not in the course of or in the fog of war sweep up innocent bystanders who were not actually a threat to the United States. These combat status review tribunals have very important procedures I will mention in a moment.

However, we also saw the use of administrative review boards that on an annual basis review the status of a particular detainee at Guantanamo Bay to determine, No. 1, whether they were a continuing threat to the American people or our allies, and, No. 2, whether additional actionable intelligence could be obtained from them during the interrogation process.

This administrative review board is an annual process and has resulted in the release of many of the detainees who were at Guantanamo Bay who had been determined to no longer be a danger to the American people or our allies.

The fact is these two procedures—the combatant status review tribunal and the administrative review board—are coupled together with an additional right of appellate review provided under the Detainee Treatment Act which is full review of a conviction by a military commission by the District of Columbia Court of Appeals in the Nation's capital. That court is not restricted in any way to review any and all errors they believe are material to the outcome of the case, and I believe, combined with the combatant status review tribunal and the administrative review board, does provide a due process for these detainees in a way that does not jeopardize this legislation, should it be ultimately reviewed by the U.S. Supreme Court.

Actually, I think it might surprise some of our colleagues to be talking about this issue because they may well have thought we addressed this issue late last year when we passed the Detainee Treatment Act. The fact is, in the Hamden case, handed down in June, the U.S. Supreme Court said Congress had not made sufficiently clear its intention to apply the Detainee Treatment Act to pending cases. Therefore, it went on to decide the Hamden case, refused to throw out the appeal based on a lack of jurisdiction, and, in fact, left us with a situation where about 300 of the detainees at Guantanamo Bay have about 600 applications for writs of habeas corpus pending in American courts.

The United States provides adequate evidentiary hearings to ensure that detainees held at Guantanamo Bay are, in fact, unlawful combatants, and, No. 2, pose a threat to the United States national security interests. These detainee status hearings and other procedures provided by the United States to terrorist detainees at Guantanamo Bay meet, and in many ways exceed, the requirements for prisoners of war under article V of the Geneva Conventions.

As I mentioned, on top of these status hearings, meaningful judicial review is provided by the U.S. Federal Court of Appeals. Final judicial review is provided of those decisions. These status hearings and judicial review mechanisms were codified as part of that Detainee Treatment Act.

The District of Columbia Circuit Court of Appeals—which many in this Chamber have referred to as the second highest court in the land—has the power to review not only whether the Department of Defense faithfully followed the procedures prescribed by Congress but also whether those procedures comport with the U.S. Constitution.

For some to say, as I actually heard this morning in a hearing we had before the Senate Judiciary Committee, that "no meaningful judicial review" is provided to unlawful combatants is, I claim, inaccurate and misleading.

While providing these judicial procedures, Congress saw fit to foreclose the possibility of a flood of habeas corpus petitions overwhelming the Federal courts and distracting our men and women in uniform from prosecuting the war effort. The status hearings and judicial review mechanisms are intended to satisfy the meaningful review requirement in the absence of the ability to file a petition for writ of habeas corpus. Alien enemy combatants, whether lawful or unlawful under the Geneva Conventions, have never been found by the U.S. Supreme Court to have a right to file a habeas corpus petition in American Federal courts.

In 1950, the U.S. Supreme Court ruled in a case called Eisentrager v. Johnson that enemy combatants held by U.S. forces overseas are not entitled to the "privilege of litigation" and cannot sue our military in our courts.

Beyond the constitutional arguments for removing habeas jurisdiction, there are important practical considerations, as well, as explained in the Eisentrager decision. The Supreme Court explained clearly and eloquently why we cannot let enemy combatants sue the U.S. military and our soldiers in American Federal courts. It said:

> Such trials would hamper the war effort and bring aid and comfort to the enemy . . . It would be difficult to devise a more effective fettering of a field commander than to allow the very enemies he is ordered to reduce to submission to call him to account in his own civil courts and divert his efforts and attention from the military offensive abroad to the legal defensive at home. Nor is it unlikely that the result of such enemy litigation would be a conflict between judicial and military opinion highly comforting to enemies of the United States.

These burdens, as identified by the U.S. Supreme Court placed on our military by enemy combatant litigation, persist today.

The Department of Justice has detailed the significant burdens. It has said:

> The detainees have urged habeas courts to dictate conditions on [Guantanamo Naval] Base ranging from the speed of Internet access afforded their lawyers to the extent of mail delivered to the detainees.

More than 200 cases have been filed on behalf of 600 purported detainees. Curiously, this number exceeds the number of detainees actually held at Guantanamo Bay, which is closer to 500.

Also, according to the Department of Justice:

> This habeas litigation has consumed enormous resources and disrupted the day-to-day operation of Guantanamo Naval Base.

The United States also notes that this litigation has had a serious negative impact on our war against al-Qaida. According to the U.S. brief, in the al-Qaida case:

> Perhaps most disturbing, the habeas litigation has imperiled crucial military operations during a time of war. In some instances, habeas counsel have violated protective orders and jeopardized the security of the base by giving detainees information likely to cause unrest. Moreover, habeas counsel have frustrated interrogation critical to preventing further terrorist attacks on the United States.

Michael Ratner, a lawyer who has filed lawsuits on behalf of numerous enemy combatants held at GTMO, boasted about disrupting U.S. war efforts to a magazine—Mother Earth magazine. He said:

> The litigation is brutal for [the United States]. It's huge. We have over one hundred lawyers now from big and small firms working to represent the detainees. Every time an attorney goes down there, it makes it that much harder [for the U.S. military] to do what they're doing. You can't run an interrogation . . . with attorneys. What are they going to do now that we're getting court orders to get more lawyers down there?

Former Attorney General Bill Barr explained the folly of applying American criminal procedure and judicial process and standards to questions of the enemy combatants. He said:

> In armed conflict, the body politic is not using its domestic disciplinary powers to sanction an errant member, rather it is exercising its national defense powers to neutralize the external threat and preserve the very foundation of all our civil liberties. Here the Constitution is not concerned with handicapping the government to preserve other values. Rather it is designed to maximize the government's efficiency to achieve victory—even at the cost of "collateral damage" that would be unacceptable in the domestic realm.

Attorney General Barr brought these concerns into relief with the very telling hypothetical example. He said:

> Let me posit a battlefield scenario. American troops are pinned down by sniper fire from a village. As the troops advance, they see two men running from a building from which the troops believe they had received sniper fire. The troops believe they are probably a sniper team. Is it really being suggested that the Constitution vests these men with due process rights as against the American soldiers? When do these rights arise? If the troops shoot and kill them—i.e., deprive

> them of life—could it be a violation of [their] due process [rights]? Suppose they are wounded and it turns out they were not enemy forces. Does this give rise to Bivens' Constitutional tort actions for violation of due process? Alternatively, suppose the fleeing men are captured and held as enemy combatants. Does the Due Process Clause really mean that they have to be released unless the military can prove they were enemy combatants? Does the Due Process Clause mean that the American military must divert its energies and resources from fighting the war and dedicate them to investigating the claims of innocence of these two men?
>
> This [simply] illustrates why military decisions are not susceptible to judicial administration and supervision. There are simply no judicially-manageable standards to either govern or evaluate military operational judgments. Such decisions invariably involve the weighing of risks. One can easily imagine situations in which there is an appreciable risk that someone is an enemy combatant, but significant uncertainty and not a preponderance of evidence. Nevertheless, the circumstances may be such that the President makes a judgment that prudence dictates treating such a person as hostile in order to avoid an unacceptable risk to our military operations. By their nature, these military judgments must rest upon a broad range of information, opinion, prediction, and even surmise. The President's assessment may include reports from his military and diplomatic advisers, field commanders, intelligence sources, or sometimes just the opinion of front line troops. He must decide what weight to give each of these sources. He must evaluate risks in light of the present state of the conflict and the overall military and political objectives of the campaign.

So as we take up this important issue of terrorist tribunals, and reaffirming our commitment in the Detainee Treatment Act, which we passed just last year, these unlawful and lawful combatants—the enemy captured on the battlefield—are entitled to process, but they are not entitled to all of the rights and privileges of an American citizen in a court of law.

It is only just and fitting we do provide this alternative process through reviewing the combat status tribunal decisions to make sure we are accurate as a matter of fact in detaining enemy combatants of the United States. It is entirely appropriate that we have an annual administrative review board to look at and determine whether these individuals should continue to be detained in light of additional information and in light of changing circumstances. And it is entirely appropriate that they be provided an appellate review in the District of Columbia Court of Appeals on all bases of decision in the combat status review tribunal and the administrative review process and also that they be provided an appeal following any conviction of a war crime by a military tribunal. But it is not appropriate to lapse into a pre-9/11 mentality of treating the war on terror as simply another law enforcement action, treating it as another criminal prosecution just such as any other criminal prosecution that occurs on a regular basis in our State and Federal courts. The dangers of doing so mean we will have lapsed back into those perhaps happier times but the blissful ignorance those happier times produced.

We are at war. We have an enemy that continues to try to explore our vulnerabilities. And as we know from the recently disrupted plot emanating out of London, al-Qaida and our enemies continue to try to find vulnerabilities that will allow them to hit us here at home. It is absolutely essential that we live up to our responsibilities as elected representatives of the American people to maintain the safety and security of those people by making sure we meet the obligations imposed upon Congress and the Federal Government by the U.S. Supreme Court and that we provide basic rights as dictated by the Court in the Hamdan decision. But it is not appropriate that we tie the hands of our military commanders, that we perhaps undermine our ability to prosecute and win this war on terror and keep America safe by treating this war on terror and the appellate rights of detainees in a way that makes it harder for us to keep America safe.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

EXECUTIVE SESSION

NOMINATION OF FRANCISCO AUGUSTO BESOSA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO

The PRESIDING OFFICER. Under the previous order, the hour of 5:20 p.m. having arrived, the Senate will proceed to executive session for the consideration of Executive Calendar No. 920, which the clerk will report.

The legislative clerk read the nomination of Francisco Augusto Besosa, of Puerto Rico, to be a United States District Judge for the District of Puerto Rico.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. shall be equally divided between the chairman and ranking member of the Judiciary Committee. The chairman is recognized.

Mr. SPECTER. Mr. President, I have sought recognition to recommend to my colleagues the confirmation of Francisco Augusto Besosa to be a district court judge for the District of Puerto Rico.

Mr. Besosa comes before the Senate with an impressive record. He received his Bachelor's degree from Brown University in 1971 and his law degree from Georgetown University Law Center in 1979. Prior to attending law school, he served as an intelligence officer in the U.S. Army and was awarded the Meritorious Service Medal.

Mr. Besosa has had a distinguished career as a practicing lawyer in Puerto Rico. He has spent 70 percent of his time practicing in the Federal courts, with the balance in the State courts. His principal occupation has been in the civil field, and he has had considerable trial practice. Mr. Besosa is currently a partner in the law firm of Absuar Muniz Goyco and Besosa, a firm he joined in 1994. The American Bar Association has rated Mr. Besosa "well qualified."

Mr. Besosa was passed out of the Judiciary Committee unanimously. I am pleased in my capacity as chairman of the committee to recommend him to my colleagues for confirmation.

Mr. LEAHY. Mr. President, today, as we begin the last week of this legislative session, the Senate considers the nomination of Francisco Augusto Besosa for a lifetime appointment to the U.S. District Court for the District of Puerto Rico. Mr. Besosa's nomination was reported unanimously to the Judiciary Committee on Thursday of last week.

Last week the Judiciary Committee held two business meetings dedicated to judicial nominations. I want to thank all Senators for working with us to expedite consideration of nominations like that of Mr. Besosa. I cooperated last Tuesday with the Chairman's request for a Special Executive Business Meeting. I came to the meeting and established the quorum. The Chairman had said that the meeting would be held to burn holds on two non-controversial circuit court nominees. I agreed to try to expedite consideration of the nomination of Kent Jordan, a nominee to the Third Circuit. Peter Keisler's nomination to the D.C. Circuit is, however, by no means non-controversial. Nonetheless, in an effort to work with the Chairman I stayed and the Republicans held over the Keisler nomination, as well.

Then, although we had not discussed either in advance, in order to be accommodating, I did not object when, at the request of Senator GRASSLEY and Senator DEWINE, the nominations of John Alfred Jarvey and Sara Elizabeth

Lioi were also held over. Those nominations will now be reviewed and available for consideration by the Committee later this week in accordance with the rules of the Committee.

Mr. Besosa's nomination was unanimously reported at our regular Thursday business meeting. In addition, we reported a number of other judicial nominations, including one for a judicial emergency vacancy that was given expedited consideration. I thank the Chairman for his kind words in which he acknowledged our cooperation.

The Democratic Senators on the Committee have worked hard to accommodating the Chairman's demanding schedule. The Chairman has already held three hearings during the last three weeks and has another scheduled for this week, in addition to another special business meeting. We have held 18 judicial nominations hearings this year, including a Supreme Court hearing, as well as two additional executive nominations hearings.

I have been saying for some time that I feared we would sacrifice progress on nominations that can be moved for debate on controversial nominations. It appears that my fears will be realized this week. This Wednesday afternoon and evening, a hearing on the highly controversial nomination of Michael Wallace to the Fifth Circuit has been noticed and renoticed. As the times have changed, it has become even less likely that it will be helpful or productive during this extremely busy time of year. Of course, Mr. Wallace is the first appellate court nominee in 25 years to have been rated unanimously not qualified by the ABA peer review committee.

After today, the Senate will have confirmed 31 judicial nominees this year. The Republican Senate confirmed only 17 of President Clinton's judicial nominees in the 1996 session. The Senate has confirmed seven circuit court nominees, which is seven more than the Republican Senate confirmed with a Democratic President during the 1996 session. That year, Republicans would not consider or confirm a single appellate court nomination for an entire year-long session of the Senate, not one.

This is a far cry from the days when the Republican Congress pocket filibustered more than 60 of President Clinton's nominees, refusing even to bring them up for a vote in Committee. Of course, during the 17 months that I was Chairman, we were able to confirm 100 of President Bush's nominees. In 20 months of Republican control, with a Republican President, even counting Mr. Besosa's confirmation today, that number will stand at about half that—just 53.

We could have accomplished more this year if the White House had sent over consensus nominees early in the year. The White House did not. Many of the nominees we are now trying to consider now were not even nominated until July. Regrettably, the administration concentrated on a few highly controversial nominees and delayed until recently sending nominations and thereby prevented us from having the time to do any meaningful review. We are now in the position of trying to rush through too many nominees too quickly for us to give them real consideration.

The White House continues to undermine our process. Instead of working with us and focusing on consensus nominees, the President sent back to us five highly controversial nominees who had been returned to the White House. Sadly, the Senate Republican leadership, which has rubberstamped a number of very poor nominations, may force us to spend time and energy debating troublesome nominations, rather than reviewing and confirming good ones.

We have been accommodating, and we will continue to be, but the Judiciary Committee and the Senate should not be a rubber stamp for the President's nominations. We should be taking our constitutional responsibility to advise and consent seriously. That means carefully reviewing the nominees' records and making sure that these are appropriate nominees for lifetime appointments to important Federal judgeships.

A customary practice in the Senate would have been for the leaders, the Republican and Democratic leaders, to have sat down with the Chairman and the Ranking Member by now and have worked out a process to conclude the year with respect to judicial nominations. I would have urged that we concentrate on completing our work on those nominations most likely to be confirmed and to maximize the number of confirmations. Sadly, that meeting has not occurred and apparently will not.

I congratulate Francisco Besosa and his family on his confirmation today.

Mr. President, in the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Francisco Augusto Besosa, of Puerto Rico, to be United States District Judge for the District of Puerto Rico? The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Ohio (Mr. DEWINE), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. BAUCUS), the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from Hawaii (Mr. INOUYE), the Senator from Wisconsin (Mr. KOHL), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 0, as follows:

[Rollcall Vote No. 253 Ex.]

YEAS—87

Alexander
Allard
Allen
Bennett
Bingaman
Bond
Boxer
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hutchison
Inhofe
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Voinovich
Warner
Wyden

NOT VOTING—13

Akaka
Baucus
Bayh
Biden
Brownback
DeWine
Hatch
Inouye
Kohl
McCain
Menendez
Santorum
Vitter

The nomination was confirmed.

The PRESIDING OFFICER (Mr. MARTINEZ). The President will be immediately notified of the Senate's action.

Mr. FRIST. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS NICHOLAS A. MADARAS

Mr. LIEBERMAN. Mr. President, I wish to pay tribute to PFC Nicholas A. Madaras, U.S. Army, of Wilton, CT.

While in Boqouba, Iraq, with the 168th Combined Arms Battalion, 3rd Brigade Combat Team, 4th Infantry Division, Private Madaras died on September 3, 2006, of injuries he sustained when an improvised explosive device detonated near his dismounted patrol.

He is remembered by those who knew him in the community as a leader on the soccer field, a sharp and focused student, a quiet but intense warrior, and as a caring and creative young man. He is remembered by his comrades as a good-humored soldier in a league of extraordinary heroes, mature beyond his years. Described as having tremendous potential with a heart of courage, he caused many to wonder why he had interrupted a promising education and chose the Army instead. Feeling uncomfortable just watching others serve, he responded to them that he was compelled to do his part for his country.

Private Madaras epitomizes the American spirit which permeates our great Nation. Living as a true patriot and defender of our principles of freedom and justice, he consistently put others ahead of himself. While I am saddened by his loss, I am also both proud and grateful that we have the kind of fighting force exemplified by Private Madaras serving in our Armed Forces.

Our Nation extends its heartfelt sympathy to his family. I offer my condolences to his father William, to his mother Shalini, to his sister Marie, and to his brother Christopher. We extend our appreciation for sharing this outstanding soldier with us, and we offer our prayers and support.

SUCCESSFUL NEW MEXICO PROGRAMS

Mr. DOMENICI. Mr. President, I rise today to discuss some successful Department of Defense and Department of Homeland Security programs created in my home State of New Mexico.

One project, the foreign language translator, is a hands-free, voice-activated translator that allows troops to speak English phrases that are automatically broadcast in Arabic. The electronics for the translator are built by Crane Corporation of Albuquerque, NM and Laguna Industries assembles and tests the units in Cibola County, NM. I secured $1.4 million for this project in fiscal year 2005 Department of Defense funding, and its usefulness was highlighted in a June 19 Forbes article which quoted a Coast Guardsman as saying the device is the best interpreting tool available to date.

Another project, the National Infrastructure Simulation and Analysis Center, or NISAC, is a joint Sandia/Los Alamos National Laboratories initiative that was created in 2000. NISAC studies critical infrastructure and models the effects of a potential terrorist attack on such infrastructure. This work has proven invaluable to our Nation. NISAC accurately predicted the effect of Hurricane Katrina on New Orleans and was cited by the White House as a positive part of the Federal Government's efforts in response to Hurricane Katrina. I have helped fund NISAC since its inception, including securing $7 million for a NISAC facility in fiscal year 2003 and providing $5 million more than the President requested for the program in fiscal year 2006.

Lastly, the Expeditionary Unit Water Purification, or EUWP, Program is a desalination program developed by the Office of Naval Research and tested in Otero County, NM. I have secured more than $30 million for this project, and it has been money well spent. When the water supply at the Coast Guard's Loran Station at Port Clarence, AK was contaminated last summer, an EUWP unit was deployed to Alaska to create fresh water from brackish water for troops there. In the aftermath of Hurricane Katrina, two EUWP units were deployed to Mississippi to provide fresh water to both victims and rescue workers. Clearly, the program is accomplishing its mission.

I am proud of these success stories and am glad to have helped three such successful programs secure the Federal funding they needed to do—important tasks for our Nation.

VISIT OF KAZAKHSTAN PRESIDENT NURSULTAN NAZARBAYEV

Mr. FEINGOLD. Mr. President, I would like to bring attention to a visitor the White House plans to receive this week—the President of Kazakhstan, Nursultan Nazarbayev. My colleagues in this body can be forgiven if they haven't heard much about his visit; there aren't going to be any press conferences or state dinners to welcome him. In fact, the Bush administration has kept very quiet about the invitation it extended to President Nazarbayev, who is expected to arrive later this week. I don't blame them for trying to downplay the visit; President Nazarbayev is widely acknowledged to be a corrupt dictator and someone who has built a record of contempt for the rule of law, the quashing of a nascent democracy, and the destruction of a free press. This is not the kind of leader who should be granted the privilege of an official White House visit.

According to the State Department's most recent Human Rights Report, in 2005 Kazakhstan's "human rights record remained poor. Legislation enacted during the year seriously eroded legal protections for human rights and expanded the powers of the executive branch to regulate and control civil society . . . [The laws that were passed] encroached on political rights, freedom of the press, freedom of religion, and other human rights." The Justice Department and the FBI have accused President Nazarbayev—who has been in control of the country since 1990—of corruption and reportedly considered indicting him on bribery and other charges under the Foreign Corrupt Practices Act. Instead they indicted his personal financial adviser, James Giffen, while identifying President Nazarbayev as the recipient of tens of millions of dollars in payoffs of cash and gifts in an oil lease deal.

President Bush has said that his goal is to spread democracy and the rule of law around the world. But this goal is hard to reconcile with his support for one of the world's most repressive and corrupt dictatorships.

Mr. President, the Washington Post recently published an insightful article on this issue, which I would like to have printed in the RECORD. I hope my colleagues will have the opportunity to read it and will join me in calling on President Bush to cancel this visit and send the message that there is no room in the White House for those who have such disregard for democracy and the rule of law. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WITH KAZAKH'S VISIT, BUSH PRIORITIES CLASH—AUTOCRAT LEADS AN OIL-RICH COUNTRY

(By Peter Baker)

AUGUST 29, 2006.—President Bush launched an initiative this month to combat international kleptocracy, the sort of high-level corruption by foreign officials that he called "a grave and corrosive abuse of power" that "threatens our national interest and violates our values." The plan, he said, would be "a critical component of our freedom agenda."

Three weeks later, the White House is making arrangements to host the leader of Kazakhstan, an autocrat who runs a nation that is anything but free and who has been accused by U.S. prosecutors of pocketing the bulk of $78 million in bribes from an American businessman. Not only will President Nursultan Nazarbayev visit the White House, people involved say, but he also will travel to the Bush family compound in Maine.

Nazarbayev's upcoming visit, according to analysts and officials, offers a case study in the competing priorities of the Bush administration at a time when the president has vowed to fight for democracy and against corruption around the globe. Nazarbayev has banned opposition parties, intimidated the press and profited from his post, according to the U.S. government. But he also sits atop massive oil reserves that have helped open doors in Washington.

Nazarbayev is hardly the only controversial figure received at the top levels of the Bush administration. In April, the president welcomed to the Oval Office the president of Azerbaijan, Ilham Aliyev, who has been accused of rigging elections. And Secretary of State Condoleezza Rice hosted Teodoro Obiang Nguema, the president of Equatorial Guinea, who has been found to have millions of dollars stashed in overseas bank accounts.

But the Kazakh leader has received especially warm treatment, given that the same government that will host him next month plans to go to trial in federal court in January to prove that he was paid off in the 1990s by a U.S. banker seeking to influence oil rights. Although the banker faces prison time, Nazarbayev has not been charged and has called the allegations illegitimate.

In addition to Nazarbayev's upcoming visit, Vice President Cheney went to the former Soviet republic in May to praise him as a friend, a trip that drew criticism because it came the day after Cheney criticized Russia for retreating from democracy. The latest invitation has sparked outrage among Kazakh opposition.

"It raises the question of how serious is the determination to fight kleptocracy," said Rinat Akhmetshin, director of the International Eurasian Institute, who works for Kazakh opposition. "Nazarbayev is a symbol of kleptocracy . . . and yet they are bringing him in. That sends a very clear signal to people inside Kazakhstan who are very well aware that he stole money from them."

The White House declined to comment because it has not yet officially announced the visit, but Deputy Assistant Secretary of State Evan Feigenbaum was in Kazakhstan last week working out details, and Kazakh officials said the trip will take place in late September. A spokesman for former president George H.W. Bush confirmed that Nazarbayev will visit Kennebunkport as part of his U.S. stay. "An old friend of his was in the U.S. and he extended an invitation," Bush spokesman Tom Frechette said.

An administration official, speaking on the condition of anonymity because the invitation has not been announced, said President Bush often meets with leaders of countries "that are not yet democracies" and uses the time to push for more freedom. "We've always been frank in our discussions with government officials from Kazakhstan about our concerns about lack of democratic movement, and we always press them for democratic reform," the official said.

Kazakhstan, a vast nation of 15 million on the Central Asian steppe, has emerged as an increasingly important player in the world energy market. With the largest crude oil reserves in the Caspian Sea region, Kazakhstan pumps 1.2 million barrels a day and exports 1 million of that. The Kazakh government hopes to boost production to 3.5 million barrels a day by 2015, rivaling Iran. U.S. and Russian companies and governments have competed for access to its oil.

Nazarbayev, 66, a blast-furnace operator-turned-Communist functionary, has led Kazakhstan since 1990, when it was part of the Soviet Union, and has since won a series of tainted elections. His government has banned or refused to register opposition parties, closed newspapers and harassed advocacy groups. Two opposition leaders were found dead of gunshots in disputed circumstances.

But the Bush administration considers Nazarbayev a friendly, stable moderate in a region of harsher, sometimes hostile dictators and has been hopeful he will open up and cleanse his government. The Kazakh government under Nazarbayev recently embarked on an anti-corruption campaign that has resulted in arrests of mid-level officials.

"I really do think he has learned how to be clean," said Martha Brill Olcott, a Kazakhstan specialist at the Carnegie Endowment for International Peace. "He has learned a lot more about how you can promote to some degree divestiture [of assets]. Most of his holdings are, I wouldn't say transparent, but they're more so."

Others aren't sure. "When the United States is transparently soft on friendly dictators like Nazarbayev, it undermines the effort to be tough on not-so-friendly dictators," said Tom Malinowski of Human Rights Watch.

Transparency International, an anti-corruption organization, ranks Kazakhstan 2.6 on a 10-point scale, placing it 107th out of 159 countries graded. That's a decline from a 3.0 grade and 65th place in 2000.

"You don't have free elections, and the press is pretty much controlled by his family, and a significant portion of assets in Kazakhstan are directly or indirectly controlled by his family," said Miklos Marschall, the group's regional director. "But on the other hand, unlike other Central Asian countries, he is willing to initiate some step-by-step reforms. From our perspective, he's not the worst."

Nazarbayev visited the Bush White House in 2001—before the Justice Department filed a case in 2003 alleging that he had taken bribes and before the president issued a 2004 proclamation banning corrupt foreign officials from visiting the United States. A State Department official said hundreds of foreign officials have been denied visas under Bush's proclamation but could not explain how it would not apply in Nazarbayev's case.

U.S. prosecutors have charged businessman James H. Giffen with steering $78 million in bribes to Nazarbayev and one of his former prime ministers in the 1990s in exchange for influence in oil transactions. In addition to cash transferred to secret Swiss bank accounts, Nazarbayev, originally identified in court papers simply as "KO-2," allegedly received two snowmobiles, an $80,000 speedboat, fur coats for his wife and daughter, and tuition for his daughter at a Swiss boarding school and later George Washington University.

Giffen's attorneys have argued that he is not guilty because his actions were sanctioned by the U.S. government. Giffen says he disclosed his activities to agencies including the CIA and was encouraged to continue for national security reasons. The Justice Department is appealing a court decision allowing the defense. The case is scheduled to go to trial Jan. 16.

MEDICARE

Mr. NELSON of Nebraska. Mr. President, during the August recess, I heard from many physicians in Nebraska who are concerned about the looming cut in their Medicare payments. If Congress does not act soon, Nebraska's doctors will face a $17 million loss next year. In addition, the cuts are scheduled to continue for the following 8 years if they are not reversed. During this time period, each Nebraska physician will lose $27,000 annually.

Physicians want to serve Nebraska's seniors, but they simply cannot afford to accept an unlimited number of new Medicare patients into their practices if Medicare payments do not keep up with the cost of providing care.

In addition to listening to my constituents, I also think it is helpful to listen to experts when making policy decisions. Medicare payment policy can be quite complicated, so Congress established the Medicare Payment Advisory Commission, MedPAC, to make recommendations to us. MedPAC consists of a group of health experts that annually makes Medicare policy recommendations to Congress. For next year, MedPAC recommended that Congress eliminate the scheduled payment cut and instead raise physician payments by 2.7 percent.

I think we should listen to Nebraska's doctors and policy experts and stop the Medicare cut. We are running out of time. Congress must act now to stop the impending cuts. America's seniors and our health professionals deserve no less.

ADDITIONAL STATEMENTS

TRIBUTE TO ARTHUR SAUVIGNE, MD

• Mr. JEFFORDS. Mr. President, it gives me great pleasure today to pay tribute to Dr. Arthur Sauvigne, a doctor who has made it his life's work to care for veterans. Dr. Sauvigne, known to most everyone as Art, has decided to retire from tha Veterans' Administration after 33 years of remarkable service. His most recent role has been as chief of staff at the VA Medical Center in White River Junction, VT. Although we have been assured that he will continue to treat veterans in a part-time capacity at the VA, I take this moment to honor him for his years of dedicated service.

Art began his VA career as a resident in internal medicine at Dartmouth-Hitchcock Medical Center. I like to think that Art's commitment to caring for veterans began with this residency because he has stayed with the VA in many different capacities ever since. Over the past 33 years he has held the following positions at the White River Junction VA: staff physician, associate chief of staff for ambulatory care, director of the emergency room, acting primary care service line manager, and acting specialty and acute care service line manager. Art became chief of staff in 1997.

In the time that my staff and I have known Art, we have been amazed at his breadth of medical and administrative knowledge and impressed by his vision. It seems that his ideas on improving service to veterans—especially veterans in rural areas—have, once implemented, served as national models. One needs only spend 10 minutes with Art to get the true sense of his passion for delivering service to veterans in their community. In fact, the White River Junction VA was a pioneer in his arena. Long before the Congressional mandate and establishment of the Community Based Outpatient Clinic, CBOC, a mobile clinic housed in a motor coach began seeing patients in 1989. In 1991, a small one-room clinic housed in the Burlington, VT, Vet Center became the predecessor of future CBOC's.

Art also has a firm belief that the VA, as a Government-run health care system, has a greater calling and higher need to provide excellence in care to its customers. He has long been involved in designing and implementing systems to improve customer services. Over the years, Art has actively endorsed and in many cases taken the lead in establishing standards of clinical practice, improving access, advancing types of services, and promoting the education of future health care providers.

Art's hard work was recognized when the White River Junction VA Medical Center was awarded the Veterans Health Administration's Robert W. Carey Organizational Excellence Award in 2002 and 2003 at the "Achievement level." The White River Junction VA was awarded the Carey Award at the "Trophy level" in 2004 and was the "Circle of Excellence" winner in 2005. Art would tell you this recognition had little to do with him and everything to do with the incredible staff at the White River Junction VA, but I think his leadership made it a much easier journey.

Art's departure as chief of staff will leave a huge void. His indomitable spirit and limitless energy, even when faced by mind-numbing bureaucratic inertia, are irreplaceable. He will be hugely missed. However, we are grateful that he will still be caring for Vermont and New Hampshire veterans on a part-time basis in a role he still relishes—as a VA doctor.

My staff and I wish Art the very best in his well-deserved retirement. We also want to thank Art's wife Shirley and his family for sharing Art's time and energy with us through the years. I believe I can speak for all Vermont veterans when I say that we are deeply grateful to Art for making the VA health care system a more caring and professional place for veterans.●

TRIBUTE TO CAMERON McKINLEY

● Mr. SESSIONS. Mr. President, I would like to make some remarks today about Alabama's 2006-2007 Teacher of the Year, Ms. Cameron McKinley. Ms. McKinley has been a technology specialist for the Hoover City School System since she left her successful career as a businesswoman in the marketing field over 10 years ago to pursue her dream of teaching. Within the Hoover City School System, Ms. McKinley has taught computer education, instructional technology, and summer technology camps.

Ms. McKinley, a magna cum laude graduate of the University of Alabama with a bachelor's degree in corporate finance/investment management and marketing, is a national board certified teacher.

I would like to commend Ms. McKinley's efforts on behalf of her students, and sincerely congratulate her for this very high honor. I appreciate her dedication to educate our children, as we know that an investment in our children is one of the most important investments that we can make as a nation.

Ms. McKinley's decision to change careers to give her life to our children is a wonderful act and it is made all the more remarkable for being selected as Teacher of the Year. This is, indeed, a heartwarming story. With Ms. McKinley's help, and the aid of other teachers like her, we will continue to raise up quality leaders that will serve our country and our children in the years to come.●

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 4, 2005, the following enrolled bills, previously signed by the Speaker of the House, were signed on September 22, 2006, during the adjournment of the Senate, by the President pro tempore (Mr. STEVENS).

S. 260. An act to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program.

S. 418. An act to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 1025. An act to amend the Act entitled "An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes" to authorize the Equus Beds Division of the Wichita Project.

H.R. 3408. An act to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act.

H.R. 3858. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3630. A bill to amend the Federal Water Pollution Control Act to reauthorize a program relating to the Lake Pontchartrain Basin, and for other purposes.

S. 3925. A bill to provide certain authorities for the Secretary of State and the Broadcasting Board of Governors, and for other purposes.

S. 3929. A bill to authorize military commissions to bring terrorists to justice, to strengthen and modernize terrorist surveillance capabilities, and for other purposes.

S. 3930. A bill to authorize trial by military commission for violations of the law of war, and for other purposes.

S. 3931. A bill to establish procedures for the review of electronic surveillance programs.

ENROLLED BILLS PRESENTED

The Secretary of the Senate announced that on today, September 25, 2006, she had presented to the President of the United States the following enrolled bills:

S. 260. An act to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program.

S.418. An act to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 1025. An act to amend the Act entitled "An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes" to authorize the Equus Beds Division of the Wichita Project.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8403. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (I.D. No. 082506D) received on September 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8404. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central and Western Regulatory Areas of the Gulf of Alaska" (I.D. No. 081806A) received on September 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC-8405. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska" (I.D. No. 082506A) received on September 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8406. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Inseason Bluefish Quota Transfer from Florida to New York" (I.D. No. 081506B) received on September 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8407. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska" (I.D. No. 082506C) received on September 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8408. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Closure (Closure of Quarter III Fishery for Loligo Squid)" (I.D. No. 082806A) received on September 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8409. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (I.D. No. 090106A) received on September 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8410. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area" (I.D. No. 083006D) received on September 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8411. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska" (I.D. No. 082906D) received on September 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8412. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rule; Inseason Retention Limit Adjustment" (I.D. No. 081006A) received on September 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8413. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Closure (Maine Summer Flounder Commercial Fishery)" (I.D. No. 082406A) received on September 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8414. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the Commission's inventory of commercial and inherently governmental activities for year 2006; to the Committee on Energy and Natural Resources.

EC–8415. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Utah; Revised Definitions of Volatile Organic Compounds and Clearing Index" (FRL No. 8220–5) received on September 20, 2006; to the Committee on Environment and Public Works.

EC–8416. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, a report relative to the Agency's regulatory programs; to the Committee on Environment and Public Works.

EC–8417. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report relative to international agreements other than treaties that have been entered into; to the Committee on Foreign Relations.

EC–8418. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–8419. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–8420. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense article or defense services in the amount of $50,000,000 to Switzerland; to the Committee on Foreign Relations.

EC–8421. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to specific licenses; to the Committee on Foreign Relations.

EC–8422. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the designation of an acting officer and an action on a nomination for the position of Assistant Secretary for Mine and Safety Health, received on September 21, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8423. A communication from the White House Liaison, Office of Planning, Evaluation and Policy Development, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, received on September 21, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8424. A communication from the White House Liaison, Office of Planning, Evaluation and Policy Development, Department of Education, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Assistant Secretary, received on September 21, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8425. A communication from the Deputy Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, a draft of its Strategic Plan for Fiscal Years 2007–2012; to the Committee on Health, Education, Labor, and Pensions.

EC–8426. A communication from the Chairman, National Endowment for the Humanities, transmitting, pursuant to law, a report relative to FAIR Act inventories for Fiscal Year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8427. A communication from the Acting Executive Director, District of Columbia Retirement Board, transmitting, pursuant to law, the Board's annual report for fiscal year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–8428. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, a report supplementing information that was provided on August 9, 2005, relative to the nomination of Mr. James F. X. O'Gara to be the Deputy Director for Supply Reduction; to the Committee on the Judiciary.

EC–8429. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Retail Sales of Scheduled Listed Chemical Products; Self-Certification of Regulated Sellers of Scheduled Listed Chemical Products" (RIN1117–AB05) received on September 21, 2006; to the Committee on the Judiciary.

EC–8430. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, a copy of an interim final rule with request for comment; to the Committee on the Judiciary.

EC–8431. A communication from the Assistant to the Secretary, Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Claims Based on Aggravation of a Nonservice-Connected Disability" (RIN2900–AI42) received on September 21, 2006; to the Committee on Veterans' Affairs.

EC–8432. A communication from the Assistant to the Secretary, Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Schedule for Rating Disabilities; Guidelines for Application of Evaluation Criteria for Certain Respiratory and Cardiovascular Conditions; Evaluation of Hypertension With Heart Disease" (RIN2900–AL26) received on September 21, 2006; to the Committee on Veterans' Affairs.

EC–8433. A communication from the Chief, Regulation Development, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "New and Material Evidence" (RIN2900–AM15) received on September 21, 2006; to the Committee on Veterans' Affairs.

EC–8434. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of advance billing of a working capital fund customer; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-429. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to memorializing Congress to adopt and present to the states for ratification an amendment to the United States Constitution that would provide that only citizens may be counted for purposes of determining congressional representation among the states; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 97

Whereas, one of the cornerstones of our democratic republic is the decennial census, which is the basis for congressional representation and the apportionment process. The data gathered through the census is used to determine how the 435 members of the United States House of Representatives are divided among the states; and

Whereas, with growing numbers of illegal immigrants concentrated in a small number of states, especially California, states with few illegal immigrants suffer a commensurate reduction in the number of their members of the United States House of Representatives. This is true for Michigan, which has experienced a steady decline in congressional representation over the past few decades. Projections for the next reapportionment, after the 2010 census, include the loss of more seats for Michigan and other states with few illegal immigrants; and

Whereas, in 2000, an estimated 5.3 million noncitizens in California were counted by the Census Bureau. In one Californian district, more than 260,000 noncitizens, or 43 percent of the district's population, were tabulated, a ratio of almost four noncitizens for every voter. As a result, it took fewer than 35,000 votes to win the district compared to almost 100,000 votes to win a typical Congressional race in Michigan. If only legal citizens were counted, California would have been allocated six fewer seats in the House of Representatives. In addition, New York, Texas, and Florida, which along with California account for more than 50 percent of all noncitizens residing in the United States, would have been allocated one fewer Congressional seat apiece if only citizens were calculated; and

Whereas, while estimates of actual illegal aliens in our country are higher, the 2000 federal census found 7 million illegal aliens. It seems wrong for illegal aliens to have as profound an impact on our political environment as they presently do. While immigration is a very complex issue that must be addressed, it seems clear that including illegal immigrants in the calculation of congressional representation is wrong; and

Whereas, a measure has been introduced in the United States House of Representatives to propose an amendment to the United States Constitution that would provide that only citizens may be counted for purposes of apportioning congressional representation among the states. This legislation, H.J.R. 53, is long overdue; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to adopt and present to the states for ratification an amendment to the United States Constitution that would provide that only citizens may be counted for purposes of determining congressional representation among the states; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation. Adopted by the House of Representatives, September 6, 2006.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with amendments:

S. 3879. A bill to implement the Convention on Supplementary Compensation for Nuclear Damage, and for other purposes (Rept. No. 109–346).

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2348. A bill to amend the Atomic Energy Act of 1954 to require a licensee to notify the Atomic Energy Commission, and the State and county in which a facility is located, whenever there is an unplanned release of fission products in excess of allowable limits (Rept. No. 109–347).

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 3771. A bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. STEVENS for the Committee on Commerce, Science, and Transportation.

*Mary E. Peters, of Arizona, to be Secretary of Transportation.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD:

S. 3932. A bill to limit the amount of funds available to the Aerobatics Research Mission Directorate of the National Aeronautics and Space Administration during fiscal year 2007 and fiscal years thereafter; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE:

S. 3933. A bill to extend the generalized system of preferences; to the Committee on Finance.

By Ms. SNOWE:

S. 3934. A bill to terminate authorization for the project for navigation, Rockport Harbor, Maine; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for Mr. INOUYE):

S. Res. 582. A resolution urging the people of the United States to observe Global Family Day and One Day of Peace and Sharing; considered and agreed to.

By Mr. STEVENS (for himself, Ms. MURKOWSKI, Mr. AKAKA, Mr. DEWINE, Mr. FEINGOLD, Mr. DOMENICI, and Mr. CHAMBLISS):

S. Res. 583. A resolution designating September 2006 as "National Youth Court Month"; considered and agreed to.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 584. A resolution to authorize the production of records, testimony, and legal representation; considered and agreed to.

By Mr. COBURN:

S. Con. Res. 118. A concurrent resolution expressing the sense of the Congress that, as a matter of economic and national security, the United States Government should protect and support United States currency; to the Committee on Banking, Housing, and Urban Affairs.

ADDITIONAL COSPONSORS

S. 241

At the request of Ms. SNOWE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 334

At the request of Mr. DORGAN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 334, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 381

At the request of Mr. SMITH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 381, a bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments.

S. 503

At the request of Mr. BOND, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 559

At the request of Mr. BIDEN, the name of the Senator from New Jersey

(Mr. MENENDEZ) was added as a cosponsor of S. 559, a bill to make the protection of vulnerable populations, especially women and children, who are affected by a humanitarian emergency a priority of the United States Government, and for other purposes.

S. 908

At the request of Mr. MCCONNELL, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

S. 965

At the request of Mr. SMITH, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 965, a bill to amend the Internal Revenue Code of 1986 to reduce the recognition period for built-in gains for subchapter S corporations.

S. 1013

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1013, a bill to improve the allocation of grants through the Department of Homeland Security, and for other purposes.

S. 1082

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1082, a bill to restore Second Amendment rights in the District of Columbia.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1915

At the request of Mr. ENSIGN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1915, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 2154

At the request of Mr. OBAMA, the names of the Senator from Maryland (Mr. SARBANES), the Senator from North Carolina (Mrs. DOLE), the Senator from Ohio (Mr. VOINOVICH), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 2154, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. 2284

At the request of Ms. MIKULSKI, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2284, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2348

At the request of Mr. INHOFE, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 2348, a bill to amend the Atomic Energy Act of 1954 to require a licensee to notify the Atomic Energy Commission, and the State and county in which a facility is located, whenever there is an unplanned release of fission products in excess of allowable limits.

S. 2491

At the request of Mr. CORNYN, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Kansas (Mr. BROWNBACK), the Senator from Montana (Mr. BURNS), the Senator from Kansas (Mr. ROBERTS), the Senator from Utah (Mr. BENNETT) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2493

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2493, a bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes.

S. 3421

At the request of Mr. CRAIG, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 3421, a bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes.

S. 3519

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 3519, a bill to reform the State inspection of meat and poultry in the United States, and for other purposes.

S. 3596

At the request of Mr. HAGEL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3596, a bill to amend the Internal Revenue Code of 1986 to provide a credit to certain concentrated animal feeding operations for the cost of complying with environmental protection regulations.

S. 3681

At the request of Mr. DOMENICI, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 3681, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 3705

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3705, a bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes.

S. 3744

At the request of Mr. DURBIN, the names of the Senator from Florida (Mr. NELSON) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3771

At the request of Mr. HATCH, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Kansas (Mr. ROBERTS) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 3771, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 3795

At the request of Mr. SMITH, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 3795, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

At the request of Mr. ROCKEFELLER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 3795, supra.

S. 3827

At the request of Mrs. LINCOLN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 3827, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 3855

At the request of Mr. CONRAD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 3855, a bill to provide emergency agricultural disaster assistance, and for other purposes.

S. 3877

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware

(Mr. CARPER) was added as a cosponsor of S. 3877, a bill entitled the "Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006".

S. 3879

At the request of Mr. INHOFE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 3879, a bill to implement the Convention on Supplementary Compensation for Nuclear Damage, and for other purposes.

S. 388

At the request of Mr. LUGAR, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 3884, a bill to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

S. 3912

At the request of Mr. ENSIGN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 3912, a bill to amend title XVIII of the Social Security Act to extend the exceptions process with respect to caps on payments for therapy services under the Medicare program.

S. 3913

At the request of Mr. ROCKEFELLER, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Illinois (Mr. DURBIN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 3913, a bill to amend title XXI of the Social Security Act to eliminate funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007.

S. CON. RES. 72

At the request of Mr. INOUYE, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Con. Res. 72, a concurrent resolution requesting the President to issue a proclamation annually calling upon the people of the United States to observe Global Family Day, One Day of Peace and Sharing, and for other purposes.

S. CON. RES. 84

At the request of Mr. KYL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding a free trade agreement between the United States and Taiwan.

S. RES. 559

At the request of Mr. BIDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 559, a resolution calling on the President to take immediate steps to help stop the violence in Darfur.

S. RES. 572

At the request of Mr. BURNS, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Oregon (Mr. SMITH), the Senator from California (Mrs. BOXER), the Senator from Georgia (Mr. ISAKSON), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Utah (Mr. BENNETT), the Senator from Virginia (Mr. ALLEN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. Res. 572, a resolution expressing the sense of the Senate with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 3932. A bill to limit the amount of funds available to the Aerobatics Research Mission Directorate of the National Aeronautics and Space Administration during fiscal year 2007 and fiscal years thereafter; to the Committee on Commerce, Science, and Transportation.

Mr. FEINGOLD. Mr. President, I rise today to introduce a bill that would limit the amount of funds available to the Aeronautics Research Mission Directorate (ARMD) of the National Aeronautics and Space Administration. We must ensure that U.S. taxpayer money is being used efficiently and effectively, and this measure would help in our ongoing efforts to streamline government programs and reduce the Federal budget deficit.

My bill proposes to reduce the amount of funding for the ARMD from its 2006 level of $884 million to $724 million for fiscal years 2007 and thereafter. This represents a savings of $160 million per year, or $800 million over five years. This funding reduction reflects the President's own budget priorities; in fact, the $724 million figure comes from the President's 2007 budget savings proposal. NASA is in the process of restructuring and reprioritizing, and the ARMD is a directorate that has been identified as an area where savings could be achieved. In the past, some of the ARMD's aeronautics work focused on developing technologies that could have short-term commercial applications in the air transportation industry. This is work that could be more appropriately taken on by the private sector, and does not require such a massive investment from the Federal Government.

This bill should not be read to imply that the work of the ARMD is not important. To the contrary, aeronautics research is perhaps some of the most directly relevant work to many Americans that NASA is involved in. This bill simply follows up on the President's call for the ARMD to focus its research efforts in the areas that are most appropriate. By refocusing on long-term fundamental aeronautics research, safety research, and ways to address the needs of the future air transportation system, ARMD should be able to operate effectively and efficiently under this spending cap.

One of the main reasons I first ran for the U.S. Senate was to restore fiscal responsibility to the Federal budget. I have continued to work to eliminate wasteful spending and to reduce the soaring budget deficit, which is now estimated at $300 billion this year. Unless we return to fiscally responsible budgeting, Congress will saddle our Nation's younger generations with an enormous financial burden for years to come. This bill is one small step in that direction.

By Mr. INHOFE:

S. 3933. A bill to extend the generalized system of preferences; to the Committee on Finance.

Mr. INHOFE. Mr. President, I rise today to introduce legislation that will reauthorize a vital trade and development program—the Generalized System of Preferences (GSP). This is a program I have worked to reauthorize in the past, and I think it is a vital program for both developing countries and the American economy. As someone who frequently works to assist those who face the direst of circumstances in the poor countries of Sub-Saharan Africa, I feel that we must reauthorize this program as a key component of our efforts there.

The GSP program is an effort of the United States and 19 other industrialized countries to aid developing countries through increased market access, which in turn fosters industrial development and enhanced opportunities for prosperity in some of the least-advantaged countries in the world. This program allows a specified list of developing countries, from the Asian Continent to Sub-Saharan Africa to Latin America, to export certain products duty-free to the U.S. market. A beneficiary country's GSP treatment is contingent upon that country's commitment to securing intellectual property rights and to protecting the rights of workers. In this way, the GSP program promotes the development of sound practices and institutions in those countries with which we are engaged in trade and thus fulfills some important objectives of U.S. trade policy. In sum, the GSP program promotes self-sustaining production development in developing countries—not dependence on foreign aid—and also encourages respect for human dignity and property.

While originally developed as a trade program to aid developing countries, GSP over the past 32 years has become an important component of the U.S. economy. American consumers enjoy lower prices on diverse products from oil to flashlights to broomhandles to cheese. Furthermore, numerous American small businesses retain their competitive advantage from the duty-free treatment of essential inputs, such as electrical equipment and automotive parts. American small businesses need every cost-cutting edge available to them in order to continue to create jobs and value. I first took an interest in the reauthorization of this program when a small business in Oklahoma that used GSP-covered drilling components to support domestic energy enhancement contacted my office and explained how failure to reauthorize GSP would seriously affect his business. After which, upon understanding how much this program also assists those in developing countries, its reauthorization became a priority for me. Very clearly, although designed to make other less-advantaged countries more competitive, GSP has contributed to our continued competitiveness here in the United States.

Workers, consumers, and businesses in nearly 120 countries including our own will benefit from the continuation of this program, which affects the price of over 5,600 finished and unfinished goods. Therefore, I ask that you join me in reauthorizing the Generalized System of Preferences.

By Ms. SNOWE:

S. 3934. A bill to terminate authorization for the project for navigation, Rockport Harbor, Maine; to the Committee on Environment and Public Works.

Ms. SNOWE. Mr. President, I am introducing a bill today for the Town of Rockport that would deauthorize a part of the Federal Navigation Channel in Rockport Harbor. The town, located on the active Mid-Coast of Maine, requested shortly after the Senate passed the Water Resources Development Act of 2006 that Congress decommission a 35-foot by 275-foot area directly adjacent to the bulkhead at Marine Park. With this deauthorization, the Town will be able to install permanent pilings to secure a set of new municipal floats, which would replace the current temporary float system.

It is my hope that this non-controversial provision will be included in the Water Resources Development Act of 2006 conference report rather than have the Town of Rockport have to wait possibly for years before another WRDA bill is considered. I urge my Senate conferees for the WRDA conference to include this language that was drafted by the New England Corps of Engineers who have no objection to the deauthorization.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 582—URGING THE PEOPLE OF THE UNITED STATES TO OBSERVE GLOBAL FAMILY DAY AND ONE DAY OF PEACE AND SHARING

Mr. REID (for Mr. INOUYE) submitted the following resolution; which was considered and agreed to:

S. RES. 582

Whereas in 2005, the people of the world suffered many calamitous events, including devastation from tsunamis, terror attacks, wars, famines, genocides, hurricanes, earthquakes, political and religious conflicts, diseases, poverty, and rioting, all necessitating global cooperation, compassion, and unity previously unprecedented among diverse cultures, faiths, and economic classes;

Whereas grave global challenges in 2006 may require cooperation and innovative problem-solving among citizens and nations on an even greater scale;

Whereas, on December 15, 2000, Congress adopted Senate Concurrent Resolution 138, expressing the sense of Congress that the President of the United States should issue a proclamation each year calling upon the people of the United States and interested organizations to observe an international day of peace and sharing at the beginning of each year;

Whereas, in 2001, the United Nations General Assembly adopted Resolution 56/2, which invited "Member States, intergovernmental and non-governmental organizations and all the peoples of the world to celebrate One Day in Peace, 1 January 2002, and every year thereafter";

Whereas many foreign heads of State have recognized the importance of establishing Global Family Day, a special day of international unity, peace, and sharing, on the first day of each year; and

Whereas family is the basic structure of humanity, thus, we must all look to the stability and love within our individual families to create stability in the global community: Now therefore, be it

Resolved, That the Senate urgently requests—

(1) the people of the United States to observe Global Family Day and One Day of Peace and Sharing with appropriate activities stressing the need—

(A) to eradicate violence, hunger, poverty, and suffering; and

(B) to establish greater trust and fellowship among peace-loving countries and families everywhere; and

(2) that American businesses, labor organizations, and faith and civic leaders are urged to join in promoting appropriate activities for Americans and in extending appropriate greetings from the families of America to families in the rest of the world.

SENATE RESOLUTION 583—DESIGNATING SEPTEMBER 2006 AS "NATIONAL YOUTH COURT MONTH"

Mr. STEVENS (for himself, Ms. MURKOWSKI, Mr. AKAKA, Mr. DEWINE, Mr. FEINGOLD, Mr. DOMENICI, and Mr. CHAMBLISS) submitted the following resolution, which was considered and agreed to:

S. RES. 583

Whereas a strong country begins with strong communities in which all citizens play an active role and invest in the success and future of the youth of the United States;

Whereas the fifth National Youth Court Month celebrates the outstanding achievement of youth courts throughout the country;

Whereas in 2005, more than 110,000 youths volunteered to hear more than 115,000 juvenile cases, and more than 20,000 adults volunteered to facilitate peer justice in youth court programs;

Whereas 1,158 youth court programs in 49 States and the District of Columbia provide restorative justice for juvenile offenders, resulting in effective crime prevention, early intervention and education for all youth participants, and enhanced public safety throughout the United States;

Whereas, by holding juvenile offenders accountable, reconciling victims, communities, juvenile offenders, and their families, and reducing caseloads for the juvenile justice system, youth courts address offenses that might otherwise go unaddressed until the offending behavior escalates and redirects the efforts of juvenile offenders toward becoming contributing members of their communities;

Whereas Federal, State, and local governments, corporations, foundations, service organizations, educational institutions, juvenile justice agencies, and individual adults support youth courts because youth court programs actively promote and contribute to building successful, productive lives and futures for the youth of the United States;

Whereas a fundamental correlation exists between youth service and lifelong adult commitment to and involvement in one's community;

Whereas volunteer service and related service learning opportunities enable young people to build character and develop and enhance life-skills, such as responsibility, decision-making, time management, teamwork, public speaking, and leadership, which prospective employers will value; and

Whereas participating in youth court programs encourages youth court members to become valuable members of their communities: Now, therefore, be it

Resolved, That the Senate designates September 2006 as "National Youth Court Month".

SENATE RESOLUTION 584—TO AUTHORIZE THE PRODUCTION OF RECORDS, TESTIMONY, AND LEGAL REPRESENTATION

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 584

Whereas, the United States Attorney's Office for the District of Columbia is conducting an investigation of the financial disclosures made by Dr. Lester Crawford to the Committee on Health, Education, Labor, and Pensions in connection with confirmation proceedings on Dr. Crawford's nomination to be Commissioner of the Food and Drug Administration;

Whereas, the Committee on Health, Education, Labor, and Pensions has received a request from the United States Attorney's Office for testimony of three employees of the Committee and for records of the Committee relevant to the investigation;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of

1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities:

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Committee on Health, Education, Labor, and Pensions is authorized to produce documents and committee staff are authorized to testify in these and related proceedings, except where a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent employees of the Committee on Health, Education, Labor, and Pensions in connection with the document production and testimony authorized in section one of this resolution.

SENATE CONCURRENT RESOLUTION 118—EXPRESSING THE SENSE OF THE CONGRESS THAT, AS A MATTER OF ECONOMIC AND NATIONAL SECURITY, THE UNITED STATES GOVERNMENT SHOULD PROTECT AND SUPPORT UNITED STATES CURRENCY

Mr. COBURN submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. CON. RES. 118

Whereas the United States dollar, as the world's reserve currency, is one of our country's greatest assets;

Whereas the strength and integrity of the United States dollar provides the United States with economic stability and national security;

Whereas any threat or change to the status of the dollar as a world reserve currency would be costly to the United States Treasury and could cause national economic instability;

Whereas international counterfeiting of the dollar is on the rise and currency counterfeiting has reportedly been used to finance rogue governments and terrorism;

Whereas on January 26, 2006, President Bush made a strong commitment to protect the currency of the United States from counterfeiting by the North Korean regime or any other adversarial regime or organization; and

Whereas every dollar issued by the United States Government is meant to be representative of the strength and solidarity of this great nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that, as a matter of economic and national security, the United States Government should provide the currency of the United States with the protection and support necessary to defend its integrity throughout the world, effectively deter counterfeiting, and preserve the status of the dollar as the world's reserve currency.

AMENDMENTS SUBMITTED & PROPOSED

SA 5036. Mr. FRIST proposed an amendment to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States.

SA 5037. Mr. FRIST proposed an amendment to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra.

SA 5038. Mr. FRIST proposed an amendment to the bill H.R. 6061, supra.

SA 5039. Mr. FRIST proposed an amendment to amendment SA 5038 proposed by Mr. FRIST to the bill H.R. 6061, supra.

SA 5040. Mr. FRIST proposed an amendment to amendment SA 5039 proposed by Mr. FRIST to the amendment SA 5038 proposed by Mr. FRIST to the bill H.R. 6061, supra.

TEXT OF AMENDMENTS

SA 5036. Mr. FRIST proposed an amendment to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; as follows:

On page 7 line 10, after "Subsection (A)", insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Military Commissions Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Construction of Presidential authority to establish military commissions.
Sec. 3. Military commissions.
Sec. 4. Amendments to Uniform Code of Military Justice.
Sec. 5. Treaty obligations not establishing grounds for certain claims.
Sec. 6. Implementation of treaty obligations.
Sec. 7. Habeas corpus matters.
Sec. 8. Revisions to Detainee Treatment Act of 2005 relating to protection of certain United States Government personnel.
Sec. 9. Review of judgments of military commissions.
Sec. 10. Detention covered by review of decisions of Combatant Status Review Tribunals of propriety of detention.

SEC. 2. CONSTRUCTION OF PRESIDENTIAL AUTHORITY TO ESTABLISH MILITARY COMMISSIONS.

The authority to establish military commissions under chapter 47A of title 10, United States Code, as added by section 3(a), may not be construed to alter or limit the authority of the President under the Constitution of the United States and laws of the United States to establish military commissions for areas declared to be under martial law or in occupied territories should circumstances so require.

SEC. 3. MILITARY COMMISSIONS.

(a) MILITARY COMMISSIONS.—

(1) IN GENERAL.—Subtitle A of title 10, United States Code, is amended by inserting after chapter 47 the following new chapter:

"CHAPTER 47A—MILITARY COMMISSIONS

"Subchapter	
"I. General Provisions	948a
"II. Composition of Military Commissions	948h
"III. Pre-Trial Procedure	948q
"IV. Trial Procedure	949a
"V. Sentences	949s
"VI. Post-Trial Procedure and Review of Military Commissions	950a
"VII. Punitive Matters	950p

"SUBCHAPTER I—GENERAL PROVISIONS

"Sec.
"948a. Definitions.
"948b. Military commissions generally.
"948c. Persons subject to military commissions.
"948d. Jurisdiction of military commissions.
"948e. Annual report to congressional committees.

"§948a. Definitions

"In this chapter:

"(1) UNLAWFUL ENEMY COMBATANT.—(A) The term 'unlawful enemy combatant' means—

"(i) a person who has engaged in hostilities or who has purposefully and materially supported hostilities against the United States or its co-belligerents who is not a lawful enemy combatant (including a person who is part of the Taliban, al Qaeda, or associated forces); or

"(ii) a person who, before, on, or after the date of the enactment of the Military Commissions Act of 2006, has been determined to be an unlawful enemy combatant by a Combatant Status Review Tribunal or another competent tribunal established under the authority of the President or the Secretary of Defense.

"(B) CO-BELLIGERENT.—In this paragraph, the term 'co-belligerent', with respect to the United States, means any State or armed force joining and directly engaged with the United States in hostilities or directly supporting hostilities against a common enemy.

"(2) LAWFUL ENEMY COMBATANT.—The term 'lawful enemy combatant' means a person who is—

"(A) a member of the regular forces of a State party engaged in hostilities against the United States;

"(B) a member of a militia, volunteer corps, or organized resistance movement belonging to a State party engaged in such hostilities, which are under responsible command, wear a fixed distinctive sign recognizable at a distance, carry their arms openly, and abide by the law of war; or

"(C) a member of a regular armed force who professes allegiance to a government engaged in such hostilities, but not recognized by the United States.

"(3) ALIEN.—The term 'alien' means a person who is not a citizen of the United States.

"(4) CLASSIFIED INFORMATION.—The term 'classified information' means the following:

"(A) Any information or material that has been determined by the United States Government pursuant to statute, Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security.

"(B) Any restricted data, as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

"(5) GENEVA CONVENTIONS.—The term 'Geneva Conventions' means the international conventions signed at Geneva on August 12, 1949.

"§948b. Military commissions generally

"(a) PURPOSE.—This chapter establishes procedures governing the use of military commissions to try alien unlawful enemy combatants engaged in hostilities against the United States for violations of the law of war and other offenses triable by military commission.

"(b) AUTHORITY FOR MILITARY COMMISSIONS UNDER THIS CHAPTER.—The President is authorized to establish military commissions under this chapter for offenses triable by military commission as provided in this chapter.

"(c) CONSTRUCTION OF PROVISIONS.—The procedures for military commissions set forth in this chapter are based upon the procedures for trial by general courts-martial under chapter 47 of this title (the Uniform Code of Military Justice). Chapter 47 of this title does not, by its terms, apply to trial by military commission except as specifically provided in this chapter. The judicial construction and application of that chapter are not binding on military commissions established under this chapter.

"(d) INAPPLICABILITY OF CERTAIN PROVISIONS.—(1) The following provisions of this title shall not apply to trial by military commission under this chapter:

"(A) Section 810 (article 10 of the Uniform Code of Military Justice), relating to speedy trial, including any rule of courts-martial relating to speedy trial.

"(B) Sections 831(a), (b), and (d) (articles 31(a), (b), and (d) of the Uniform Code of Military Justice), relating to compulsory self-incrimination.

"(C) Section 832 (article 32 of the Uniform Code of Military Justice), relating to pretrial investigation.

"(2) Other provisions of chapter 47 of this title shall apply to trial by military commission under this chapter only to the extent provided by this chapter.

"(e) TREATMENT OF RULINGS AND PRECEDENTS.—The findings, holdings, interpretations, and other precedents of military commissions under this chapter may not be introduced or considered in any hearing, trial, or other proceeding of a court-martial convened under chapter 47 of this title. The findings, holdings, interpretations, and other precedents of military commissions under this chapter may not form the basis of any holding, decision, or other determination of a court-martial convened under that chapter.

"(f) STATUS OF COMMISSIONS UNDER COMMON ARTICLE 3.—A military commission established under this chapter is a regularly constituted court, affording all the necessary 'judicial guarantees which are recognized as indispensable by civilized peoples' for purposes of common Article 3 of the Geneva Conventions.

"(g) GENEVA CONVENTIONS NOT ESTABLISHING SOURCE OF RIGHTS.—No alien unlawful enemy combatant subject to trial by military commission under this chapter may invoke the Geneva Conventions as a source of rights.

"§ 948c. Persons subject to military commissions

"Any alien unlawful enemy combatant is subject to trial by military commission under this chapter.

"§ 948d. Jurisdiction of military commissions

"(a) JURISDICTION.—A military commission under this chapter shall have jurisdiction to try any offense made punishable by this chapter or the law of war when committed by an alien unlawful enemy combatant before, on, or after September 11, 2001.

"(b) LAWFUL ENEMY COMBATANTS.—Military commissions under this chapter shall not have jurisdiction over lawful enemy combatants. Lawful enemy combatants who violate the law of war are subject to chapter 47 of this title. Courts-martial established under that chapter shall have jurisdiction to try a lawful enemy combatant for any offense made punishable under this chapter.

"(c) DETERMINATION OF UNLAWFUL ENEMY COMBATANT STATUS DISPOSITIVE.—A finding, whether before, on, or after the date of the enactment of the Military Commissions Act of 2006, by a Combatant Status Review Tribunal or another competent tribunal established under the authority of the President or the Secretary of Defense that a person is an unlawful enemy combatant is dispositive for purposes of jurisdiction for trial by military commission under this chapter.

"(d) PUNISHMENTS.—A military commission under this chapter may, under such limitations as the Secretary of Defense may prescribe, adjudge any punishment not forbidden by this chapter, including the penalty of death when authorized under this chapter or the law of war.

"§ 948e. Annual report to congressional committees

"(a) ANNUAL REPORT REQUIRED.—Not later than December 31 each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any trials conducted by military commissions under this chapter during such year.

"(b) FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

"SUBCHAPTER II—COMPOSITION OF MILITARY COMMISSIONS

"Sec.

"948h. Who may convene military commissions.

"948i. Who may serve on military commissions.

"948j. Military judge of a military commission.

"948k. Detail of trial counsel and defense counsel.

"948l. Detail or employment of reporters and interpreters.

"948m. Number of members; excuse of members; absent and additional members.

"§ 948h. Who may convene military commissions

"Military commissions under this chapter may be convened by the Secretary of Defense or by any officer or official of the United States designated by the Secretary for that purpose.

"§ 948i. Who may serve on military commissions

"(a) IN GENERAL.—Any commissioned officer of the armed forces on active duty is eligible to serve on a military commission under this chapter.

"(b) DETAIL OF MEMBERS.—When convening a military commission under this chapter, the convening authority shall detail as members of the commission such members of the armed forces eligible under subsection (a), as in the opinion of the convening authority, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member of an armed force is eligible to serve as a member of a military commission when such member is the accuser or a witness for the prosecution or has acted as an investigator or counsel in the same case.

"(c) EXCUSE OF MEMBERS.—Before a military commission under this chapter is assembled for the trial of a case, the convening authority may excuse a member from participating in the case.

"§ 948j. Military judge of a military commission

"(a) DETAIL OF MILITARY JUDGE.—A military judge shall be detailed to each military commission under this chapter. The Secretary of Defense shall prescribe regulations providing for the manner in which military judges are so detailed to military commissions. The military judge shall preside over each military commission to which he has been detailed.

"(b) QUALIFICATIONS.—A military judge shall be a commissioned officer of the armed forces who is a member of the bar of a Federal court, or a member of the bar of the highest court of a State, and who is certified to be qualified for duty under section 826 of this title (article 26 of the Uniform Code of Military Justice) as a military judge in general courts-martial by the Judge Advocate General of the armed force of which such military judge is a member.

"(c) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person is eligible to act as military judge in a case of a military commission under this chapter if he is the accuser or a witness or has acted as investigator or a counsel in the same case.

"(d) CONSULTATION WITH MEMBERS; INELIGIBILITY TO VOTE.—A military judge detailed to a military commission under this chapter may not consult with the members of the commission except in the presence of the accused (except as otherwise provided in section 949d of this title), trial counsel, and defense counsel, nor may he vote with the members of the commission.

"(e) OTHER DUTIES.—A commissioned officer who is certified to be qualified for duty as a military judge of a military commission under this chapter may perform such other duties as are assigned to him by or with the approval of the Judge Advocate General of the armed force of which such officer is a member or the designee of such Judge Advocate General.

"(f) PROHIBITION ON EVALUATION OF FITNESS BY CONVENING AUTHORITY.—The convening authority of a military commission under this chapter shall not prepare or review any report concerning the effectiveness, fitness, or efficiency of a military judge detailed to the military commission which relates to his performance of duty as a military judge on the military commission.

"§ 948k. Detail of trial counsel and defense counsel

"(a) DETAIL OF COUNSEL GENERALLY.—(1) Trial counsel and military defense counsel shall be detailed for each military commission under this chapter.

"(2) Assistant trial counsel and assistant and associate defense counsel may be detailed for a military commission under this chapter.

"(3) Military defense counsel for a military commission under this chapter shall be detailed as soon as practicable after the swearing of charges against the accused.

"(4) The Secretary of Defense shall prescribe regulations providing for the manner in which trial counsel and military defense counsel are detailed for military commissions under this chapter and for the persons who are authorized to detail such counsel for such commissions.

"(b) TRIAL COUNSEL.—Subject to subsection (e), trial counsel detailed for a military commission under this chapter must be—

"(1) a judge advocate (as that term is defined in section 801 of this title (article 1 of the Uniform Code of Military Justice) who—

"(A) is a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

"(B) is certified as competent to perform duties as trial counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member; or

"(2) a civilian who—

"(A) is a member of the bar of a Federal court or of the highest court of a State; and

"(B) is otherwise qualified to practice before the military commission pursuant to regulations prescribed by the Secretary of Defense.

"(c) MILITARY DEFENSE COUNSEL.—Subject to subsection (e), military defense counsel detailed for a military commission under this chapter must be a judge advocate (as so defined) who is—

"(1) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

"(2) certified as competent to perform duties as defense counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member.

"(d) CHIEF PROSECUTOR; CHIEF DEFENSE COUNSEL.—(1) The Chief Prosecutor in a military commission under this chapter shall meet the requirements set forth in subsection (b)(1).

"(2) The Chief Defense Counsel in a military commission under this chapter shall meet the requirements set forth in subsection (c)(1).

"(e) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person who has acted as an investigator, military judge, or member of a military commission under this chapter in any case may act later as trial counsel or military defense counsel in the same case. No person who has acted for the prosecution before a military commission under this chapter may act later in the same case for the defense, nor may any person who has acted for the defense before a military commission under this chapter act later in the same case for the prosecution.

"§ 948l. Detail or employment of reporters and interpreters

"(a) COURT REPORTERS.—Under such regulations as the Secretary of Defense may prescribe, the convening authority of a military commission under this chapter shall detail to or employ for the commission qualified court reporters, who shall make a verbatim recording of the proceedings of and testimony taken before the commission.

"(b) INTERPRETERS.—Under such regulations as the Secretary of Defense may prescribe, the convening authority of a military commission under this chapter may detail to or employ for the military commission interpreters who shall interpret for the commission and, as necessary, for trial counsel and defense counsel and for the accused.

"(c) TRANSCRIPT; RECORD.—The transcript of a military commission under this chapter shall be under the control of the convening authority of the commission, who shall also be responsible for preparing the record of the proceedings.

"§ 948m. Number of members; excuse of members; absent and additional members

"(a) NUMBER OF MEMBERS.—(1) A military commission under this chapter shall, except as provided in paragraph (2), have at least five members.

"(2) In a case in which the accused before a military commission under this chapter may be sentenced to a penalty of death, the military commission shall have the number of members prescribed by section 949m(c) of this title.

"(b) EXCUSE OF MEMBERS.—No member of a military commission under this chapter may be absent or excused after the military commission has been assembled for the trial of a case unless excused—

"(1) as a result of challenge;

"(2) by the military judge for physical disability or other good cause; or

"(3) by order of the convening authority for good cause.

"(c) ABSENT AND ADDITIONAL MEMBERS.—Whenever a military commission under this chapter is reduced below the number of members required by subsection (a), the trial may not proceed unless the convening authority details new members sufficient to provide not less than such number. The trial may proceed with the new members present after the recorded evidence previously introduced before the members has been read to the military commission in the presence of the military judge, the accused (except as provided in section 949d of this title), and counsel for both sides.

"SUBCHAPTER III—PRE-TRIAL PROCEDURE

"Sec.
"948q. Charges and specifications.
"948r. Compulsory self-incrimination prohibited; treatment of statements obtained by torture and other statements.
"948s. Service of charges.

"§ 948q. Charges and specifications

"(a) CHARGES AND SPECIFICATIONS.—Charges and specifications against an accused in a military commission under this chapter shall be signed by a person subject to chapter 47 of this title under oath before a commissioned officer of the armed forces authorized to administer oaths and shall state—

"(1) that the signer has personal knowledge of, or reason to believe, the matters set forth therein; and

"(2) that they are true in fact to the best of the signer's knowledge and belief.

"(b) NOTICE TO ACCUSED.—Upon the swearing of the charges and specifications in accordance with subsection (a), the accused shall be informed of the charges against him as soon as practicable.

"§ 948r. Compulsory self-incrimination prohibited; treatment of statements obtained by torture and other statements

"(a) IN GENERAL.—No person shall be required to testify against himself at a proceeding of a military commission under this chapter.

"(b) EXCLUSION OF STATEMENTS OBTAINED BY TORTURE.—A statement obtained by use of torture shall not be admissible in a military commission under this chapter, except against a person accused of torture as evidence that the statement was made.

"(c) STATEMENTS OBTAINED BEFORE ENACTMENT OF DETAINEE TREATMENT ACT OF 2005.—A statement obtained before December 30, 2005 (the date of the enactment of the Defense Treatment Act of 2005) in which the degree of coercion is disputed may be admitted only if the military judge finds that—

"(1) the totality of the circumstances renders the statement reliable and possessing sufficient probative value; and

"(2) the interests of justice would best be served by admission of the statement into evidence.

"(d) STATEMENTS OBTAINED AFTER ENACTMENT OF DETAINEE TREATMENT ACT OF 2005.—A statement obtained on or after December 30, 2005 (the date of the enactment of the Defense Treatment Act of 2005) in which the degree of coercion is disputed may be admitted only if the military judge finds that—

"(1) the totality of the circumstances renders the statement reliable and possessing sufficient probative value;

"(2) the interests of justice would best be served by admission of the statement into evidence; and

"(3) the interrogation methods used to obtain the statement do not violate the cruel, unusual, or inhumane treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States.

"§ 948s. Service of charges

"The trial counsel assigned to a case before a military commission under this chapter shall cause to be served upon the accused and military defense counsel a copy of the charges upon which trial is to be had. Such charges shall be served in English and, if appropriate, in another language that the accused understands. Such service shall be made sufficiently in advance of trial to prepare a defense.

"SUBCHAPTER IV—TRIAL PROCEDURE

"Sec.
"949a. Rules.
"949b. Unlawfully influencing action of military commission.
"949c. Duties of trial counsel and defense counsel.
"949d. Sessions.
"949e. Continuances.
"949f. Challenges.
"949g. Oaths.
"949h. Former jeopardy.
"949i. Pleas of the accused.
"949j. Opportunity to obtain witnesses and other evidence.
"949k. Defense of lack of mental responsibility.
"949l. Voting and rulings.
"949m. Number of votes required.
"949n. Military commission to announce action.
"949o. Record of trial.

"§ 949a. Rules

"(a) PROCEDURES AND RULES OF EVIDENCE.—Pretrial, trial, and post-trial procedures, including elements and modes of proof, for cases triable by military commission under this chapter may be prescribed by the Secretary of Defense, in consultation with the Attorney General. Such procedures shall, so far as the Secretary considers practicable or consistent with military or intelligence activities, apply the principles of law and the rules of evidence in trial by general courts-martial. Such procedures and rules of evidence may not be contrary to or inconsistent with this chapter.

"(b) RULES FOR MILITARY COMMISSION.—(1) Notwithstanding any departures from the law and the rules of evidence in trial by general courts-martial authorized by subsection (a), the procedures and rules of evidence in trials by military commission under this chapter shall include the following:

"(A) The accused shall be permitted to present evidence in his defense, to cross-examine the witnesses who testify against him, and to respond to evidence admitted against him on the issue of guilt or innocence and for sentencing, as provided for by this chapter.

"(B) The accused shall be present at all sessions of the military commission (other than those for deliberations or voting), except when excluded under section 949d of this title.

"(C) The accused shall receive the assistance of counsel as provided for by section 948k.

"(D) The accused shall be permitted to represent himself, as provided for by paragraph (3).

"(2) In establishing procedures and rules of evidence for military commission proceedings, the Secretary of Defense may prescribe the following provisions:

"(A) Evidence shall be admissible if the military judge determines that the evidence would have probative value to a reasonable person.

"(B) Evidence shall not be excluded from trial by military commission on the grounds that the evidence was not seized pursuant to a search warrant or other authorization.

"(C) A statement of the accused that is otherwise admissible shall not be excluded from trial by military commission on grounds of alleged coercion or compulsory self-incrimination so long as the evidence complies with the provisions of section 948r of this title.

"(D) Evidence shall be admitted as authentic so long as—

"(i) the military judge of the military commission determines that there is sufficient basis to find that the evidence is what it is claimed to be; and

"(ii) the military judge instructs the members that they may consider any issue as to authentication or identification of evidence in determining the weight, if any, to be given to the evidence.

"(E)(i) Except as provided in clause (ii), hearsay evidence not otherwise admissible under the rules of evidence applicable in trial by general courts-martial may be admitted in a trial by military commission if the proponent of the evidence makes known to the adverse party, sufficiently in advance to provide the adverse party with a fair opportunity to meet the evidence, the intention of the proponent to offer the evidence, and the particulars of the evidence (including information on the general circumstances under which the evidence was obtained). The disclosure of evidence under the preceding sentence is subject to the requirements and limitations applicable to the disclosure of classified information in section 949j(c) of this title.

"(ii) Hearsay evidence not otherwise admissible under the rules of evidence applicable in trial by general courts-martial shall not be admitted in a trial by military commission if the party opposing the admission of the evidence demonstrates that the evidence is unreliable or lacking in probative value.

"(F) The military judge shall exclude any evidence the probative value of which is substantially outweighed—

"(i) by the danger of unfair prejudice, confusion of the issues, or misleading the commission; or

"(ii) by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

"(3)(A) The accused in a military commission under this chapter who exercises the right to self-representation under paragraph (1)(D) shall conform his deportment and the conduct of the defense to the rules of evidence, procedure, and decorum applicable to trials by military commission.

"(B) Failure of the accused to conform to the rules described in subparagraph (A) may result in a partial or total revocation by the military judge of the right of self-representation under paragraph (1)(D). In such case, the detailed defense counsel of the accused or an appropriately authorized civilian counsel shall perform the functions necessary for the defense.

"(c) Delegation of Authority to Prescribe Regulations.—The Secretary of Defense may delegate the authority of the Secretary to prescribe regulations under this chapter.

"(d) Notification to Congressional Committees of Changes to Procedures.—Not later than 60 days before the date on which any proposed modification of the procedures in effect for military commissions under this chapter goes into effect, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the modification.

"§ 949b. Unlawfully influencing action of military commission

"(a) In General.—(1) No authority convening a military commission under this chapter may censure, reprimand, or admonish the military commission, or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the military commission, or with respect to any other exercises of its or his functions in the conduct of the proceedings.

"(2) No person may attempt to coerce or, by any unauthorized means, influence—

"(A) the action of a military commission under this chapter, or any member thereof, in reaching the findings or sentence in any case;

"(B) the action of any convening, approving, or reviewing authority with respect to his judicial acts; or

"(C) the exercise of professional judgment by trial counsel or defense counsel.

"(3) Paragraphs (1) and (2) do not apply with respect to—

"(A) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of military commissions; or

"(B) statements and instructions given in open proceedings by a military judge or counsel.

"(b) Prohibition on Consideration of Actions on Commission in Evaluation of Fitness.—In the preparation of an effectiveness, fitness, or efficiency report or any other report or document used in whole or in part for the purpose of determining whether a commissioned officer of the armed forces is qualified to be advanced in grade, or in determining the assignment or transfer of any such officer or whether any such officer should be retained on active duty, no person may—

"(1) consider or evaluate the performance of duty of any member of a military commission under this chapter; or

"(2) give a less favorable rating or evaluation to any commissioned officer because of the zeal with which such officer, in acting as counsel, represented any accused before a military commission under this chapter.

"§ 949c. Duties of trial counsel and defense counsel

"(a) Trial Counsel.—The trial counsel of a military commission under this chapter shall prosecute in the name of the United States.

"(b) Defense Counsel.—(1) The accused shall be represented in his defense before a military commission under this chapter as provided in this subsection.

"(2) The accused shall be represented by military counsel detailed under section 948k of this title.

"(3) The accused may be represented by civilian counsel if retained by the accused, but only if such civilian counsel—

"(A) is a United States citizen;

"(B) is admitted to the practice of law in a State, district, or possession of the United States or before a Federal court;

"(C) has not been the subject of any sanction of disciplinary action by any court, bar, or other competent governmental authority for relevant misconduct;

"(D) has been determined to be eligible for access to classified information that is classified at the level Secret or higher; and

"(E) has signed a written agreement to comply with all applicable regulations or instructions for counsel, including any rules of court for conduct during the proceedings.

"(4) Civilian defense counsel shall protect any classified information received during the course of representation of the accused in accordance with all applicable law governing the protection of classified information and may not divulge such information to any person not authorized to receive it.

"(5) If the accused is represented by civilian counsel, military counsel detailed shall act as associate counsel.

"(6) The accused is not entitled to be represented by more than one military counsel. However, the person authorized under regulations prescribed under section 948k of this title to detail counsel, in that person's sole discretion, may detail additional military counsel to represent the accused.

"(7) Defense counsel may cross-examine each witness for the prosecution who testifies before a military commission under this chapter.

"§ 949d. Sessions

"(a) Sessions Without Presence of Members.—(1) At any time after the service of charges which have been referred for trial by military commission under this chapter, the military judge may call the military commission into session without the presence of the members for the purpose of—

"(A) hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty;

"(B) hearing and ruling upon any matter which may be ruled upon by the military judge under this chapter, whether or not the matter is appropriate for later consideration or decision by the members;

"(C) if permitted by regulations prescribed by the Secretary of Defense, receiving the pleas of the accused; and

"(D) performing any other procedural function which may be performed by the military judge under this chapter or under rules prescribed pursuant to section 949a of this title and which does not require the presence of the members.

"(2) Except as provided in subsections (c) and (e), any proceedings under paragraph (1) shall—

"(A) be conducted in the presence of the accused, defense counsel, and trial counsel; and

"(B) be made part of the record.

"(b) Proceedings in Presence of Accused.—Except as provided in subsections (c) and (e), all proceedings of a military commission under this chapter, including any consultation of the members with the military judge or counsel, shall—

"(1) be in the presence of the accused, defense counsel, and trial counsel; and

"(2) be made a part of the record.

"(c) Deliberation or Vote of Members.—When the members of a military commission under this chapter deliberate or vote, only the members may be present.

"(d) Closure of Proceedings.—(1) The military judge may close to the public all or part of the proceedings of a military commission under this chapter, but only in accordance with this subsection.

"(2) The military judge may close to the public all or a portion of the proceedings under paragraph (1) only upon making a specific finding that such closure is necessary to—

"(A) protect information the disclosure of which could reasonably be expected to cause damage to the national security, including intelligence or law enforcement sources, methods, or activities; or

"(B) ensure the physical safety of individuals.

"(3) A finding under paragraph (2) may be based upon a presentation, including a presentation ex parte or in camera, by either trial counsel or defense counsel.

"(e) Exclusion of Accused From Certain Proceedings.—The military judge may exclude the accused from any portion of a proceeding upon a determination that, after being warned by the military judge, the accused persists in conduct that justifies exclusion from the courtroom—

"(1) to ensure the physical safety of individuals; or

"(2) to prevent disruption of the proceedings by the accused.

"(f) Protection of Classified Information.—

"(1) National security privilege.—(A) Classified information shall be protected and is privileged from disclosure if disclosure would be detrimental to the national security. The rule in the preceding sentence applies to all stages of the proceedings of military commissions under this chapter.

"(B) The privilege referred to in subparagraph (A) may be claimed by the head of the executive or military department or government agency concerned based on a finding by the head of that department or agency that—

"(i) the information is properly classified; and

"(ii) disclosure of the information would be detrimental to the national security.

"(C) A person who may claim the privilege referred to in subparagraph (A) may authorize a representative, witness, or trial counsel to claim the privilege and make the finding described in subparagraph (B) on behalf of such person. The authority of the representative, witness, or trial counsel to do so is presumed in the absence of evidence to the contrary.

"(2) Introduction of classified information.—

"(A) Alternatives to disclosure.—To protect classified information from disclosure, the military judge, upon motion of trial counsel, shall authorize, to the extent practicable—

"(i) the deletion of specified items of classified information from documents to be introduced as evidence before the military commission;

"(ii) the substitution of a portion or summary of the information for such classified documents; or

"(iii) the substitution of a statement of relevant facts that the classified information would tend to prove.

"(B) Protection of sources, methods, or activities.—The military judge, upon motion of trial counsel, shall permit trial counsel to introduce otherwise admissible evidence before the military commission, while protecting from disclosure the sources, methods, or activities by which the United States acquired the evidence if the military judge finds that (i) the sources, methods, or activities by which the United States acquired the evidence are classified, and (ii) the evidence is reliable. The military judge may require trial counsel to present to the military commission and the defense, to the extent practicable and consistent with national security, an unclassified summary of the sources, methods, or activities by which the United States acquired the evidence.

"(C) Assertion of national security privilege at trial.—During the examination of any witness, trial counsel may object to any question, line of inquiry, or motion to admit evidence that would require the disclosure of classified information. Following such an objection, the military judge shall take suitable action to safeguard such classified information. Such action may include the review of trial counsel's claim of privilege by the military judge in camera and on an ex parte basis, and the delay of proceedings to permit trial counsel to consult with the department or agency concerned as to whether the national security privilege should be asserted.

"(3) Consideration of privilege and related materials.—A claim of privilege under this subsection, and any materials submitted in support thereof, shall, upon request of the Government, be considered by the military judge in camera and shall not be disclosed to the accused.

"(4) Additional regulations.—The Secretary of Defense may prescribe additional regulations, consistent with this subsection, for the use and protection of classified information during proceedings of military commissions under this chapter. A report on any regulations so prescribed, or modified, shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives not later than 60 days before the date on which such regulations or modifications, as the case may be, go into effect.

"§ 949e. Continuances

"The military judge in a military commission under this chapter may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just.

"§ 949f. Challenges

"(a) Challenges Authorized.—The military judge and members of a military commission under this chapter may be challenged by the accused or trial counsel for cause stated to the commission. The military judge shall determine the relevance and validity of challenges for cause. The military judge may not receive a challenge to more than one person at a time. Challenges by trial counsel shall ordinarily be presented and decided before those by the accused are offered.

"(b) Peremptory Challenges.—Each accused and the trial counsel are entitled to one peremptory challenge. The military judge may not be challenged except for cause.

"(c) Challenges Against Additional Members.—Whenever additional members are detailed to a military commission under this chapter, and after any challenges for cause against such additional members are presented and decided, each accused and the trial counsel are entitled to one peremptory challenge against members not previously subject to peremptory challenge.

"§ 949g. Oaths

"(a) In General.—(1) Before performing their respective duties in a military commission under this chapter, military judges, members, trial counsel, defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully.

"(2) The form of the oath required by paragraph (1), the time and place of the taking thereof, the manner of recording the same, and whether the oath shall be taken for all cases in which duties are to be performed or for a particular case, shall be as prescribed in regulations of the Secretary of Defense. Those regulations may provide that—

"(A) an oath to perform faithfully duties as a military judge, trial counsel, or defense counsel may be taken at any time by any judge advocate or other person certified to be qualified or competent for the duty; and

"(B) if such an oath is taken, such oath need not again be taken at the time the judge advocate or other person is detailed to that duty.

"(b) Witnesses.—Each witness before a military commission under this chapter shall be examined on oath.

"§ 949h. Former jeopardy

"(a) In General.—No person may, without his consent, be tried by a military commission under this chapter a second time for the same offense.

"(b) Scope of Trial.—No proceeding in which the accused has been found guilty by military commission under this chapter upon any charge or specification is a trial in the sense of this section until the finding of guilty has become final after review of the case has been fully completed.

"§ 949i. Pleas of the accused

"(a) Entry of Plea of Not Guilty.—If an accused in a military commission under this chapter after a plea of guilty sets up matter inconsistent with the plea, or if it appears that the accused has entered the plea of guilty through lack of understanding of its meaning and effect, or if the accused fails or refuses to plead, a plea of not guilty shall be entered in the record, and the military commission shall proceed as though the accused had pleaded not guilty.

"(b) Finding of Guilt After Guilty Plea.—With respect to any charge or specification to which a plea of guilty has been made by the accused in a military commission under this chapter and accepted by the military judge, a finding of guilty of the charge or specification may be entered immediately without a vote. The finding shall constitute the finding of the commission unless the plea of guilty is withdrawn prior to announcement of the sentence, in which event the proceedings shall continue as though the accused had pleaded not guilty.

"§ 949j. Opportunity to obtain witnesses and other evidence

"(a) Right of Defense Counsel.—Defense counsel in a military commission under this chapter shall have a reasonable opportunity to obtain witnesses and other evidence as provided in regulations prescribed by the Secretary of Defense.

"(b) Process for Compulsion.—Process issued in a military commission under this chapter to compel witnesses to appear and testify and to compel the production of other evidence—

"(1) shall be similar to that which courts of the United States having criminal jurisdiction may lawfully issue; and

"(2) shall run to any place where the United States shall have jurisdiction thereof.

"(c) Protection of Classified Information.—(1) With respect to the discovery obligations of trial counsel under this section, the military judge, upon motion of trial counsel, shall authorize, to the extent practicable—

"(A) the deletion of specified items of classified information from documents to be made available to the accused;

"(B) the substitution of a portion or summary of the information for such classified documents; or

"(C) the substitution of a statement admitting relevant facts that the classified information would tend to prove.

"(2) The military judge, upon motion of trial counsel, shall authorize trial counsel, in the course of complying with discovery obligations under this section, to protect from disclosure the sources, methods, or activities by which the United States acquired evidence if the military judge finds that the sources, methods, or activities by which the United States acquired such evidence are classified. The military judge may require trial counsel to provide, to the extent practicable, an unclassified summary of the sources, methods, or activities by which the United States acquired such evidence.

"(d) EXCULPATORY EVIDENCE.—(1) As soon as practicable, trial counsel shall disclose to the defense the existence of any evidence known to trial counsel that reasonably tends to exculpate the accused. Where exculpatory evidence is classified, the accused shall be provided with an adequate substitute in accordance with the procedures under subsection (c).

"(2) In this subsection, the term 'evidence known to trial counsel', in the case of exculpatory evidence, means exculpatory evidence that the prosecution would be required to disclose in a trial by general court-martial under chapter 47 of this title.

"§949k. Defense of lack of mental responsibility

"(a) AFFIRMATIVE DEFENSE.—It is an affirmative defense in a trial by military commission under this chapter that, at the time of the commission of the acts constituting the offense, the accused, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of the acts. Mental disease or defect does not otherwise constitute a defense.

"(b) BURDEN OF PROOF.—The accused in a military commission under this chapter has the burden of proving the defense of lack of mental responsibility by clear and convincing evidence.

"(c) FINDINGS FOLLOWING ASSERTION OF DEFENSE.—Whenever lack of mental responsibility of the accused with respect to an offense is properly at issue in a military commission under this chapter, the military judge shall instruct the members of the commission as to the defense of lack of mental responsibility under this section and shall charge them to find the accused—

"(1) guilty;

"(2) not guilty; or

"(3) subject to subsection (d), not guilty by reason of lack of mental responsibility.

"(d) MAJORITY VOTE REQUIRED FOR FINDING.—The accused shall be found not guilty by reason of lack of mental responsibility under subsection (c)(3) only if a majority of the members present at the time the vote is taken determines that the defense of lack of mental responsibility has been established.

"§949l. Voting and rulings

"(a) VOTE BY SECRET WRITTEN BALLOT.—Voting by members of a military commission under this chapter on the findings and on the sentence shall be by secret written ballot.

"(b) RULINGS.—(1) The military judge in a military commission under this chapter shall rule upon all questions of law, including the admissibility of evidence and all interlocutory questions arising during the proceedings.

"(2) Any ruling made by the military judge upon a question of law or an interlocutory question (other than the factual issue of mental responsibility of the accused) is conclusive and constitutes the ruling of the military commission. However, a military judge may change his ruling at any time during the trial.

"(c) INSTRUCTIONS PRIOR TO VOTE.—Before a vote is taken of the findings of a military commission under this chapter, the military judge shall, in the presence of the accused and counsel, instruct the members as to the elements of the offense and charge the members—

"(1) that the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond a reasonable doubt;

"(2) that in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and he must be acquitted;

"(3) that, if there is reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

"(4) that the burden of proof to establish the guilt of the accused beyond a reasonable doubt is upon the United States.

"§949m. Number of votes required

"(a) CONVICTION.—No person may be convicted by a military commission under this chapter of any offense, except as provided in section 949i(b) of this title or by concurrence of two-thirds of the members present at the time the vote is taken.

"(b) SENTENCES.—(1) No person may be sentenced by a military commission to suffer death, except insofar as—

"(A) the penalty of death is expressly authorized under this chapter or the law of war for an offense of which the accused has been found guilty;

"(B) trial counsel expressly sought the penalty of death by filing an appropriate notice in advance of trial;

"(C) the accused is convicted of the offense by the concurrence of all the members present at the time the vote is taken; and

"(D) all the members present at the time the vote is taken concur in the sentence of death.

"(2) No person may be sentenced to life imprisonment, or to confinement for more than 10 years, by a military commission under this chapter except by the concurrence of three-fourths of the members present at the time the vote is taken.

"(3) All other sentences shall be determined by a military commission by the concurrence of two-thirds of the members present at the time the vote is taken.

"(c) NUMBER OF MEMBERS REQUIRED FOR PENALTY OF DEATH.—(1) Except as provided in paragraph (2), in a case in which the penalty of death is sought, the number of members of the military commission under this chapter shall be not less than 12.

"(2) In any case described in paragraph (1) in which 12 members are not reasonably available because of physical conditions or military exigencies, the convening authority shall specify a lesser number of members for the military commission (but not fewer than 9 members), and the military commission may be assembled, and the trial held, with not fewer than the number of members so specified. In such a case, the convening authority shall make a detailed written statement, to be appended to the record, stating why a greater number of members were not reasonably available.

"§949n. Military commission to announce action

"A military commission under this chapter shall announce its findings and sentence to the parties as soon as determined.

"§949o. Record of trial

"(a) RECORD; AUTHENTICATION.—Each military commission under this chapter shall keep a separate, verbatim, record of the proceedings in each case brought before it, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of his death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by a member of the commission if the trial counsel is unable to authenticate it by reason of his death, disability, or absence. Where appropriate, and as provided in regulations prescribed by the Secretary of Defense, the record of a military commission under this chapter may contain a classified annex.

"(b) COMPLETE RECORD REQUIRED.—A complete record of the proceedings and testimony shall be prepared in every military commission under this chapter.

"(c) PROVISION OF COPY TO ACCUSED.—A copy of the record of the proceedings of the military commission under this chapter shall be given the accused as soon as it is authenticated. If the record contains classified information, or a classified annex, the accused shall be given a redacted version of the record consistent with the requirements of section 949d of this title. Defense counsel shall have access to the unredacted record, as provided in regulations prescribed by the Secretary of Defense.

"SUBCHAPTER V—SENTENCES

"Sec.

"949s. Cruel or unusual punishments prohibited.

"949t. Maximum limits.

"949u. Execution of confinement.

"§949s. Cruel or unusual punishments prohibited

"Punishment by flogging, or by branding, marking, or tattooing on the body, or any other cruel or unusual punishment, may not be adjudged by a military commission under this chapter or inflicted under this chapter upon any person subject to this chapter. The use of irons, single or double, except for the purpose of safe custody, is prohibited under this chapter.

"§949t. Maximum limits

"The punishment which a military commission under this chapter may direct for an offense may not exceed such limits as the President or Secretary of Defense may prescribe for that offense.

"§949u. Execution of confinement

"(a) IN GENERAL.—Under such regulations as the Secretary of Defense may prescribe, a sentence of confinement adjudged by a military commission under this chapter may be carried into execution by confinement—

"(1) in any place of confinement under the control of any of the armed forces; or

"(2) in any penal or correctional institution under the control of the United States or its allies, or which the United States may be allowed to use.

"(b) TREATMENT DURING CONFINEMENT BY OTHER THAN THE ARMED FORCES.—Persons confined under subsection (a)(2) in a penal or correctional institution not under the control of an armed force are subject to the same discipline and treatment as persons confined or committed by the courts of the United States or of the State, District of Columbia, or place in which the institution is situated.

"SUBCHAPTER VI—POST-TRIAL PROCEDURE AND REVIEW OF MILITARY COMMISSIONS

"Sec.

"950a. Error of law; lesser included offense.

"950b. Review by the convening authority.

"950c. Appellate referral; waiver or withdrawal of appeal.
"950d. Appeal by the United States.
"950e. Rehearings.
"950f. Review by Court of Military Commission Review.
"950g. Review by the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court.
"950h. Appellate counsel.
"950i. Execution of sentence; procedures for execution of sentence of death.
"950j. Finality or proceedings, findings, and sentences.

"§950a. Error of law; lesser included offense

"(a) ERROR OF LAW.—A finding or sentence of a military commission under this chapter may not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

"(b) LESSER INCLUDED OFFENSE.—Any reviewing authority with the power to approve or affirm a finding of guilty by a military commission under this chapter may approve or affirm, instead, so much of the finding as includes a lesser included offense.

"§950b. Review by the convening authority

"(a) NOTICE TO CONVENING AUTHORITY OF FINDINGS AND SENTENCE.—The findings and sentence of a military commission under this chapter shall be reported in writing promptly to the convening authority after the announcement of the sentence.

"(b) SUBMITTAL OF MATTERS BY ACCUSED TO CONVENING AUTHORITY.—(1) The accused may submit to the convening authority matters for consideration by the convening authority with respect to the findings and the sentence of the military commission under this chapter.

"(2)(A) Except as provided in subparagraph (B), a submittal under paragraph (1) shall be made in writing within 20 days after the accused has been given an authenticated record of trial under section 949o(c) of this title.

"(B) If the accused shows that additional time is required for the accused to make a submittal under paragraph (1), the convening authority may, for good cause, extend the applicable period under subparagraph (A) for not more than an additional 20 days.

"(3) The accused may waive his right to make a submittal to the convening authority under paragraph (1). Such a waiver shall be made in writing and may not be revoked. For the purposes of subsection (c)(2), the time within which the accused may make a submittal under this subsection shall be deemed to have expired upon the submittal of a waiver under this paragraph to the convening authority.

"(c) ACTION BY CONVENING AUTHORITY.—(1) The authority under this subsection to modify the findings and sentence of a military commission under this chapter is a matter of the sole discretion and prerogative of the convening authority.

"(2)(A) The convening authority shall take action on the sentence of a military commission under this chapter.

"(B) Subject to regulations prescribed by the Secretary of Defense, action on the sentence under this paragraph may be taken only after consideration of any matters submitted by the accused under subsection (b) or after the time for submitting such matters expires, whichever is earlier.

"(C) In taking action under this paragraph, the convening authority may, in his sole discretion, approve, disapprove, commute, or suspend the sentence in whole or in part. The convening authority may not increase a sentence beyond that which is found by the military commission.

"(3) The convening authority is not required to take action on the findings of a military commission under this chapter. If the convening authority takes action on the findings, the convening authority may, in his sole discretion, may—

"(A) dismiss any charge or specification by setting aside a finding of guilty thereto; or

"(B) change a finding of guilty to a charge to a finding of guilty to an offense that is a lesser included offense of the offense stated in the charge.

"(4) The convening authority shall serve on the accused or on defense counsel notice of any action taken by the convening authority under this subsection.

"(d) ORDER OF REVISION OR REHEARING.—(1) Subject to paragraphs (2) and (3), the convening authority of a military commission under this chapter may, in his sole discretion, order a proceeding in revision or a rehearing.

"(2)(A) Except as provided in subparagraph (B), a proceeding in revision may be ordered by the convening authority if—

"(i) there is an apparent error or omission in the record; or

"(ii) the record shows improper or inconsistent action by the military commission with respect to the findings or sentence that can be rectified without material prejudice to the substantial rights of the accused.

"(B) In no case may a proceeding in revision—

"(i) reconsider a finding of not guilty of a specification or a ruling which amounts to a finding of not guilty;

"(ii) reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation; or

"(iii) increase the severity of the sentence unless the sentence prescribed for the offense is mandatory.

"(3) A rehearing may be ordered by the convening authority if the convening authority disapproves the findings and sentence and states the reasons for disapproval of the findings. If the convening authority disapproves the finding and sentence and does not order a rehearing, the convening authority shall dismiss the charges. A rehearing as to the findings may not be ordered by the convening authority when there is a lack of sufficient evidence in the record to support the findings. A rehearing as to the sentence may be ordered by the convening authority if the convening authority disapproves the sentence.

"§950c. Appellate referral; waiver or withdrawal of appeal

"(a) AUTOMATIC REFERRAL FOR APPELLATE REVIEW.—Except as provided under subsection (b), in each case in which the final decision of a military commission (as approved by the convening authority) includes a finding of guilty, the convening authority shall refer the case to the Court of Military Commission Review. Any such referral shall be made in accordance with procedures prescribed under regulations of the Secretary.

"(b) WAIVER OF RIGHT OF REVIEW.—(1) In each case subject to appellate review under section 950f of this title, except a case in which the sentence as approved under section 950b of this title extends to death, the accused may file with the convening authority a statement expressly waiving the right of the accused to such review.

"(2) A waiver under paragraph (1) shall be signed by both the accused and a defense counsel.

"(3) A waiver under paragraph (1) must be filed, if at all, within 10 days after notice on the action is served on the accused or on defense counsel under section 950b(c)(4) of this title. The convening authority, for good cause, may extend the period for such filing by not more than 30 days.

"(c) WITHDRAWAL OF APPEAL.—Except in a case in which the sentence as approved under section 950b of this title extends to death, the accused may withdraw an appeal at any time.

"(d) EFFECT OF WAIVER OR WITHDRAWAL.—A waiver of the right to appellate review or the withdrawal of an appeal under this section bars review under section 950f of this title.

"§950d. Appeal by the United States

"(a) INTERLOCUTORY APPEAL.—(1) Except as provided in paragraph (2), in a trial by military commission under this chapter, the United States may take an interlocutory appeal to the Court of Military Commission Review of any order or ruling of the military judge that—

"(A) terminates proceedings of the military commission with respect to a charge or specification;

"(B) excludes evidence that is substantial proof of a fact material in the proceeding; or

"(C) relates to a matter under subsection (d), (e), or (f) of section 949d of this title or section 949j(c) of this title.

"(2) The United States may not appeal under paragraph (1) an order or ruling that is, or amounts to, a finding of not guilty by the military commission with respect to a charge or specification.

"(b) NOTICE OF APPEAL.—The United States shall take an appeal of an order or ruling under subsection (a) by filing a notice of appeal with the military judge within five days after the date of such order or ruling.

"(c) APPEAL.—An appeal under this section shall be forwarded, by means specified in regulations prescribed the Secretary of Defense, directly to the Court of Military Commission Review. In ruling on an appeal under this section, the Court may act only with respect to matters of law.

"(d) APPEAL FROM ADVERSE RULING.—The United States may appeal an adverse ruling on an appeal under subsection (c) to the United States Court of Appeals for the District of Columbia Circuit by filing a petition for review in the Court of Appeals within 10 days after the date of such ruling. Review under this subsection shall be at the discretion of the Court of Appeals.

"§950e. Rehearings

"(a) COMPOSITION OF MILITARY COMMISSION FOR REHEARING.—Each rehearing under this chapter shall take place before a military commission under this chapter composed of members who were not members of the military commission which first heard the case.

"(b) SCOPE OF REHEARING.—(1) Upon a rehearing—

"(A) the accused may not be tried for any offense of which he was found not guilty by the first military commission; and

"(B) no sentence in excess of or more than the original sentence may be imposed unless—

"(i) the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings; or

"(ii) the sentence prescribed for the offense is mandatory.

"(2) Upon a rehearing, if the sentence approved after the first military commission was in accordance with a pretrial agreement and the accused at the rehearing changes his plea with respect to the charges or specifications upon which the pretrial agreement was based, or otherwise does not comply with pretrial agreement, the sentence as to those charges or specifications may include any punishment not in excess of that lawfully adjudged at the first military commission.

“§ 950f. Review by Court of Military Commission Review

“(a) Establishment.—The Secretary of Defense shall establish a Court of Military Commission Review which shall be composed of one or more panels, and each such panel shall be composed of not less than three appellate military judges. For the purpose of reviewing military commission decisions under this chapter, the court may sit in panels or as a whole in accordance with rules prescribed by the Secretary.

“(b) Appellate Military Judges.—The Secretary shall assign appellate military judges to a Court of Military Commission Review. Each appellate military judge shall meet the qualifications for military judges prescribed by section 948j(b) of this title or shall be a civilian with comparable qualifications. No person may be serve as an appellate military judge in any case in which that person acted as a military judge, counsel, or reviewing official.

“(c) Cases To Be Reviewed.—The Court of Military Commission Review, in accordance with procedures prescribed under regulations of the Secretary, shall review the record in each case that is referred to the Court by the convening authority under section 950c of this title with respect to any matter of law raised by the accused.

“(d) Scope of Review.—In a case reviewed by the Court of Military Commission Review under this section, the Court may act only with respect to matters of law.

“§ 950g. Review by the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court

“(a) Exclusive Appellate Jurisdiction.—(1)(A) Except as provided in subparagraph (B), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of a final judgment rendered by a military commission (as approved by the convening authority) under this chapter.

“(B) The Court of Appeals may not review the final judgment until all other appeals under this chapter have been waived or exhausted.

“(2) A petition for review must be filed by the accused in the Court of Appeals not later than 20 days after the date on which—

“(A) written notice of the final decision of the Court of Military Commission Review is served on the accused or on defense counsel; or

“(B) the accused submits, in the form prescribed by section 950c of this title, a written notice waiving the right of the accused to review by the Court of Military Commission Review under section 950f of this title.

“(b) Standard for Review.—In a case reviewed by it under this section, the Court of Appeals may act only with respect to matters of law.

“(c) Scope of Review.—The jurisdiction of the Court of Appeals on an appeal under subsection (a) shall be limited to the consideration of—

“(1) whether the final decision was consistent with the standards and procedures specified in this chapter; and

“(2) to the extent applicable, the Constitution and the laws of the United States.

“(d) Supreme Court.—The Supreme Court may review by writ of certiorari the final judgment of the Court of Appeals pursuant to section 1257 of title 28.

“§ 950h. Appellate counsel

“(a) Appointment.—The Secretary of Defense shall, by regulation, establish procedures for the appointment of appellate counsel for the United States and for the accused in military commissions under this chapter. Appellate counsel shall meet the qualifications for counsel appearing before military commissions under this chapter.

“(b) Representation of United States.—Appellate counsel appointed under subsection (a)—

“(1) shall represent the United States in any appeal or review proceeding under this chapter before the Court of Military Commission Review; and

“(2) may, when requested to do so by the Attorney General in a case arising under this chapter, represent the United States before the United States Court of Appeals for the District of Columbia Circuit or the Supreme Court.

“(c) Representation of Accused.—The accused shall be represented by appellate counsel appointed under subsection (a) before the Court of Military Commission Review, the United States Court of Appeals for the District of Columbia Circuit, and the Supreme Court, and by civilian counsel if retained by the accused. Any such civilian counsel shall meet the qualifications under paragraph (3) of section 949c(b) of this title for civilian counsel appearing before military commissions under this chapter and shall be subject to the requirements of paragraph (4) of that section.

“§ 950i. Execution of sentence; procedures for execution of sentence of death

“(a) In General.—The Secretary of Defense is authorized to carry out a sentence imposed by a military commission under this chapter in accordance with such procedures as the Secretary may prescribe.

“(b) Execution of Sentence of Death Only Upon Approval by the President.—If the sentence of a military commission under this chapter extends to death, that part of the sentence providing for death may not be executed until approved by the President. In such a case, the President may commute, remit, or suspend the sentence, or any part thereof, as he sees fit.

“(c) Execution of Sentence of Death Only Upon Final Judgment of Legality of Proceedings.—(1) If the sentence of a military commission under this chapter extends to death, the sentence may not be executed until there is a final judgment as to the legality of the proceedings (and with respect to death, approval under subsection (b)).

“(2) A judgment as to legality of proceedings is final for purposes of paragraph (1) when—

“(A) the time for the accused to file a petition for review by the Court of Appeals for the District of Columbia Circuit has expired and the accused has not filed a timely petition for such review and the case is not otherwise under review by that Court; or

“(B) review is completed in accordance with the judgment of the United States Court of Appeals for the District of Columbia Circuit and—

“(i) a petition for a writ of certiorari is not timely filed;

“(ii) such a petition is denied by the Supreme Court; or

“(iii) review is otherwise completed in accordance with the judgment of the Supreme Court.

“(d) Suspension of Sentence.—The Secretary of the Defense, or the convening authority acting on the case (if other than the Secretary), may suspend the execution of any sentence or part thereof in the case, except a sentence of death.

“§ 950k. Finality or proceedings, findings, and sentences

“(a) Finality.—The appellate review of records of trial provided by this chapter, and the proceedings, findings, and sentences of military commissions as approved, reviewed, or affirmed as required by this chapter, are final and conclusive. Orders publishing the proceedings of military commissions under this chapter are binding upon all departments, courts, agencies, and officers of the United States, except as otherwise provided by the President.

“(b) Provisions of Chapter Sole Basis for Review of Military Commission Procedures and Actions.—Except as otherwise provided in this chapter and notwithstanding any other provision of law (including section 2241 of title 28 or any other habeas corpus provision), no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after the date of the enactment of the Military Commissions Act of 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.

“SUBCHAPTER VII—PUNITIVE MATTERS

“Sec.
“950p. Statement of substantive offenses.
“950q. Principals.
“950r. Accessory after the fact.
“950s. Conviction of lesser included offense.
“950t. Attempts.
“950u. Solicitation.
“950v. Crimes triable by military commissions.
“950w. Perjury and obstruction of justice; contempt.

“§ 950p. Statement of substantive offenses

“(a) Purpose.—The provisions of this subchapter codify offenses that have traditionally been triable by military commissions. This chapter does not establish new crimes that did not exist before its enactment, but rather codifies those crimes for trial by military commission.

“(b) Effect.—Because the provisions of this subchapter (including provisions that incorporate definitions in other provisions of law) are declarative of existing law, they do not preclude trial for crimes that occurred before the date of the enactment of this chapter.

“§ 950q. Principals

“Any person is punishable as a principal under this chapter who—

“(1) commits an offense punishable by this chapter, or aids, abets, counsels, commands, or procures its commission;

“(2) causes an act to be done which if directly performed by him would be punishable by this chapter; or

“(3) is a superior commander who, with regard to acts punishable under this chapter, knew, had reason to know, or should have known, that a subordinate was about to commit such acts or had done so and who failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

“§ 950r. Accessory after the fact

“Any person subject to this chapter who, knowing that an offense punishable by this chapter has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment shall be punished as a military commission under this chapter may direct.

“§ 950s. Conviction of lesser included offense

“An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an attempt to commit either the offense charged or an offense necessarily included therein.

“§ 950t. Attempts

“(a) IN GENERAL.—Any person subject to this chapter who attempts to commit any offense punishable by this chapter shall be punished as a military commission under this chapter may direct.

“(b) SCOPE OF OFFENSE.—An act, done with specific intent to commit an offense under this chapter, amounting to more than mere preparation and tending, even though failing, to effect its commission, is an attempt to commit that offense.

“(c) EFFECT OF CONSUMMATION.—Any person subject to this chapter may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

“§ 950u. Solicitation

“Any person subject to this chapter who solicits or advises another or others to commit one or more substantive offenses triable by military commission under this chapter shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed or attempted, he shall be punished as a military commission under this chapter may direct.

“§ 950v. Crimes triable by military commissions

“(a) DEFINITIONS AND CONSTRUCTION.—In this section:

“(1) MILITARY OBJECTIVE.—The term ‘military objective’ means—

“(A) combatants; and

“(B) those objects during an armed conflict—

“(i) which, by their nature, location, purpose, or use, effectively contribute to the opposing force's war-fighting or war-sustaining capability; and

“(ii) the total or partial destruction, capture, or neutralization of which would constitute a definite military advantage to the attacker under the circumstances at the time of the attack.

“(2) PROTECTED PERSON.—The term ‘protected person’ means any person entitled to protection under one or more of the Geneva Conventions, including—

“(A) civilians not taking an active part in hostilities;

“(B) military personnel placed hors de combat by sickness, wounds, or detention; and

“(C) military medical or religious personnel.

“(3) PROTECTED PROPERTY.—The term ‘protected property’ means property specifically protected by the law of war (such as buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals, or places where the sick and wounded are collected), if such property is not being used for military purposes or is not otherwise a military objective. Such term includes objects properly identified by one of the distinctive emblems of the Geneva Conventions, but does not include civilian property that is a military objective.

“(4) CONSTRUCTION.—The intent specified for an offense under paragraph (1), (2), (3), (4), or (12) of subsection (b) precludes the applicability of such offense with regard to—

“(A) collateral damage; or

“(B) death, damage, or injury incident to a lawful attack.

“(b) OFFENSES.—The following offenses shall be triable by military commission under this chapter at any time without limitation:

“(1) MURDER OF PROTECTED PERSONS.—Any person subject to this chapter who intentionally kills one or more protected persons shall be punished by death or such other punishment as a military commission under this chapter may direct.

“(2) ATTACKING CIVILIANS.—Any person subject to this chapter who intentionally engages in an attack upon a civilian population as such, or individual civilians not taking active part in hostilities, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(3) ATTACKING CIVILIAN OBJECTS.—Any person subject to this chapter who intentionally engages in an attack upon a civilian object that is not a military objective shall be punished as a military commission under this chapter may direct.

“(4) ATTACKING PROTECTED PROPERTY.—Any person subject to this chapter who intentionally engages in an attack upon protected property shall be punished as a military commission under this chapter may direct.

“(5) PILLAGING.—Any person subject to this chapter who intentionally and in the absence of military necessity appropriates or seizes property for private or personal use, without the consent of a person with authority to permit such appropriation or seizure, shall be punished as a military commission under this chapter may direct.

“(6) DENYING QUARTER.—Any person subject to this chapter who, with effective command or control over subordinate groups, declares, orders, or otherwise indicates to those groups that there shall be no survivors or surrender accepted, with the intent to threaten an adversary or to conduct hostilities such that there would be no survivors or surrender accepted, shall be punished as a military commission under this chapter may direct.

“(7) TAKING HOSTAGES.—Any person subject to this chapter who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(8) EMPLOYING POISON OR SIMILAR WEAPONS.—Any person subject to this chapter who intentionally, as a method of warfare, employs a substance or weapon that releases a substance that causes death or serious and lasting damage to health in the ordinary course of events, through its asphyxiating, bacteriological, or toxic properties, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(9) USING PROTECTED PERSONS AS A SHIELD.—Any person subject to this chapter who positions, or otherwise takes advantage of, a protected person with the intent to shield a military objective from attack, or to shield, favor, or impede military operations, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(10) USING PROTECTED PROPERTY AS A SHIELD.—Any person subject to this chapter who positions, or otherwise takes advantage of the location of, protected property with the intent to shield a military objective from attack, or to shield, favor, or impede military operations, shall be punished as a military commission under this chapter may direct.

“(11) TORTURE.—

“(A) OFFENSE.—Any person subject to this chapter who commits an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(B) SEVERE MENTAL PAIN OR SUFFERING DEFINED.—In this section, the term ‘severe mental pain or suffering’ has the meaning given that term in section 2340(2) of title 18.

“(12) CRUEL OR INHUMAN TREATMENT.—

“(A) OFFENSE.—Any person subject to this chapter who commits an act intended to inflict severe or serious physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including serious physical abuse, upon another within his custody or control shall be punished, if death results to the victim, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to the victim, by such punishment, other than death, as a military commission under this chapter may direct.

“(B) DEFINITIONS.—In this paragraph:

“(i) The term ‘serious physical pain or suffering’ means bodily injury that involves—

“(I) a substantial risk of death;

“(II) extreme physical pain;

“(III) a burn or physical disfigurement of a serious nature (other than cuts, abrasions, or bruises); or

“(IV) significant loss or impairment of the function of a bodily member, organ, or mental faculty.

“(ii) The term ‘severe mental pain or suffering’ has the meaning given that term in section 2340(2) of title 18.

“(iii) The term ‘serious mental pain or suffering’ has the meaning given the term ‘severe mental pain or suffering’ in section 2340(2) of title 18, except that—

“(I) the term ‘serious’ shall replace the term ‘severe’ where it appears; and

“(II) as to conduct occurring after the date of the enactment of the Military Commissions Act of 2006, the term ‘serious and nontransitory mental harm (which need not be prolonged)’ shall replace the term ‘prolonged mental harm’ where it appears.

“(13) INTENTIONALLY CAUSING SERIOUS BODILY INJURY.—

“(A) OFFENSE.—Any person subject to this chapter who intentionally causes serious bodily injury to one or more persons, including lawful combatants, in violation of the law of war shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(B) SERIOUS BODILY INJURY DEFINED.—In this paragraph, the term ‘serious bodily injury’ means bodily injury which involves—

“(i) a substantial risk of death;

“(ii) extreme physical pain;

“(iii) protracted and obvious disfigurement; or

“(iv) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

“(14) MUTILATING OR MAIMING.—Any person subject to this chapter who intentionally injures one or more protected persons by disfiguring the person or persons by any mutilation of the person or persons, or by permanently disabling any member, limb, or organ of the body of the person or persons, without any legitimate medical or dental purpose, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(15) MURDER IN VIOLATION OF THE LAW OF WAR.—Any person subject to this chapter who intentionally kills one or more persons, including lawful combatants, in violation of the law of war shall be punished by death or such other punishment as a military commission under this chapter may direct.

“(16) DESTRUCTION OF PROPERTY IN VIOLATION OF THE LAW OF WAR.—Any person subject to this chapter who intentionally destroys property belonging to another person in violation of the law of war shall punished as a military commission under this chapter may direct.

“(17) USING TREACHERY OR PERFIDY.—Any person subject to this chapter who, after inviting the confidence or belief of one or more persons that they were entitled to, or obliged to accord, protection under the law of war, intentionally makes use of that confidence or belief in killing, injuring, or capturing such person or persons shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(18) IMPROPERLY USING A FLAG OF TRUCE.—Any person subject to this chapter who uses a flag of truce to feign an intention to negotiate, surrender, or otherwise suspend hostilities when there is no such intention shall be punished as a military commission under this chapter may direct.

“(19) IMPROPERLY USING A DISTINCTIVE EMBLEM.—Any person subject to this chapter who intentionally uses a distinctive emblem recognized by the law of war for combatant purposes in a manner prohibited by the law of war shall be punished as a military commission under this chapter may direct.

“(20) INTENTIONALLY MISTREATING A DEAD BODY.—Any person subject to this chapter who intentionally mistreats the body of a dead person, without justification by legitimate military necessity, shall be punished as a military commission under this chapter may direct.

“(21) RAPE.—Any person subject to this chapter who forcibly or with coercion or threat of force wrongfully invades the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused, or with any foreign object, shall be punished as a military commission under this chapter may direct.

“(22) SEXUAL ASSAULT OR ABUSE.—Any person subject to this chapter who forcibly or with coercion or threat of force engages in sexual contact with one or more persons, or causes one or more persons to engage in sexual contact, shall be punished as a military commission under this chapter may direct.

“(23) HIJACKING OR HAZARDING A VESSEL OR AIRCRAFT.—Any person subject to this chapter who intentionally seizes, exercises unauthorized control over, or endangers the safe navigation of a vessel or aircraft that is not a legitimate military objective shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(24) TERRORISM.—Any person subject to this chapter who intentionally kills or inflicts great bodily harm on one or more protected persons, or intentionally engages in an act that evinces a wanton disregard for human life, in a manner calculated to influence or affect the conduct of government or civilian population by intimidation or coercion, or to retaliate against government conduct, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(25) PROVIDING MATERIAL SUPPORT FOR TERRORISM.—

“(A) OFFENSE.—Any person subject to this chapter who provides material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, an act of terrorism (as set forth in paragraph (24)), or who intentionally provides material support or resources to an international terrorist organization engaged in hostilities against the United States, knowing that such organization has engaged or engages in terrorism (as so set forth), shall be punished as a military commission under this chapter may direct.

“(B) MATERIAL SUPPORT OR RESOURCES DEFINED.—In this paragraph, the term ‘material support or resources’ has the meaning given that term in section 2339A(b) of title 18.

“(26) WRONGFULLY AIDING THE ENEMY.—Any person subject to this chapter who, in breach of an allegiance or duty to the United States, knowingly and intentionally aids an enemy of the United States, or one of the cobelligerents of the enemy, shall be punished as a military commission under this chapter may direct.

“(27) SPYING.—Any person subject to this chapter who with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign power, collects or attempts to collect information by clandestine means or while acting under false pretenses, for the purpose of conveying such information to an enemy of the United States, or one of the co-belligerents of the enemy, shall be punished by death or such other punishment as a military commission under this chapter may direct.

“(28) CONSPIRACY.—Any person subject to this chapter who conspires to commit one or more substantive offenses triable by military commission under this chapter, and who knowingly does any overt act to effect the object of the conspiracy, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“§950w. Perjury and obstruction of justice; contempt

“(a) PERJURY AND OBSTRUCTION OF JUSTICE.—A military commission under this chapter may try offenses and impose such punishment as the military commission may direct for perjury, false testimony, or obstruction of justice related to military commissions under this chapter.

“(b) CONTEMPT.—A military commission under this chapter may punish for contempt any person who uses any menacing word, sign, or gesture in its presence, or who disturbs its proceedings by any riot or disorder.”.

(2) TABLES OF CHAPTERS AMENDMENTS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are each amended by inserting after the item relating to chapter 47 the following new item:

“47A. Military Commissions .... 948a”.

(b) SUBMITTAL OF PROCEDURES TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the procedures for military commissions prescribed under chapter 47A of title 10, United States Code (as added by subsection (a)).

SEC. 4. AMENDMENTS TO UNIFORM CODE OF MILITARY JUSTICE.

(a) CONFORMING AMENDMENTS.—Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended as follows:

(1) APPLICABILITY TO LAWFUL ENEMY COMBATANTS.—Section 802(a) (article 2(a)) is amended by adding at the end the following new paragraph:

“(13) Lawful enemy combatants (as that term is defined in section 948a(2) of this title) who violate the law of war.”.

(2) EXCLUSION OF APPLICABILITY TO CHAPTER 47A COMMISSIONS.—Sections 821, 828, 848, 850(a), 904, and 906 (articles 21, 28, 48, 50(a), 104, and 106) are amended by adding at the end the following new sentence: “This section does not apply to a military commission established under chapter 47A of this title.”.

(3) INAPPLICABILITY OF REQUIREMENTS RELATING TO REGULATIONS.—Section 836 (article 36(b)) is amended—

(A) in subsection (a), by inserting ", except as provided in chapter 47A of this title," after "but which may not"; and

(B) in subsection (b), by inserting before the period at the end ", except insofar as applicable to military commissions established under chapter 47A of this title".

(b) Punitive Article of Conspiracy.—Section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice), is amended—

(1) by inserting "(a)" before "Any person"; and

(2) by adding at the end the following new subsection:

"(b) Any person subject to this chapter who conspires with any other person to commit an offense under the law of war, and who knowingly does an overt act to effect the object of the conspiracy, shall be punished, if death results to one or more of the victims, by death or such other punishment as a court-martial or military commission may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a court-martial or military commission may direct.".

SEC. 5. TREATY OBLIGATIONS NOT ESTABLISHING GROUNDS FOR CERTAIN CLAIMS.

(a) In General.—No person may invoke the Geneva Conventions or any protocols thereto in any habeas corpus or other civil action or proceeding to which the United States, or a current or former officer, employee, member of the Armed Forces, or other agent of the United States is a party as a source of rights in any court of the United States or its States or territories.

(b) Geneva Conventions Defined.—In this section, the term "Geneva Conventions" means—

(1) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(2) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of the Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(3) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(4) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

SEC. 6. IMPLEMENTATION OF TREATY OBLIGATIONS.

(a) Implementation of Treaty Obligations.—

(1) In general.—The acts enumerated in subsection (d) of section 2441 of title 18, United States Code, as added by subsection (b) of this section, and in subsection (c) of this section, constitute violations of common Article 3 of the Geneva Conventions prohibited by United States law.

(2) Prohibition on grave breaches.—The provisions of section 2441 of title 18, United States Code, as amended by this section, fully satisfy the obligation under Article 129 of the Third Geneva Convention for the United States to provide effective penal sanctions for grave breaches which are encompassed in common Article 3 in the context of an armed conflict not of an international character. No foreign or international source of law shall supply a basis for a rule of decision in the courts of the United States in interpreting the prohibitions enumerated in subsection (d) of such section 2441.

(3) Interpretation by the President.—

(A) As provided by the Constitution and by this section, the President has the authority for the United States to interpret the meaning and application of the Geneva Conventions and to promulgate higher standards and administrative regulations for violations of treaty obligations which are not grave breaches of the Geneva Conventions.

(B) The President shall issue interpretations described by subparagraph (A) by Executive Order published in the Federal Register.

(C) Any Executive Order published under this paragraph shall be authoritative (except as to grave breaches of common Article 3) as a matter of United States law, in the same manner as other administrative regulations.

(D) Nothing in this section shall be construed to affect the constitutional functions and responsibilities of Congress and the judicial branch of the United States.

(4) Definitions.—In this subsection:

(A) Geneva conventions.—The term "Geneva Conventions" means—

(i) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3217);

(ii) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of the Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(iii) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(iv) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

(B) Third geneva convention.—The term "Third Geneva Convention" means the international convention referred to in subparagraph (A)(iii).

(b) Revision to War Crimes Offense Under Federal Criminal Code.—

(1) In general.—Section 2441 of title 18, United States Code, is amended—

(A) in subsection (c), by striking paragraph (3) and inserting the following new paragraph (3):

"(3) which constitutes a grave breach of common Article 3 (as defined in subsection (d)) when committed in the context of and in association with an armed conflict not of an international character; or"; and

(B) by adding at the end the following new subsection:

"(d) Common Article 3 Violations.—

"(1) Prohibited conduct.—In subsection (c)(3), the term 'grave breach of common Article 3' means any conduct (such conduct constituting a grave breach of common Article 3 of the international conventions done at Geneva August 12, 1949), as follows:

"(A) Torture.—The act of a person who commits, or conspires or attempts to commit, an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind.

"(B) Cruel or inhuman treatment.—The act of a person who commits, or conspires or attempts to commit, an act intended to inflict severe or serious physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including serious physical abuse, upon another within his custody or control.

"(C) Performing biological experiments.—The act of a person who subjects, or conspires or attempts to subject, one or more persons within his custody or physical control to biological experiments without a legitimate medical or dental purpose and in so doing endangers the body or health of such person or persons.

"(D) Murder.—The act of a person who intentionally kills, or conspires or attempts to kill, or kills whether intentionally or unintentionally in the course of committing any other offense under this subsection, one or more persons taking no active part in the hostilities, including those placed out of combat by sickness, wounds, detention, or any other cause.

"(E) Mutilation or maiming.—The act of a person who intentionally injures, or conspires or attempts to injure, or injures whether intentionally or unintentionally in the course of committing any other offense under this subsection, one or more persons taking no active part in the hostilities, including those placed out of combat by sickness, wounds, detention, or any other cause, by disfiguring the person or persons by any mutilation thereof or by permanently disabling any member, limb, or organ of his body, without any legitimate medical or dental purpose.

"(F) Intentionally causing serious bodily injury.—The act of a person who intentionally causes, or conspires or attempts to cause, serious bodily injury to one or more persons, including lawful combatants, in violation of the law of war.

"(G) Rape.—The act of a person who forcibly or with coercion or threat of force wrongfully invades, or conspires or attempts to invade, the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused, or with any foreign object.

"(H) Sexual assault or abuse.—The act of a person who forcibly or with coercion or threat of force engages, or conspires or attempts to engage, in sexual contact with one or more persons, or causes, or conspires or attempts to cause, one or more persons to engage in sexual contact.

"(I) Taking hostages.—The act of a person who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons.

"(2) Definitions.—In the case of an offense under subsection (a) by reason of subsection (c)(3)—

"(A) the term 'severe mental pain or suffering' shall be applied for purposes of paragraphs (1)(A) and (1)(B) in accordance with the meaning given that term in section 2340(2) of this title;

"(B) the term 'serious bodily injury' shall be applied for purposes of paragraph (1)(F) in accordance with the meaning given that term in section 113(b)(2) of this title;

"(C) the term 'sexual contact' shall be applied for purposes of paragraph (1)(G) in accordance with the meaning given that term in section 2246(3) of this title;

"(D) the term 'serious physical pain or suffering' shall be applied for purposes of paragraph (1)(B) as meaning bodily injury that involves—

"(i) a substantial risk of death;

"(ii) extreme physical pain;

"(iii) a burn or physical disfigurement of a serious nature (other than cuts, abrasions, or bruises); or "(iv) significant loss or impairment of the function of a bodily member, organ, or mental faculty; and

"(E) the term 'serious mental pain or suffering' shall be applied for purposes of paragraph (1)(B) in accordance with the meaning given the term 'severe mental pain or suffering' (as defined in section 2340(2) of this title), except that—

"(i) the term 'serious' shall replace the term 'severe' where it appears; and

"(ii) as to conduct occurring after the date of the enactment of the Military Commissions Act of 2006, the term 'serious and non-transitory mental harm (which need not be prolonged)' shall replace the term 'prolonged mental harm' where it appears.

"(3) INAPPLICABILITY OF CERTAIN PROVISIONS WITH RESPECT TO COLLATERAL DAMAGE OR INCIDENT OF LAWFUL ATTACK.—The intent specified for the conduct stated in subparagraphs (D), (E), and (F) or paragraph (1) precludes the applicability of those subparagraphs to an offense under subsection (a) by reasons of subsection (c)(3) with respect to—

"(A) collateral damage; or

"(B) death, damage, or injury incident to a lawful attack.

"(4) INAPPLICABILITY OF TAKING HOSTAGES TO PRISONER EXCHANGE.—Paragraph (1)(I) does not apply to an offense under subsection (a) by reason of subsection (c)(3) in the case of a prisoner exchange during wartime.".

(2) RETROACTIVE APPLICABILITY.—The amendments made by this subsection, except as specified in subsection (d)(2)(E) of section 2441 of title 18, United States Code, shall take effect as of November 26, 1997, as if enacted immediately after the amendments made by section 583 of Public Law 105–118 (as amended by section 4002(e)(7) of Public Law 107–273).

(c) ADDITIONAL PROHIBITION ON CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.—

(1) IN GENERAL.—No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

(2) CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT DEFINED.—In this subsection, the term "cruel, inhuman, or degrading treatment or punishment" means cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984.

(3) COMPLIANCE.—The President shall take action to ensure compliance with this subsection, including through the establishment of administrative rules and procedures.

SEC. 7. HABEAS CORPUS MATTERS.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking both the subsection (e) added by section 1005(e)(1) of Public Law 109–148 (119 Stat. 2742) and the subsection (e) added by added by section 1405(e)(1) of Public Law 109–163 (119 Stat. 3477) and inserting the following new subsection (e):

"(e)(1) No court, justice, or judge shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of an alien detained by the United States who has been determined by the United States to have been properly detained as an enemy combatant or is awaiting such determination.

"(2) Except as provided in paragraphs (2) and (3) of section 1005(e) of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note), no court, justice, or judge shall have jurisdiction to hear or consider any other action against the United States or its agents relating to any aspect of the detention, transfer, treatment, trial, or conditions of confinement of an alien who is or was detained by the United States and has been determined by the United States to have been properly detained as an enemy combatant or is awaiting such determination.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to all cases, without exception, pending on or after the date of the enactment of this Act which relate to any aspect of the detention, transfer, treatment, trial, or conditions of detention of an alien detained by the United States since September 11, 2001.

SEC. 8. REVISIONS TO DETAINEE TREATMENT ACT OF 2005 RELATING TO PROTECTION OF CERTAIN UNITED STATES GOVERNMENT PERSONNEL.

(a) COUNSEL AND INVESTIGATIONS.—Section 1004(b) of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd-1(b)) is amended—

(1) by striking "may provide" and inserting "shall provide";

(2) by inserting "or investigation" after "criminal prosecution"; and

(3) by inserting "whether before United States courts or agencies, foreign courts or agencies, or international courts or agencies," after "described in that subsection".

(b) PROTECTION OF PERSONNEL.—Section 1004 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd–1) shall apply with respect to any criminal prosecution that—

(1) relates to the detention and interrogation of aliens described in such section;

(2) is grounded in section 2441(c)(3) of title 18, United States Code; and

(3) relates to actions occurring between September 11, 2001, and December 30, 2005.

SEC. 9. REVIEW OF JUDGMENTS OF MILITARY COMMISSIONS.

Section 1005(e)(3) of the Detainee Treatment Act of 2005 (title X of Public Law 109–148; 119 Stat. 2740; 10 U.S.C. 801 note) is amended—

(1) in subparagraph (A), by striking "pursuant to Military Commission Order No. 1, dated August 31, 2005 (or any successor military order)" and inserting "by a military commission under chapter 47A of title 10, United States Code";

(2) by striking subparagraph (B) and inserting the following new subparagraph (B):

"(B) GRANT OF REVIEW.—Review under this paragraph shall be as of right.";

(3) in subparagraph (C)—

(A) in clause (i)—

(i) by striking "pursuant to the military order" and inserting "by a military commission"; and

(ii) by striking "at Guantanamo Bay, Cuba"; and

(B) in clause (ii), by striking "pursuant to such military order" and inserting "by the military commission"; and

(4) in subparagraph (D)(i), by striking "specified in the military order" and inserting "specified for a military commission".

SEC. 10. DETENTION COVERED BY REVIEW OF DECISIONS OF COMBATANT STATUS REVIEW TRIBUNALS OF PROPRIETY OF DETENTION.

Section 1005(e)(2)(B)(i) of the Detainee Treatment Act of 2005 (title X of Public Law 109–148; 119 Stat. 2742; 10 U.S.C. 801 note) is amended by striking "the Department of Defense at Guantanamo Bay, Cuba" and inserting "the United States"

SA 5037. Mr. FRIST proposed an amendment to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; as follows:

At the end of the amendment, add the following:

This Act shall become effective 1 day after the date of enactment.

SA 5038. Mr. FRIST proposed an amendment to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States, as follows:

On page 7 line 10, after "Subsection (A)", insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Military Commissions Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Construction of Presidential authority to establish military commissions.
Sec. 3. Military commissions.
Sec. 4. Amendments to Uniform Code of Military Justice.
Sec. 5. Treaty obligations not establishing grounds for certain claims.
Sec. 6. Implementation of treaty obligations.
Sec. 7. Habeas corpus matters.
Sec. 8. Revisions to Detainee Treatment Act of 2005 relating to protection of certain United States Government personnel.
Sec. 9. Review of judgments of military commissions.
Sec. 10. Detention covered by review of decisions of Combatant Status Review Tribunals of propriety of detention.

SEC. 2. CONSTRUCTION OF PRESIDENTIAL AUTHORITY TO ESTABLISH MILITARY COMMISSIONS.

The authority to establish military commissions under chapter 47A of title 10, United States Code, as added by section 3(a), may not be construed to alter or limit the authority of the President under the Constitution of the United States and laws of the United States to establish military commissions for areas declared to be under martial law or in occupied territories should circumstances so require.

SEC. 3. MILITARY COMMISSIONS.

(a) MILITARY COMMISSIONS.—

(1) IN GENERAL.—Subtitle A of title 10, United States Code, is amended by inserting after chapter 47 the following new chapter:

"CHAPTER 47A—MILITARY COMMISSIONS

"Subchapter
"I. General Provisions 948a
"II. Composition of Military Commissions 948h
"III. Pre-Trial Procedure 948q
"IV. Trial Procedure 949a
"V. Sentences 949s
"VI. Post-Trial Procedure and Review of Military Commissions 950a
"VII. Punitive Matters 950p

"SUBCHAPTER I—GENERAL PROVISIONS

"Sec.

"948a. Definitions.
"948b. Military commissions generally.
"948c. Persons subject to military commissions.
"948d. Jurisdiction of military commissions.
"948e. Annual report to congressional committees.

"§ 948a. Definitions

"In this chapter:

"(1) UNLAWFUL ENEMY COMBATANT.—(A) The term 'unlawful enemy combatant' means—

"(i) a person who has engaged in hostilities or who has purposefully and materially supported hostilities against the United States or its co-belligerents who is not a lawful enemy combatant (including a person who is part of the Taliban, al Qaeda, or associated forces); or

"(ii) a person who, before, on, or after the date of the enactment of the Military Commissions Act of 2006, has been determined to be an unlawful enemy combatant by a Combatant Status Review Tribunal or another competent tribunal established under the authority of the President or the Secretary of Defense.

"(B) CO-BELLIGERENT.—In this paragraph, the term 'co-belligerent', with respect to the United States, means any State or armed force joining and directly engaged with the United States in hostilities or directly supporting hostilities against a common enemy.

"(2) LAWFUL ENEMY COMBATANT.—The term 'lawful enemy combatant' means a person who is—

"(A) a member of the regular forces of a State party engaged in hostilities against the United States;

"(B) a member of a militia, volunteer corps, or organized resistance movement belonging to a State party engaged in such hostilities, which are under responsible command, wear a fixed distinctive sign recognizable at a distance, carry their arms openly, and abide by the law of war; or

"(C) a member of a regular armed force who professes allegiance to a government engaged in such hostilities, but not recognized by the United States.

"(3) ALIEN.—The term 'alien' means a person who is not a citizen of the United States.

"(4) CLASSIFIED INFORMATION.—The term 'classified information' means the following:

"(A) Any information or material that has been determined by the United States Government pursuant to statute, Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security.

"(B) Any restricted data, as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

"(5) GENEVA CONVENTIONS.—The term 'Geneva Conventions' means the international conventions signed at Geneva on August 12, 1949.

"§ 948b. Military commissions generally

"(a) PURPOSE.—This chapter establishes procedures governing the use of military commissions to try alien unlawful enemy combatants engaged in hostilities against the United States for violations of the law of war and other offenses triable by military commission.

"(b) AUTHORITY FOR MILITARY COMMISSIONS UNDER THIS CHAPTER.—The President is authorized to establish military commissions under this chapter for offenses triable by military commission as provided in this chapter.

"(c) CONSTRUCTION OF PROVISIONS.—The procedures for military commissions set forth in this chapter are based upon the procedures for trial by general courts-martial under chapter 47 of this title (the Uniform Code of Military Justice). Chapter 47 of this title does not, by its terms, apply to trial by military commission except as specifically provided in this chapter. The judicial construction and application of that chapter are not binding on military commissions established under this chapter.

"(d) INAPPLICABILITY OF CERTAIN PROVISIONS.—(1) The following provisions of this title shall not apply to trial by military commission under this chapter:

"(A) Section 810 (article 10 of the Uniform Code of Military Justice), relating to speedy trial, including any rule of courts-martial relating to speedy trial.

"(B) Sections 831(a), (b), and (d) (articles 31(a), (b), and (d) of the Uniform Code of Military Justice), relating to compulsory self-incrimination.

"(C) Section 832 (article 32 of the Uniform Code of Military Justice), relating to pretrial investigation.

"(2) Other provisions of chapter 47 of this title shall apply to trial by military commission under this chapter only to the extent provided by this chapter.

"(e) TREATMENT OF RULINGS AND PRECEDENTS.—The findings, holdings, interpretations, and other precedents of military commissions under this chapter may not be introduced or considered in any hearing, trial, or other proceeding of a court-martial convened under chapter 47 of this title. The findings, holdings, interpretations, and other precedents of military commissions under this chapter may not form the basis of any holding, decision, or other determination of a court-martial convened under that chapter.

"(f) STATUS OF COMMISSIONS UNDER COMMON ARTICLE 3.—A military commission established under this chapter is a regularly constituted court, affording all the necessary 'judicial guarantees which are recognized as indispensable by civilized peoples' for purposes of common Article 3 of the Geneva Conventions.

"(g) GENEVA CONVENTIONS NOT ESTABLISHING SOURCE OF RIGHTS.—No alien unlawful enemy combatant subject to trial by military commission under this chapter may invoke the Geneva Conventions as a source of rights.

"§ 948c. Persons subject to military commissions

"Any alien unlawful enemy combatant is subject to trial by military commission under this chapter.

"§ 948d. Jurisdiction of military commissions

"(a) JURISDICTION.—A military commission under this chapter shall have jurisdiction to try any offense made punishable by this chapter or the law of war when committed by an alien unlawful enemy combatant before, on, or after September 11, 2001.

"(b) LAWFUL ENEMY COMBATANTS.—Military commissions under this chapter shall not have jurisdiction over lawful enemy combatants. Lawful enemy combatants who violate the law of war are subject to chapter 47 of this title. Courts-martial established under that chapter shall have jurisdiction to try a lawful enemy combatant for any offense made punishable under this chapter.

"(c) DETERMINATION OF UNLAWFUL ENEMY COMBATANT STATUS DISPOSITIVE.—A finding, whether before, on, or after the date of the enactment of the Military Commissions Act of 2006, by a Combatant Status Review Tribunal or another competent tribunal established under the authority of the President or the Secretary of Defense that a person is an unlawful enemy combatant is dispositive for purposes of jurisdiction for trial by military commission under this chapter.

"(d) PUNISHMENTS.—A military commission under this chapter may, under such limitations as the Secretary of Defense may prescribe, adjudge any punishment not forbidden by this chapter, including the penalty of death when authorized under this chapter or the law of war.

"§ 948e. Annual report to congressional committees

"(a) ANNUAL REPORT REQUIRED.—Not later than December 31 each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any trials conducted by military commissions under this chapter during such year.

"(b) FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

"SUBCHAPTER II—COMPOSITION OF MILITARY COMMISSIONS

"Sec.
"948h. Who may convene military commissions.
"948i. Who may serve on military commissions.
"948j. Military judge of a military commission.
"948k. Detail of trial counsel and defense counsel.
"948l. Detail or employment of reporters and interpreters.
"948m. Number of members; excuse of members; absent and additional members.

"§ 948h. Who may convene military commissions

"Military commissions under this chapter may be convened by the Secretary of Defense or by any officer or official of the United States designated by the Secretary for that purpose.

"§ 948i. Who may serve on military commissions

"(a) IN GENERAL.—Any commissioned officer of the armed forces on active duty is eligible to serve on a military commission under this chapter.

"(b) DETAIL OF MEMBERS.—When convening a military commission under this chapter, the convening authority shall detail as members of the commission such members of the armed forces eligible under subsection (a), as in the opinion of the convening authority, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member of an armed force is eligible to serve as a member of a military commission when such member is the accuser or a witness for the prosecution or has acted as an investigator or counsel in the same case.

"(c) EXCUSE OF MEMBERS.—Before a military commission under this chapter is assembled for the trial of a case, the convening authority may excuse a member from participating in the case.

"§ 948j. Military judge of a military commission

"(a) DETAIL OF MILITARY JUDGE.—A military judge shall be detailed to each military commission under this chapter. The Secretary of Defense shall prescribe regulations providing for the manner in which military judges are so detailed to military commissions. The military judge shall preside over each military commission to which he has been detailed.

"(b) QUALIFICATIONS.—A military judge shall be a commissioned officer of the armed forces who is a member of the bar of a Federal court, or a member of the bar of the highest court of a State, and who is certified to be qualified for duty under section 826 of this title (article 26 of the Uniform Code of Military Justice) as a military judge in general courts-martial by the Judge Advocate General of the armed force of which such military judge is a member.

"(c) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person is eligible to act as military judge in a case of a military commission under this chapter if he is the accuser or a witness or has acted as investigator or a counsel in the same case.

"(d) CONSULTATION WITH MEMBERS; INELIGIBILITY TO VOTE.—A military judge detailed to a military commission under this chapter may not consult with the members of the commission except in the presence of the accused (except as otherwise provided in section 949d of this title), trial counsel, and defense counsel, nor may he vote with the members of the commission.

"(e) OTHER DUTIES.—A commissioned officer who is certified to be qualified for duty as a military judge of a military commission under this chapter may perform such other duties as are assigned to him by or with the approval of the Judge Advocate General of the armed force of which such officer is a member or the designee of such Judge Advocate General.

"(f) PROHIBITION ON EVALUATION OF FITNESS BY CONVENING AUTHORITY.—The convening authority of a military commission under this chapter shall not prepare or review any report concerning the effectiveness, fitness, or efficiency of a military judge detailed to the military commission which relates to his performance of duty as a military judge on the military commission.

"§ 948k. Detail of trial counsel and defense counsel

"(a) DETAIL OF COUNSEL GENERALLY.—(1) Trial counsel and military defense counsel shall be detailed for each military commission under this chapter.

"(2) Assistant trial counsel and assistant and associate defense counsel may be detailed for a military commission under this chapter.

"(3) Military defense counsel for a military commission under this chapter shall be detailed as soon as practicable after the swearing of charges against the accused.

"(4) The Secretary of Defense shall prescribe regulations providing for the manner in which trial counsel and military defense counsel are detailed for military commissions under this chapter and for the persons who are authorized to detail such counsel for such commissions.

"(b) TRIAL COUNSEL.—Subject to subsection (e), trial counsel detailed for a military commission under this chapter must be—

"(1) a judge advocate (as that term is defined in section 801 of this title (article 1 of the Uniform Code of Military Justice) who—

"(A) is a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

"(B) is certified as competent to perform duties as trial counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member; or

"(2) a civilian who—

"(A) is a member of the bar of a Federal court or of the highest court of a State; and

"(B) is otherwise qualified to practice before the military commission pursuant to regulations prescribed by the Secretary of Defense.

"(c) MILITARY DEFENSE COUNSEL.—Subject to subsection (e), military defense counsel detailed for a military commission under this chapter must be a judge advocate (as so defined) who is—

"(1) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

"(2) certified as competent to perform duties as defense counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member.

"(d) CHIEF PROSECUTOR; CHIEF DEFENSE COUNSEL.—(1) The Chief Prosecutor in a military commission under this chapter shall meet the requirements set forth in subsection (b)(1).

"(2) The Chief Defense Counsel in a military commission under this chapter shall meet the requirements set forth in subsection (c)(1).

"(e) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person who has acted as an investigator, military judge, or member of a military commission under this chapter in any case may act later as trial counsel or military defense counsel in the same case. No person who has acted for the prosecution before a military commission under this chapter may act later in the same case for the defense, nor may any person who has acted for the defense before a military commission under this chapter act later in the same case for the prosecution.

"§ 948l. Detail or employment of reporters and interpreters

"(a) COURT REPORTERS.—Under such regulations as the Secretary of Defense may prescribe, the convening authority of a military commission under this chapter shall detail to or employ for the commission qualified court reporters, who shall make a verbatim recording of the proceedings of and testimony taken before the commission.

"(b) INTERPRETERS.—Under such regulations as the Secretary of Defense may prescribe, the convening authority of a military commission under this chapter may detail to or employ for the military commission interpreters who shall interpret for the commission and, as necessary, for trial counsel and defense counsel and for the accused.

"(c) TRANSCRIPT; RECORD.—The transcript of a military commission under this chapter shall be under the control of the convening authority of the commission, who shall also be responsible for preparing the record of the proceedings.

"§ 948m. Number of members; excuse of members; absent and additional members

"(a) NUMBER OF MEMBERS.—(1) A military commission under this chapter shall, except as provided in paragraph (2), have at least five members.

"(2) In a case in which the accused before a military commission under this chapter may be sentenced to a penalty of death, the military commission shall have the number of members prescribed by section 949m(c) of this title.

"(b) EXCUSE OF MEMBERS.—No member of a military commission under this chapter may be absent or excused after the military commission has been assembled for the trial of a case unless excused—

"(1) as a result of challenge;

"(2) by the military judge for physical disability or other good cause; or

"(3) by order of the convening authority for good cause.

"(c) ABSENT AND ADDITIONAL MEMBERS.—Whenever a military commission under this chapter is reduced below the number of members required by subsection (a), the trial may not proceed unless the convening authority details new members sufficient to provide not less than such number. The trial may proceed with the new members present after the recorded evidence previously introduced before the members has been read to the military commission in the presence of the military judge, the accused (except as provided in section 949d of this title), and counsel for both sides.

"SUBCHAPTER III—PRE-TRIAL PROCEDURE

"Sec.
"948q. Charges and specifications.
"948r. Compulsory self-incrimination prohibited; treatment of statements obtained by torture and other statements.
"948s. Service of charges.

"§ 948q. Charges and specifications

"(a) CHARGES AND SPECIFICATIONS.—Charges and specifications against an accused in a military commission under this chapter shall be signed by a person subject to chapter 47 of this title under oath before a commissioned officer of the armed forces authorized to administer oaths and shall state—

"(1) that the signer has personal knowledge of, or reason to believe, the matters set forth therein; and

"(2) that they are true in fact to the best of the signer's knowledge and belief.

"(b) NOTICE TO ACCUSED.—Upon the swearing of the charges and specifications in accordance with subsection (a), the accused shall be informed of the charges against him as soon as practicable.

"§ 948r. Compulsory self-incrimination prohibited; treatment of statements obtained by torture and other statements

"(a) IN GENERAL.—No person shall be required to testify against himself at a proceeding of a military commission under this chapter.

"(b) EXCLUSION OF STATEMENTS OBTAINED BY TORTURE.—A statement obtained by use of torture shall not be admissible in a military commission under this chapter, except against a person accused of torture as evidence that the statement was made.

"(c) STATEMENTS OBTAINED BEFORE ENACTMENT OF DETAINEE TREATMENT ACT OF 2005.—A statement obtained before December 30, 2005 (the date of the enactment of the Defense Treatment Act of 2005) in which the degree of coercion is disputed may be admitted only if the military judge finds that—

"(1) the totality of the circumstances renders the statement reliable and possessing sufficient probative value; and

"(2) the interests of justice would best be served by admission of the statement into evidence.

"(d) STATEMENTS OBTAINED AFTER ENACTMENT OF DETAINEE TREATMENT ACT OF 2005.—A statement obtained on or after December 30, 2005 (the date of the enactment of the Defense Treatment Act of 2005) in which the degree of coercion is disputed may be admitted only if the military judge finds that—

"(1) the totality of the circumstances renders the statement reliable and possessing sufficient probative value;

"(2) the interests of justice would best be served by admission of the statement into evidence; and

"(3) the interrogation methods used to obtain the statement do not violate the cruel, unusual, or inhumane treatment or punishment prohibited by the Fifth, Eighth, and

Fourteenth Amendments to the Constitution of the United States.

"§ 948s. Service of charges

"The trial counsel assigned to a case before a military commission under this chapter shall cause to be served upon the accused and military defense counsel a copy of the charges upon which trial is to be had. Such charges shall be served in English and, if appropriate, in another language that the accused understands. Such service shall be made sufficiently in advance of trial to prepare a defense.

"SUBCHAPTER IV—TRIAL PROCEDURE

"Sec.
"949a. Rules.
"949b. Unlawfully influencing action of military commission.
"949c. Duties of trial counsel and defense counsel.
"949d. Sessions.
"949e. Continuances.
"949f. Challenges.
"949g. Oaths.
"949h. Former jeopardy.
"949i. Pleas of the accused.
"949j. Opportunity to obtain witnesses and other evidence.
"949k. Defense of lack of mental responsibility.
"949l. Voting and rulings.
"949m. Number of votes required.
"949n. Military commission to announce action.
"949o. Record of trial.

"§ 949a. Rules

"(a) PROCEDURES AND RULES OF EVIDENCE.—Pretrial, trial, and post-trial procedures, including elements and modes of proof, for cases triable by military commission under this chapter may be prescribed by the Secretary of Defense, in consultation with the Attorney General. Such procedures shall, so far as the Secretary considers practicable or consistent with military or intelligence activities, apply the principles of law and the rules of evidence in trial by general courts-martial. Such procedures and rules of evidence may not be contrary to or inconsistent with this chapter.

"(b) RULES FOR MILITARY COMMISSION.—(1) Notwithstanding any departures from the law and the rules of evidence in trial by general courts-martial authorized by subsection (a), the procedures and rules of evidence in trials by military commission under this chapter shall include the following:

"(A) The accused shall be permitted to present evidence in his defense, to cross-examine the witnesses who testify against him, and to respond to evidence admitted against him on the issue of guilt or innocence and for sentencing, as provided for by this chapter.

"(B) The accused shall be present at all sessions of the military commission (other than those for deliberations or voting), except when excluded under section 949d of this title.

"(C) The accused shall receive the assistance of counsel as provided for by section 948k.

"(D) The accused shall be permitted to represent himself, as provided for by paragraph (3).

"(2) In establishing procedures and rules of evidence for military commission proceedings, the Secretary of Defense may prescribe the following provisions:

"(A) Evidence shall be admissible if the military judge determines that the evidence would have probative value to a reasonable person.

"(B) Evidence shall not be excluded from trial by military commission on the grounds that the evidence was not seized pursuant to a search warrant or other authorization.

"(C) A statement of the accused that is otherwise admissible shall not be excluded from trial by military commission on grounds of alleged coercion or compulsory self-incrimination so long as the evidence complies with the provisions of section 948r of this title.

"(D) Evidence shall be admitted as authentic so long as—

"(i) the military judge of the military commission determines that there is sufficient basis to find that the evidence is what it is claimed to be; and

"(ii) the military judge instructs the members that they may consider any issue as to authentication or identification of evidence in determining the weight, if any, to be given to the evidence.

"(E)(i) Except as provided in clause (ii), hearsay evidence not otherwise admissible under the rules of evidence applicable in trial by general courts-martial may be admitted in a trial by military commission if the proponent of the evidence makes known to the adverse party, sufficiently in advance to provide the adverse party with a fair opportunity to meet the evidence, the intention of the proponent to offer the evidence, and the particulars of the evidence (including information on the general circumstances under which the evidence was obtained). The disclosure of evidence under the preceding sentence is subject to the requirements and limitations applicable to the disclosure of classified information in section 949j(c) of this title.

"(ii) Hearsay evidence not otherwise admissible under the rules of evidence applicable in trial by general courts-martial shall not be admitted in a trial by military commission if the party opposing the admission of the evidence demonstrates that the evidence is unreliable or lacking in probative value.

"(F) The military judge shall exclude any evidence the probative value of which is substantially outweighed—

"(i) by the danger of unfair prejudice, confusion of the issues, or misleading the commission; or

"(ii) by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

"(3)(A) The accused in a military commission under this chapter who exercises the right to self-representation under paragraph (1)(D) shall conform his deportment and the conduct of the defense to the rules of evidence, procedure, and decorum applicable to trials by military commission.

"(B) Failure of the accused to conform to the rules described in subparagraph (A) may result in a partial or total revocation by the military judge of the right of self-representation under paragraph (1)(D). In such case, the detailed defense counsel of the accused or an appropriately authorized civilian counsel shall perform the functions necessary for the defense.

"(c) DELEGATION OF AUTHORITY TO PRESCRIBE REGULATIONS.—The Secretary of Defense may delegate the authority of the Secretary to prescribe regulations under this chapter.

"(d) NOTIFICATION TO CONGRESSIONAL COMMITTEES OF CHANGES TO PROCEDURES.—Not later than 60 days before the date on which any proposed modification of the procedures in effect for military commissions under this chapter goes into effect, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the modification.

"§ 949b. Unlawfully influencing action of military commission

"(a) IN GENERAL.—(1) No authority convening a military commission under this chapter may censure, reprimand, or admonish the military commission, or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the military commission, or with respect to any other exercises of its or his functions in the conduct of the proceedings.

"(2) No person may attempt to coerce or, by any unauthorized means, influence—

"(A) the action of a military commission under this chapter, or any member thereof, in reaching the findings or sentence in any case;

"(B) the action of any convening, approving, or reviewing authority with respect to his judicial acts; or

"(C) the exercise of professional judgment by trial counsel or defense counsel.

"(3) Paragraphs (1) and (2) do not apply with respect to—

"(A) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of military commissions; or

"(B) statements and instructions given in open proceedings by a military judge or counsel.

"(b) PROHIBITION ON CONSIDERATION OF ACTIONS ON COMMISSION IN EVALUATION OF FITNESS.—In the preparation of an effectiveness, fitness, or efficiency report or any other report or document used in whole or in part for the purpose of determining whether a commissioned officer of the armed forces is qualified to be advanced in grade, or in determining the assignment or transfer of any such officer or whether any such officer should be retained on active duty, no person may—

"(1) consider or evaluate the performance of duty of any member of a military commission under this chapter; or

"(2) give a less favorable rating or evaluation to any commissioned officer because of the zeal with which such officer, in acting as counsel, represented any accused before a military commission under this chapter.

"§ 949c. Duties of trial counsel and defense counsel

"(a) TRIAL COUNSEL.—The trial counsel of a military commission under this chapter shall prosecute in the name of the United States.

"(b) DEFENSE COUNSEL.—(1) The accused shall be represented in his defense before a military commission under this chapter as provided in this subsection.

"(2) The accused shall be represented by military counsel detailed under section 948k of this title.

"(3) The accused may be represented by civilian counsel if retained by the accused, but only if such civilian counsel—

"(A) is a United States citizen;

"(B) is admitted to the practice of law in a State, district, or possession of the United States or before a Federal court;

"(C) has not been the subject of any sanction of disciplinary action by any court, bar, or other competent governmental authority for relevant misconduct;

"(D) has been determined to be eligible for access to classified information that is classified at the level Secret or higher; and

"(E) has signed a written agreement to comply with all applicable regulations or instructions for counsel, including any rules of court for conduct during the proceedings.

"(4) Civilian defense counsel shall protect any classified information received during the course of representation of the accused in accordance with all applicable law governing the protection of classified information and may not divulge such information to any person not authorized to receive it.

"(5) If the accused is represented by civilian counsel, military counsel detailed shall act as associate counsel.

"(6) The accused is not entitled to be represented by more than one military counsel. However, the person authorized under regulations prescribed under section 948k of this title to detail counsel, in that person's sole discretion, may detail additional military counsel to represent the accused.

"(7) Defense counsel may cross-examine each witness for the prosecution who testifies before a military commission under this chapter.

"§ 949d. Sessions

"(a) Sessions Without Presence of Members.—(1) At any time after the service of charges which have been referred for trial by military commission under this chapter, the military judge may call the military commission into session without the presence of the members for the purpose of—

"(A) hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty;

"(B) hearing and ruling upon any matter which may be ruled upon by the military judge under this chapter, whether or not the matter is appropriate for later consideration or decision by the members;

"(C) if permitted by regulations prescribed by the Secretary of Defense, receiving the pleas of the accused; and

"(D) performing any other procedural function which may be performed by the military judge under this chapter or under rules prescribed pursuant to section 949a of this title and which does not require the presence of the members.

"(2) Except as provided in subsections (c) and (e), any proceedings under paragraph (1) shall—

"(A) be conducted in the presence of the accused, defense counsel, and trial counsel; and

"(B) be made part of the record.

"(b) Proceedings in Presence of Accused.—Except as provided in subsections (c) and (e), all proceedings of a military commission under this chapter, including any consultation of the members with the military judge or counsel, shall—

"(1) be in the presence of the accused, defense counsel, and trial counsel; and

"(2) be made a part of the record.

"(c) Deliberation or Vote of Members.—When the members of a military commission under this chapter deliberate or vote, only the members may be present.

"(d) Closure of Proceedings.—(1) The military judge may close to the public all or part of the proceedings of a military commission under this chapter, but only in accordance with this subsection.

"(2) The military judge may close to the public all or a portion of the proceedings under paragraph (1) only upon making a specific finding that such closure is necessary to—

"(A) protect information the disclosure of which could reasonably be expected to cause damage to the national security, including intelligence or law enforcement sources, methods, or activities; or

"(B) ensure the physical safety of individuals.

"(3) A finding under paragraph (2) may be based upon a presentation, including a presentation ex parte or in camera, by either trial counsel or defense counsel.

"(e) Exclusion of Accused From Certain Proceedings.—The military judge may exclude the accused from any portion of a proceeding upon a determination that, after being warned by the military judge, the accused persists in conduct that justifies exclusion from the courtroom—

"(1) to ensure the physical safety of individuals; or

"(2) to prevent disruption of the proceedings by the accused.

"(f) Protection of Classified Information.—

"(1) National Security Privilege.—(A) Classified information shall be protected and is privileged from disclosure if disclosure would be detrimental to the national security. The rule in the preceding sentence applies to all stages of the proceedings of military commissions under this chapter.

"(B) The privilege referred to in subparagraph (A) may be claimed by the head of the executive or military department or government agency concerned based on a finding by the head of that department or agency that—

"(i) the information is properly classified; and

"(ii) disclosure of the information would be detrimental to the national security.

"(C) A person who may claim the privilege referred to in subparagraph (A) may authorize a representative, witness, or trial counsel to claim the privilege and make the finding described in subparagraph (B) on behalf of such person. The authority of the representative, witness, or trial counsel to do so is presumed in the absence of evidence to the contrary.

"(2) Introduction of Classified Information.—

"(A) Alternatives to Disclosure.—To protect classified information from disclosure, the military judge, upon motion of trial counsel, shall authorize, to the extent practicable—

"(i) the deletion of specified items of classified information from documents to be introduced as evidence before the military commission;

"(ii) the substitution of a portion or summary of the information for such classified documents; or

"(iii) the substitution of a statement of relevant facts that the classified information would tend to prove.

"(B) Protection of Sources, Methods, or Activities.—The military judge, upon motion of trial counsel, shall permit trial counsel to introduce otherwise admissible evidence before the military commission, while protecting from disclosure the sources, methods, or activities by which the United States acquired the evidence if the military judge finds that (i) the sources, methods, or activities by which the United States acquired the evidence are classified, and (ii) the evidence is reliable. The military judge may require trial counsel to present to the military commission and the defense, to the extent practicable and consistent with national security, an unclassified summary of the sources, methods, or activities by which the United States acquired the evidence.

"(C) Assertion of National Security Privilege at Trial.—During the examination of any witness, trial counsel may object to any question, line of inquiry, or motion to admit evidence that would require the disclosure of classified information. Following such an objection, the military judge shall take suitable action to safeguard such classified information. Such action may include the review of trial counsel's claim of privilege by the military judge in camera and on an ex parte basis, and the delay of proceedings to permit trial counsel to consult with the department or agency concerned as to whether the national security privilege should be asserted.

"(3) Consideration of Privilege and Related Materials.—A claim of privilege under this subsection, and any materials submitted in support thereof, shall, upon request of the Government, be considered by the military judge in camera and shall not be disclosed to the accused.

"(4) Additional Regulations.—The Secretary of Defense may prescribe additional regulations, consistent with this subsection, for the use and protection of classified information during proceedings of military commissions under this chapter. A report on any regulations so prescribed, or modified, shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives not later than 60 days before the date on which such regulations or modifications, as the case may be, go into effect.

"§ 949e. Continuances

"The military judge in a military commission under this chapter may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just.

"§ 949f. Challenges

"(a) Challenges Authorized.—The military judge and members of a military commission under this chapter may be challenged by the accused or trial counsel for cause stated to the commission. The military judge shall determine the relevance and validity of challenges for cause. The military judge may not receive a challenge to more than one person at a time. Challenges by trial counsel shall ordinarily be presented and decided before those by the accused are offered.

"(b) Peremptory Challenges.—Each accused and the trial counsel are entitled to one peremptory challenge. The military judge may not be challenged except for cause.

"(c) Challenges Against Additional Members.—Whenever additional members are detailed to a military commission under this chapter, and after any challenges for cause against such additional members are presented and decided, each accused and the trial counsel are entitled to one peremptory challenge against members not previously subject to peremptory challenge.

"§ 949g. Oaths

"(a) In General.—(1) Before performing their respective duties in a military commission under this chapter, military judges, members, trial counsel, defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully.

"(2) The form of the oath required by paragraph (1), the time and place of the taking thereof, the manner of recording the same, and whether the oath shall be taken for all cases in which duties are to be performed or for a particular case, shall be as prescribed in regulations of the Secretary of Defense. Those regulations may provide that—

"(A) an oath to perform faithfully duties as a military judge, trial counsel, or defense counsel may be taken at any time by any judge advocate or other person certified to be qualified or competent for the duty; and

“(B) if such an oath is taken, such oath need not again be taken at the time the judge advocate or other person is detailed to that duty.

“(b) Witnesses.—Each witness before a military commission under this chapter shall be examined on oath.

“§949h. Former jeopardy

“(a) In General.—No person may, without his consent, be tried by a military commission under this chapter a second time for the same offense.

“(b) Scope of Trial.—No proceeding in which the accused has been found guilty by military commission under this chapter upon any charge or specification is a trial in the sense of this section until the finding of guilty has become final after review of the case has been fully completed.

“§949i. Pleas of the accused

“(a) Entry of Plea of Not Guilty.—If an accused in a military commission under this chapter after a plea of guilty sets up matter inconsistent with the plea, or if it appears that the accused has entered the plea of guilty through lack of understanding of its meaning and effect, or if the accused fails or refuses to plead, a plea of not guilty shall be entered in the record, and the military commission shall proceed as though the accused had pleaded not guilty.

“(b) Finding of Guilt After Guilty Plea.—With respect to any charge or specification to which a plea of guilty has been made by the accused in a military commission under this chapter and accepted by the military judge, a finding of guilty of the charge or specification may be entered immediately without a vote. The finding shall constitute the finding of the commission unless the plea of guilty is withdrawn prior to announcement of the sentence, in which event the proceedings shall continue as though the accused had pleaded not guilty.

“§949j. Opportunity to obtain witnesses and other evidence

“(a) Right of Defense Counsel.—Defense counsel in a military commission under this chapter shall have a reasonable opportunity to obtain witnesses and other evidence as provided in regulations prescribed by the Secretary of Defense.

“(b) Process for Compulsion.—Process issued in a military commission under this chapter to compel witnesses to appear and testify and to compel the production of other evidence—

“(1) shall be similar to that which courts of the United States having criminal jurisdiction may lawfully issue; and

“(2) shall run to any place where the United States shall have jurisdiction thereof.

“(c) Protection of Classified Information.—(1) With respect to the discovery obligations of trial counsel under this section, the military judge, upon motion of trial counsel, shall authorize, to the extent practicable—

“(A) the deletion of specified items of classified information from documents to be made available to the accused;

“(B) the substitution of a portion or summary of the information for such classified documents; or

“(C) the substitution of a statement admitting relevant facts that the classified information would tend to prove.

“(2) The military judge, upon motion of trial counsel, shall authorize trial counsel, in the course of complying with discovery obligations under this section, to protect from disclosure the sources, methods, or activities by which the United States acquired evidence if the military judge finds that the sources, methods, or activities by which the United States acquired such evidence are classified. The military judge may require trial counsel to provide, to the extent practicable, an unclassified summary of the sources, methods, or activities by which the United States acquired such evidence.

“(d) Exculpatory Evidence.—(1) As soon as practicable, trial counsel shall disclose to the defense the existence of any evidence known to trial counsel that reasonably tends to exculpate the accused. Where exculpatory evidence is classified, the accused shall be provided with an adequate substitute in accordance with the procedures under subsection (c).

“(2) In this subsection, the term ‘evidence known to trial counsel’, in the case of exculpatory evidence, means exculpatory evidence that the prosecution would be required to disclose in a trial by general court-martial under chapter 47 of this title.

“§949k. Defense of lack of mental responsibility

“(a) Affirmative Defense.—It is an affirmative defense in a trial by military commission under this chapter that, at the time of the commission of the acts constituting the offense, the accused, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of the acts. Mental disease or defect does not otherwise constitute a defense.

“(b) Burden of Proof.—The accused in a military commission under this chapter has the burden of proving the defense of lack of mental responsibility by clear and convincing evidence.

“(c) Findings Following Assertion of Defense.—Whenever lack of mental responsibility of the accused with respect to an offense is properly at issue in a military commission under this chapter, the military judge shall instruct the members of the commission as to the defense of lack of mental responsibility under this section and shall charge them to find the accused—

“(1) guilty;

“(2) not guilty; or

“(3) subject to subsection (d), not guilty by reason of lack of mental responsibility.

“(d) Majority Vote Required for Finding.—The accused shall be found not guilty by reason of lack of mental responsibility under subsection (c)(3) only if a majority of the members present at the time the vote is taken determines that the defense of lack of mental responsibility has been established.

“§949l. Voting and rulings

“(a) Vote by Secret Written Ballot.—Voting by members of a military commission under this chapter on the findings and on the sentence shall be by secret written ballot.

“(b) Rulings.—(1) The military judge in a military commission under this chapter shall rule upon all questions of law, including the admissibility of evidence and all interlocutory questions arising during the proceedings.

“(2) Any ruling made by the military judge upon a question of law or an interlocutory question (other than the factual issue of mental responsibility of the accused) is conclusive and constitutes the ruling of the military commission. However, a military judge may change his ruling at any time during the trial.

“(c) Instructions Prior to Vote.—Before a vote is taken of the findings of a military commission under this chapter, the military judge shall, in the presence of the accused and counsel, instruct the members as to the elements of the offense and charge the members—

“(1) that the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond a reasonable doubt;

“(2) that in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and he must be acquitted;

“(3) that, if there is reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

“(4) that the burden of proof to establish the guilt of the accused beyond a reasonable doubt is upon the United States.

“§949m. Number of votes required

“(a) Conviction.—No person may be convicted by a military commission under this chapter of any offense, except as provided in section 949i(b) of this title or by concurrence of two-thirds of the members present at the time the vote is taken.

“(b) Sentences.—(1) No person may be sentenced by a military commission to suffer death, except insofar as—

“(A) the penalty of death is expressly authorized under this chapter or the law of war for an offense of which the accused has been found guilty;

“(B) trial counsel expressly sought the penalty of death by filing an appropriate notice in advance of trial;

“(C) the accused is convicted of the offense by the concurrence of all the members present at the time the vote is taken; and

“(D) all the members present at the time the vote is taken concur in the sentence of death.

“(2) No person may be sentenced to life imprisonment, or to confinement for more than 10 years, by a military commission under this chapter except by the concurrence of three-fourths of the members present at the time the vote is taken.

“(3) All other sentences shall be determined by a military commission by the concurrence of two-thirds of the members present at the time the vote is taken.

“(c) Number of Members Required for Penalty of Death.—(1) Except as provided in paragraph (2), in a case in which the penalty of death is sought, the number of members of the military commission under this chapter shall be not less than 12.

“(2) In any case described in paragraph (1) in which 12 members are not reasonably available because of physical conditions or military exigencies, the convening authority shall specify a lesser number of members for the military commission (but not fewer than 9 members), and the military commission may be assembled, and the trial held, with not fewer than the number of members so specified. In such a case, the convening authority shall make a detailed written statement, to be appended to the record, stating why a greater number of members were not reasonably available.

“§949n. Military commission to announce action

“A military commission under this chapter shall announce its findings and sentence to the parties as soon as determined.

“§949o. Record of trial

“(a) Record; Authentication.—Each military commission under this chapter shall keep a separate, verbatim, record of the proceedings in each case brought before it, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of his death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by a member of the commission if the trial counsel is unable to authenticate it by reason of his death, disability, or absence. Where appropriate, and as provided in regulations prescribed by the Secretary of Defense, the record of a military commission under this chapter may contain a classified annex.

"(b) Complete Record Required.—A complete record of the proceedings and testimony shall be prepared in every military commission under this chapter.

"(c) Provision of Copy to Accused.—A copy of the record of the proceedings of the military commission under this chapter shall be given the accused as soon as it is authenticated. If the record contains classified information, or a classified annex, the accused shall be given a redacted version of the record consistent with the requirements of section 949d of this title. Defense counsel shall have access to the unredacted record, as provided in regulations prescribed by the Secretary of Defense.

"SUBCHAPTER V—SENTENCES

"Sec.
"949s. Cruel or unusual punishments prohibited.
"949t. Maximum limits.
"949u. Execution of confinement.

"§949s. Cruel or unusual punishments prohibited

"Punishment by flogging, or by branding, marking, or tattooing on the body, or any other cruel or unusual punishment, may not be adjudged by a military commission under this chapter or inflicted under this chapter upon any person subject to this chapter. The use of irons, single or double, except for the purpose of safe custody, is prohibited under this chapter.

"§949t. Maximum limits

"The punishment which a military commission under this chapter may direct for an offense may not exceed such limits as the President or Secretary of Defense may prescribe for that offense.

"§949u. Execution of confinement

"(a) In General.—Under such regulations as the Secretary of Defense may prescribe, a sentence of confinement adjudged by a military commission under this chapter may be carried into execution by confinement—

"(1) in any place of confinement under the control of any of the armed forces; or

"(2) in any penal or correctional institution under the control of the United States or its allies, or which the United States may be allowed to use.

"(b) Treatment During Confinement by Other Than the Armed Forces.—Persons confined under subsection (a)(2) in a penal or correctional institution not under the control of an armed force are subject to the same discipline and treatment as persons confined or committed by the courts of the United States or of the State, District of Columbia, or place in which the institution is situated.

"SUBCHAPTER VI—POST-TRIAL PROCEDURE AND REVIEW OF MILITARY COMMISSIONS

"Sec.
"950a. Error of law; lesser included offense.
"950b. Review by the convening authority.
"950c. Appellate referral; waiver or withdrawal of appeal.
"950d. Appeal by the United States.
"950e. Rehearings.
"950f. Review by Court of Military Commission Review.
"950g. Review by the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court.
"950h. Appellate counsel.
"950i. Execution of sentence; procedures for execution of sentence of death.
"950j. Finality or proceedings, findings, and sentences.

"§950a. Error of law; lesser included offense

"(a) Error of Law.—A finding or sentence of a military commission under this chapter may not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

"(b) Lesser Included Offense.—Any reviewing authority with the power to approve or affirm a finding of guilty by a military commission under this chapter may approve or affirm, instead, so much of the finding as includes a lesser included offense.

"§950b. Review by the convening authority

"(a) Notice to Convening Authority of Findings and Sentence.—The findings and sentence of a military commission under this chapter shall be reported in writing promptly to the convening authority after the announcement of the sentence.

"(b) Submittal of Matters by Accused to Convening Authority.—(1) The accused may submit to the convening authority matters for consideration by the convening authority with respect to the findings and the sentence of the military commission under this chapter.

"(2)(A) Except as provided in subparagraph (B), a submittal under paragraph (1) shall be made in writing within 20 days after the accused has been given an authenticated record of trial under section 949o(c) of this title.

"(B) If the accused shows that additional time is required for the accused to make a submittal under paragraph (1), the convening authority may, for good cause, extend the applicable period under subparagraph (A) for not more than an additional 20 days.

"(3) The accused may waive his right to make a submittal to the convening authority under paragraph (1). Such a waiver shall be made in writing and may not be revoked. For the purposes of subsection (c)(2), the time within which the accused may make a submittal under this subsection shall be deemed to have expired upon the submittal of a waiver under this paragraph to the convening authority.

"(c) Action by Convening Authority.—(1) The authority under this subsection to modify the findings and sentence of a military commission under this chapter is a matter of the sole discretion and prerogative of the convening authority.

"(2)(A) The convening authority shall take action on the sentence of a military commission under this chapter.

"(B) Subject to regulations prescribed by the Secretary of Defense, action on the sentence under this paragraph may be taken only after consideration of any matters submitted by the accused under subsection (b) or after the time for submitting such matters expires, whichever is earlier.

"(C) In taking action under this paragraph, the convening authority may, in his sole discretion, approve, disapprove, commute, or suspend the sentence in whole or in part. The convening authority may not increase a sentence beyond that which is found by the military commission.

"(3) The convening authority is not required to take action on the findings of a military commission under this chapter. If the convening authority takes action on the findings, the convening authority may, in his sole discretion, may—

"(A) dismiss any charge or specification by setting aside a finding of guilty thereto; or

"(B) change a finding of guilty to a charge to a finding of guilty to an offense that is a lesser included offense of the offense stated in the charge.

"(4) The convening authority shall serve on the accused or on defense counsel notice of any action taken by the convening authority under this subsection.

"(d) Order of Revision or Rehearing.—(1) Subject to paragraphs (2) and (3), the convening authority of a military commission under this chapter may, in his sole discretion, order a proceeding in revision or a rehearing.

"(2)(A) Except as provided in subparagraph (B), a proceeding in revision may be ordered by the convening authority if—

"(i) there is an apparent error or omission in the record; or

"(ii) the record shows improper or inconsistent action by the military commission with respect to the findings or sentence that can be rectified without material prejudice to the substantial rights of the accused.

"(B) In no case may a proceeding in revision—

"(i) reconsider a finding of not guilty of a specification or a ruling which amounts to a finding of not guilty;

"(ii) reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation; or

"(iii) increase the severity of the sentence unless the sentence prescribed for the offense is mandatory.

"(3) A rehearing may be ordered by the convening authority if the convening authority disapproves the findings and sentence and states the reasons for disapproval of the findings. If the convening authority disapproves the finding and sentence and does not order a rehearing, the convening authority shall dismiss the charges. A rehearing as to the findings may not be ordered by the convening authority when there is a lack of sufficient evidence in the record to support the findings. A rehearing as to the sentence may be ordered by the convening authority if the convening authority disapproves the sentence.

"§950c. Appellate referral; waiver or withdrawal of appeal

"(a) Automatic Referral for Appellate Review.—Except as provided under subsection (b), in each case in which the final decision of a military commission (as approved by the convening authority) includes a finding of guilty, the convening authority shall refer the case to the Court of Military Commission Review. Any such referral shall be made in accordance with procedures prescribed under regulations of the Secretary.

"(b) Waiver of Right of Review.—(1) In each case subject to appellate review under section 950f of this title, except a case in which the sentence as approved under section 950b of this title extends to death, the accused may file with the convening authority a statement expressly waiving the right of the accused to such review.

"(2) A waiver under paragraph (1) shall be signed by both the accused and a defense counsel.

“(3) A waiver under paragraph (1) must be filed, if at all, within 10 days after notice on the action is served on the accused or on defense counsel under section 950b(c)(4) of this title. The convening authority, for good cause, may extend the period for such filing by not more than 30 days.

“(c) WITHDRAWAL OF APPEAL.—Except in a case in which the sentence as approved under section 950b of this title extends to death, the accused may withdraw an appeal at any time.

“(d) EFFECT OF WAIVER OR WITHDRAWAL.—A waiver of the right to appellate review or the withdrawal of an appeal under this section bars review under section 950f of this title.

“§ 950d. Appeal by the United States

“(a) INTERLOCUTORY APPEAL.—(1) Except as provided in paragraph (2), in a trial by military commission under this chapter, the United States may take an interlocutory appeal to the Court of Military Commission Review of any order or ruling of the military judge that—

“(A) terminates proceedings of the military commission with respect to a charge or specification;

“(B) excludes evidence that is substantial proof of a fact material in the proceeding; or

“(C) relates to a matter under subsection (d), (e), or (f) of section 949d of this title or section 949j(c) of this title.

“(2) The United States may not appeal under paragraph (1) an order or ruling that is, or amounts to, a finding of not guilty by the military commission with respect to a charge or specification.

“(b) NOTICE OF APPEAL.—The United States shall take an appeal of an order or ruling under subsection (a) by filing a notice of appeal with the military judge within five days after the date of such order or ruling.

“(c) APPEAL.—An appeal under this section shall be forwarded, by means specified in regulations prescribed the Secretary of Defense, directly to the Court of Military Commission Review. In ruling on an appeal under this section, the Court may act only with respect to matters of law.

“(d) APPEAL FROM ADVERSE RULING.—The United States may appeal an adverse ruling on an appeal under subsection (c) to the United States Court of Appeals for the District of Columbia Circuit by filing a petition for review in the Court of Appeals within 10 days after the date of such ruling. Review under this subsection shall be at the discretion of the Court of Appeals.

“§ 950e. Rehearings

“(a) COMPOSITION OF MILITARY COMMISSION FOR REHEARING.—Each rehearing under this chapter shall take place before a military commission under this chapter composed of members who were not members of the military commission which first heard the case.

“(b) SCOPE OF REHEARING.—(1) Upon a rehearing—

“(A) the accused may not be tried for any offense of which he was found not guilty by the first military commission; and

“(B) no sentence in excess of or more than the original sentence may be imposed unless—

“(i) the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings; or

“(ii) the sentence prescribed for the offense is mandatory.

“(2) Upon a rehearing, if the sentence approved after the first military commission was in accordance with a pretrial agreement and the accused at the rehearing changes his plea with respect to the charges or specifications upon which the pretrial agreement was based, or otherwise does not comply with pretrial agreement, the sentence as to those charges or specifications may include any punishment not in excess of that lawfully adjudged at the first military commission.

“§ 950f. Review by Court of Military Commission Review

“(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Court of Military Commission Review which shall be composed of one or more panels, and each such panel shall be composed of not less than three appellate military judges. For the purpose of reviewing military commission decisions under this chapter, the court may sit in panels or as a whole in accordance with rules prescribed by the Secretary.

“(b) APPELLATE MILITARY JUDGES.—The Secretary shall assign appellate military judges to a Court of Military Commission Review. Each appellate military judge shall meet the qualifications for military judges prescribed by section 948j(b) of this title or shall be a civilian with comparable qualifications. No person may be serve as an appellate military judge in any case in which that person acted as a military judge, counsel, or reviewing official.

“(c) CASES TO BE REVIEWED.—The Court of Military Commission Review, in accordance with procedures prescribed under regulations of the Secretary, shall review the record in each case that is referred to the Court by the convening authority under section 950c of this title with respect to any matter of law raised by the accused.

“(d) SCOPE OF REVIEW.—In a case reviewed by the Court of Military Commission Review under this section, the Court may act only with respect to matters of law.

“§ 950g. Review by the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court

“(a) EXCLUSIVE APPELLATE JURISDICTION.—(1)(A) Except as provided in subparagraph (B), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of a final judgment rendered by a military commission (as approved by the convening authority) under this chapter.

“(B) The Court of Appeals may not review the final judgment until all other appeals under this chapter have been waived or exhausted.

“(2) A petition for review must be filed by the accused in the Court of Appeals not later than 20 days after the date on which—

“(A) written notice of the final decision of the Court of Military Commission Review is served on the accused or on defense counsel; or

“(B) the accused submits, in the form prescribed by section 950c of this title, a written notice waiving the right of the accused to review by the Court of Military Commission Review under section 950f of this title.

“(b) STANDARD FOR REVIEW.—In a case reviewed by it under this section, the Court of Appeals may act only with respect to matters of law.

“(c) SCOPE OF REVIEW.—The jurisdiction of the Court of Appeals on an appeal under subsection (a) shall be limited to the consideration of—

“(1) whether the final decision was consistent with the standards and procedures specified in this chapter; and

“(2) to the extent applicable, the Constitution and the laws of the United States.

“(d) SUPREME COURT.—The Supreme Court may review by writ of certiorari the final judgment of the Court of Appeals pursuant to section 1257 of title 28.

“§ 950h. Appellate counsel

“(a) APPOINTMENT.—The Secretary of Defense shall, by regulation, establish procedures for the appointment of appellate counsel for the United States and for the accused in military commissions under this chapter. Appellate counsel shall meet the qualifications for counsel appearing before military commissions under this chapter.

“(b) REPRESENTATION OF UNITED STATES.—Appellate counsel appointed under subsection (a)—

“(1) shall represent the United States in any appeal or review proceeding under this chapter before the Court of Military Commission Review; and

“(2) may, when requested to do so by the Attorney General in a case arising under this chapter, represent the United States before the United States Court of Appeals for the District of Columbia Circuit or the Supreme Court.

“(c) REPRESENTATION OF ACCUSED.—The accused shall be represented by appellate counsel appointed under subsection (a) before the Court of Military Commission Review, the United States Court of Appeals for the District of Columbia Circuit, and the Supreme Court, and by civilian counsel if retained by the accused. Any such civilian counsel shall meet the qualifications under paragraph (3) of section 949c(b) of this title for civilian counsel appearing before military commissions under this chapter and shall be subject to the requirements of paragraph (4) of that section.

“§ 950i. Execution of sentence; procedures for execution of sentence of death

“(a) IN GENERAL.—The Secretary of Defense is authorized to carry out a sentence imposed by a military commission under this chapter in accordance with such procedures as the Secretary may prescribe.

“(b) EXECUTION OF SENTENCE OF DEATH ONLY UPON APPROVAL BY THE PRESIDENT.—If the sentence of a military commission under this chapter extends to death, that part of the sentence providing for death may not be executed until approved by the President. In such a case, the President may commute, remit, or suspend the sentence, or any part thereof, as he sees fit.

“(c) EXECUTION OF SENTENCE OF DEATH ONLY UPON FINAL JUDGMENT OF LEGALITY OF PROCEEDINGS.—(1) If the sentence of a military commission under this chapter extends to death, the sentence may not be executed until there is a final judgment as to the legality of the proceedings (and with respect to death, approval under subsection (b)).

“(2) A judgment as to legality of proceedings is final for purposes of paragraph (1) when—

“(A) the time for the accused to file a petition for review by the Court of Appeals for the District of Columbia Circuit has expired and the accused has not filed a timely petition for such review and the case is not otherwise under review by that Court; or

“(B) review is completed in accordance with the judgment of the United States Court of Appeals for the District of Columbia Circuit and—

“(i) a petition for a writ of certiorari is not timely filed;

“(ii) such a petition is denied by the Supreme Court; or

“(iii) review is otherwise completed in accordance with the judgment of the Supreme Court.

“(d) SUSPENSION OF SENTENCE.—The Secretary of the Defense, or the convening authority acting on the case (if other than the

Secretary), may suspend the execution of any sentence or part thereof in the case, except a sentence of death.

“§950k. Finality or proceedings, findings, and sentences

“(a) FINALITY.—The appellate review of records of trial provided by this chapter, and the proceedings, findings, and sentences of military commissions as approved, reviewed, or affirmed as required by this chapter, are final and conclusive. Orders publishing the proceedings of military commissions under this chapter are binding upon all departments, courts, agencies, and officers of the United States, except as otherwise provided by the President.

“(b) PROVISIONS OF CHAPTER SOLE BASIS FOR REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter and notwithstanding any other provision of law (including section 2241 of title 28 or any other habeas corpus provision), no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after the date of the enactment of the Military Commissions Act of 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.

“SUBCHAPTER VII—PUNITIVE MATTERS

“Sec.
“950p. Statement of substantive offenses.
“950q. Principals.
“950r. Accessory after the fact.
“950s. Conviction of lesser included offense.
“950t. Attempts.
“950u. Solicitation.
“950v. Crimes triable by military commissions.
“950w. Perjury and obstruction of justice; contempt.

“§950p. Statement of substantive offenses

“(a) PURPOSE.—The provisions of this subchapter codify offenses that have traditionally been triable by military commissions. This chapter does not establish new crimes that did not exist before its enactment, but rather codifies those crimes for trial by military commission.

“(b) EFFECT.—Because the provisions of this subchapter (including provisions that incorporate definitions in other provisions of law) are declarative of existing law, they do not preclude trial for crimes that occurred before the date of the enactment of this chapter.

“§950q. Principals

“Any person is punishable as a principal under this chapter who—

“(1) commits an offense punishable by this chapter, or aids, abets, counsels, commands, or procures its commission;

“(2) causes an act to be done which if directly performed by him would be punishable by this chapter; or

“(3) is a superior commander who, with regard to acts punishable under this chapter, knew, had reason to know, or should have known, that a subordinate was about to commit such acts or had done so and who failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

“§950r. Accessory after the fact

“Any person subject to this chapter who, knowing that an offense punishable by this chapter has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment shall be punished as a military commission under this chapter may direct.

“§950s. Conviction of lesser included offense

“An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an attempt to commit either the offense charged or an offense necessarily included therein.

“§950t. Attempts

“(a) IN GENERAL.—Any person subject to this chapter who attempts to commit any offense punishable by this chapter shall be punished as a military commission under this chapter may direct.

“(b) SCOPE OF OFFENSE.—An act, done with specific intent to commit an offense under this chapter, amounting to more than mere preparation and tending, even though failing, to effect its commission, is an attempt to commit that offense.

“(c) EFFECT OF CONSUMMATION.—Any person subject to this chapter may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

“§950u. Solicitation

“Any person subject to this chapter who solicits or advises another or others to commit one or more substantive offenses triable by military commission under this chapter shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed or attempted, he shall be punished as a military commission under this chapter may direct.

“§950v. Crimes triable by military commissions

“(a) DEFINITIONS AND CONSTRUCTION.—In this section:

“(1) MILITARY OBJECTIVE.—The term ‘military objective’ means—

“(A) combatants; and

“(B) those objects during an armed conflict—

“(i) which, by their nature, location, purpose, or use, effectively contribute to the opposing force's war-fighting or war-sustaining capability; and

“(ii) the total or partial destruction, capture, or neutralization of which would constitute a definite military advantage to the attacker under the circumstances at the time of the attack.

“(2) PROTECTED PERSON.—The term ‘protected person’ means any person entitled to protection under one or more of the Geneva Conventions, including—

“(A) civilians not taking an active part in hostilities;

“(B) military personnel placed hors de combat by sickness, wounds, or detention; and

“(C) military medical or religious personnel.

“(3) PROTECTED PROPERTY.—The term ‘protected property’ means property specifically protected by the law of war (such as buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals, or places where the sick and wounded are collected), if such property is not being used for military purposes or is not otherwise a military objective. Such term includes objects properly identified by one of the distinctive emblems of the Geneva Conventions, but does not include civilian property that is a military objective.

“(4) CONSTRUCTION.—The intent specified for an offense under paragraph (1), (2), (3), (4), or (12) of subsection (b) precludes the applicability of such offense with regard to—

“(A) collateral damage; or

“(B) death, damage, or injury incident to a lawful attack.

“(b) OFFENSES.—The following offenses shall be triable by military commission under this chapter at any time without limitation:

“(1) MURDER OF PROTECTED PERSONS.—Any person subject to this chapter who intentionally kills one or more protected persons shall be punished by death or such other punishment as a military commission under this chapter may direct.

“(2) ATTACKING CIVILIANS.—Any person subject to this chapter who intentionally engages in an attack upon a civilian population as such, or individual civilians not taking active part in hostilities, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(3) ATTACKING CIVILIAN OBJECTS.—Any person subject to this chapter who intentionally engages in an attack upon a civilian object that is not a military objective shall be punished as a military commission under this chapter may direct.

“(4) ATTACKING PROTECTED PROPERTY.—Any person subject to this chapter who intentionally engages in an attack upon protected property shall be punished as a military commission under this chapter may direct.

“(5) PILLAGING.—Any person subject to this chapter who intentionally and in the absence of military necessity appropriates or seizes property for private or personal use, without the consent of a person with authority to permit such appropriation or seizure, shall be punished as a military commission under this chapter may direct.

“(6) DENYING QUARTER.—Any person subject to this chapter who, with effective command or control over subordinate groups, declares, orders, or otherwise indicates to those groups that there shall be no survivors or surrender accepted, with the intent to threaten an adversary or to conduct hostilities such that there would be no survivors or surrender accepted, shall be punished as a military commission under this chapter may direct.

“(7) TAKING HOSTAGES.—Any person subject to this chapter who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(8) EMPLOYING POISON OR SIMILAR WEAPONS.—Any person subject to this chapter who intentionally, as a method of warfare, employs a substance or weapon that releases a substance that causes death or serious and lasting damage to health in the ordinary course of events, through its asphyxiating, bacteriological, or toxic properties, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(9) USING PROTECTED PERSONS AS A SHIELD.—Any person subject to this chapter who positions, or otherwise takes advantage of, a protected person with the intent to shield a military objective from attack, or to shield, favor, or impede military operations, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(10) USING PROTECTED PROPERTY AS A SHIELD.—Any person subject to this chapter who positions, or otherwise takes advantage of the location of, protected property with the intent to shield a military objective from attack, or to shield, favor, or impede military operations, shall be punished as a military commission under this chapter may direct.

"(11) TORTURE.—

"(A) OFFENSE.—Any person subject to this chapter who commits an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(B) SEVERE MENTAL PAIN OR SUFFERING DEFINED.—In this section, the term 'severe mental pain or suffering' has the meaning given that term in section 2340(2) of title 18.

"(12) CRUEL OR INHUMAN TREATMENT.—

"(A) OFFENSE.—Any person subject to this chapter who commits an act intended to inflict severe or serious physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including serious physical abuse, upon another within his custody or control shall be punished, if death results to the victim, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to the victim, by such punishment, other than death, as a military commission under this chapter may direct.

"(B) DEFINITIONS.—In this paragraph:

"(i) The term 'serious physical pain or suffering' means bodily injury that involves—

"(I) a substantial risk of death;

"(II) extreme physical pain;

"(III) a burn or physical disfigurement of a serious nature (other than cuts, abrasions, or bruises); or

"(IV) significant loss or impairment of the function of a bodily member, organ, or mental faculty.

"(ii) The term 'severe mental pain or suffering' has the meaning given that term in section 2340(2) of title 18.

"(iii) The term 'serious mental pain or suffering' has the meaning given the term 'severe mental pain or suffering' in section 2340(2) of title 18, except that—

"(I) the term 'serious' shall replace the term 'severe' where it appears; and

"(II) as to conduct occurring after the date of the enactment of the Military Commissions Act of 2006, the term 'serious and non-transitory mental harm (which need not be prolonged)' shall replace the term 'prolonged mental harm' where it appears.

"(13) INTENTIONALLY CAUSING SERIOUS BODILY INJURY.—

"(A) OFFENSE.—Any person subject to this chapter who intentionally causes serious bodily injury to one or more persons, including lawful combatants, in violation of the law of war shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(B) SERIOUS BODILY INJURY DEFINED.—In this paragraph, the term 'serious bodily injury' means bodily injury which involves—

"(i) a substantial risk of death;

"(ii) extreme physical pain;

"(iii) protracted and obvious disfigurement; or

"(iv) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

"(14) MUTILATING OR MAIMING.—Any person subject to this chapter who intentionally injures one or more protected persons by disfiguring the person or persons by any mutilation of the person or persons, or by permanently disabling any member, limb, or organ of the body of the person or persons, without any legitimate medical or dental purpose, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(15) MURDER IN VIOLATION OF THE LAW OF WAR.—Any person subject to this chapter who intentionally kills one or more persons, including lawful combatants, in violation of the law of war shall be punished by death or such other punishment as a military commission under this chapter may direct.

"(16) DESTRUCTION OF PROPERTY IN VIOLATION OF THE LAW OF WAR.—Any person subject to this chapter who intentionally destroys property belonging to another person in violation of the law of war shall punished as a military commission under this chapter may direct.

"(17) USING TREACHERY OR PERFIDY.—Any person subject to this chapter who, after inviting the confidence or belief of one or more persons that they were entitled to, or obliged to accord, protection under the law of war, intentionally makes use of that confidence or belief in killing, injuring, or capturing such person or persons shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(18) IMPROPERLY USING A FLAG OF TRUCE.—Any person subject to this chapter who uses a flag of truce to feign an intention to negotiate, surrender, or otherwise suspend hostilities when there is no such intention shall be punished as a military commission under this chapter may direct.

"(19) IMPROPERLY USING A DISTINCTIVE EMBLEM.—Any person subject to this chapter who intentionally uses a distinctive emblem recognized by the law of war for combatant purposes in a manner prohibited by the law of war shall be punished as a military commission under this chapter may direct.

"(20) INTENTIONALLY MISTREATING A DEAD BODY.—Any person subject to this chapter who intentionally mistreats the body of a dead person, without justification by legitimate military necessity, shall be punished as a military commission under this chapter may direct.

"(21) RAPE.—Any person subject to this chapter who forcibly or with coercion or threat of force wrongfully invades the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused, or with any foreign object, shall be punished as a military commission under this chapter may direct.

"(22) SEXUAL ASSAULT OR ABUSE.—Any person subject to this chapter who forcibly or with coercion or threat of force engages in sexual contact with one or more persons, or causes one or more persons to engage in sexual contact, shall be punished as a military commission under this chapter may direct.

"(23) HIJACKING OR HAZARDING A VESSEL OR AIRCRAFT.—Any person subject to this chapter who intentionally seizes, exercises unauthorized control over, or endangers the safe navigation of a vessel or aircraft that is not a legitimate military objective shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(24) TERRORISM.—Any person subject to this chapter who intentionally kills or inflicts great bodily harm on one or more protected persons, or intentionally engages in an act that evinces a wanton disregard for human life, in a manner calculated to influence or affect the conduct of government or civilian population by intimidation or coercion, or to retaliate against government conduct, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(25) PROVIDING MATERIAL SUPPORT FOR TERRORISM.—

"(A) OFFENSE.—Any person subject to this chapter who provides material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, an act of terrorism (as set forth in paragraph (24)), or who intentionally provides material support or resources to an international terrorist organization engaged in hostilities against the United States, knowing that such organization has engaged or engages in terrorism (as so set forth), shall be punished as a military commission under this chapter may direct.

"(B) MATERIAL SUPPORT OR RESOURCES DEFINED.—In this paragraph, the term 'material support or resources' has the meaning given that term in section 2339A(b) of title 18.

"(26) WRONGFULLY AIDING THE ENEMY.—Any person subject to this chapter who, in breach of an allegiance or duty to the United States, knowingly and intentionally aids an enemy of the United States, or one of the co-belligerents of the enemy, shall be punished as a military commission under this chapter may direct.

"(27) SPYING.—Any person subject to this chapter who with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign power, collects or attempts to collect information by clandestine means or while acting under false pretenses, for the purpose of conveying such information to an enemy of the United States, or one of the co-belligerents of the enemy, shall be punished by death or such other punishment as a military commission under this chapter may direct.

"(28) CONSPIRACY.—Any person subject to this chapter who conspires to commit one or more substantive offenses triable by military commission under this chapter, and who knowingly does any overt act to effect the object of the conspiracy, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"§950w. Perjury and obstruction of justice; contempt

"(a) PERJURY AND OBSTRUCTION OF JUSTICE.—A military commission under this chapter may try offenses and impose such punishment as the military commission may direct for perjury, false testimony, or obstruction of justice related to military commissions under this chapter.

"(b) CONTEMPT.—A military commission under this chapter may punish for contempt any person who uses any menacing word, sign, or gesture in its presence, or who disturbs its proceedings by any riot or disorder.".

(2) TABLES OF CHAPTERS AMENDMENTS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are each amended by inserting after the item relating to chapter 47 the following new item:

"47A. Military Commissions .... 948a".

(b) SUBMITTAL OF PROCEDURES TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the procedures for military commissions prescribed under chapter 47A of title 10, United States Code (as added by subsection (a)).

SEC. 4. AMENDMENTS TO UNIFORM CODE OF MILITARY JUSTICE.

(a) CONFORMING AMENDMENTS.—Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended as follows:

(1) APPLICABILITY TO LAWFUL ENEMY COMBATANTS.—Section 802(a) (article 2(a)) is amended by adding at the end the following new paragraph:

"(13) Lawful enemy combatants (as that term is defined in section 948a(2) of this title) who violate the law of war.".

(2) EXCLUSION OF APPLICABILITY TO CHAPTER 47A COMMISSIONS.—Sections 821, 828, 848, 850(a), 904, and 906 (articles 21, 28, 48, 50(a), 104, and 106) are amended by adding at the end the following new sentence: "This section does not apply to a military commission established under chapter 47A of this title.".

(3) INAPPLICABILITY OF REQUIREMENTS RELATING TO REGULATIONS.—Section 836 (article 36(b)) is amended—

(A) in subsection (a), by inserting ", except as provided in chapter 47A of this title," after "but which may not"; and

(B) in subsection (b), by inserting before the period at the end ", except insofar as applicable to military commissions established under chapter 47A of this title".

(b) PUNITIVE ARTICLE OF CONSPIRACY.—Section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice), is amended—

(1) by inserting "(a)" before "Any person"; and

(2) by adding at the end the following new subsection:

"(b) Any person subject to this chapter who conspires with any other person to commit an offense under the law of war, and who knowingly does an overt act to effect the object of the conspiracy, shall be punished, if death results to one or more of the victims, by death or such other punishment as a court-martial or military commission may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a court-martial or military commission may direct.".

SEC. 5. TREATY OBLIGATIONS NOT ESTABLISHING GROUNDS FOR CERTAIN CLAIMS.

(a) IN GENERAL.—No person may invoke the Geneva Conventions or any protocols thereto in any habeas corpus or other civil action or proceeding to which the United States, or a current or former officer, employee, member of the Armed Forces, or other agent of the United States is a party as a source of rights in any court of the United States or its States or territories.

(b) GENEVA CONVENTIONS DEFINED.—In this section, the term "Geneva Conventions" means—

(1) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(2) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of the Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(3) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(4) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

SEC. 6. IMPLEMENTATION OF TREATY OBLIGATIONS.

(a) IMPLEMENTATION OF TREATY OBLIGATIONS.—

(1) IN GENERAL.—The acts enumerated in subsection (d) of section 2441 of title 18, United States Code, as added by subsection (b) of this section, and in subsection (c) of this section, constitute violations of common Article 3 of the Geneva Conventions prohibited by United States law.

(2) PROHIBITION ON GRAVE BREACHES.—The provisions of section 2441 of title 18, United States Code, as amended by this section, fully satisfy the obligation under Article 129 of the Third Geneva Convention for the United States to provide effective penal sanctions for grave breaches which are encompassed in common Article 3 in the context of an armed conflict not of an international character. No foreign or international source of law shall supply a basis for a rule of decision in the courts of the United States in interpreting the prohibitions enumerated in subsection (d) of such section 2441.

(3) INTERPRETATION BY THE PRESIDENT.—

(A) As provided by the Constitution and by this section, the President has the authority for the United States to interpret the meaning and application of the Geneva Conventions and to promulgate higher standards and administrative regulations for violations of treaty obligations which are not grave breaches of the Geneva Conventions.

(B) The President shall issue interpretations described by subparagraph (A) by Executive Order published in the Federal Register.

(C) Any Executive Order published under this paragraph shall be authoritative (except as to grave breaches of common Article 3) as a matter of United States law, in the same manner as other administrative regulations.

(D) Nothing in this section shall be construed to affect the constitutional functions and responsibilities of Congress and the judicial branch of the United States.

(4) DEFINITIONS.—In this subsection:

(A) GENEVA CONVENTIONS.—The term "Geneva Conventions" means—

(i) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3217);

(ii) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of the Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(iii) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(iv) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

(B) THIRD GENEVA CONVENTION.—The term "Third Geneva Convention" means the international convention referred to in subparagraph (A)(iii).

(b) REVISION TO WAR CRIMES OFFENSE UNDER FEDERAL CRIMINAL CODE.—

(1) IN GENERAL.—Section 2441 of title 18, United States Code, is amended—

(A) in subsection (c), by striking paragraph (3) and inserting the following new paragraph (3):

"(3) which constitutes a grave breach of common Article 3 (as defined in subsection (d)) when committed in the context of and in association with an armed conflict not of an international character; or"; and

(B) by adding at the end the following new subsection:

"(d) COMMON ARTICLE 3 VIOLATIONS.—

"(1) PROHIBITED CONDUCT.—In subsection (c)(3), the term 'grave breach of common Article 3' means any conduct (such conduct constituting a grave breach of common Article 3 of the international conventions done at Geneva August 12, 1949), as follows:

"(A) TORTURE.—The act of a person who commits, or conspires or attempts to commit, an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind.

"(B) CRUEL OR INHUMAN TREATMENT.—The act of a person who commits, or conspires or attempts to commit, an act intended to inflict severe or serious physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including serious physical abuse, upon another within his custody or control.

"(C) PERFORMING BIOLOGICAL EXPERIMENTS.—The act of a person who subjects, or conspires or attempts to subject, one or more persons within his custody or physical control to biological experiments without a legitimate medical or dental purpose and in so doing endangers the body or health of such person or persons.

"(D) MURDER.—The act of a person who intentionally kills, or conspires or attempts to kill, or kills whether intentionally or unintentionally in the course of committing any other offense under this subsection, one or more persons taking no active part in the hostilities, including those placed out of combat by sickness, wounds, detention, or any other cause.

"(E) MUTILATION OR MAIMING.—The act of a person who intentionally injures, or conspires or attempts to injure, or injures whether intentionally or unintentionally in the course of committing any other offense under this subsection, one or more persons taking no active part in the hostilities, including those placed out of combat by sickness, wounds, detention, or any other cause, by disfiguring the person or persons by any mutilation thereof or by permanently disabling any member, limb, or organ of his body, without any legitimate medical or dental purpose.

"(F) INTENTIONALLY CAUSING SERIOUS BODILY INJURY.—The act of a person who intentionally causes, or conspires or attempts to cause, serious bodily injury to one or more persons, including lawful combatants, in violation of the law of war.

"(G) RAPE.—The act of a person who forcibly or with coercion or threat of force wrongfully invades, or conspires or attempts to invade, the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused, or with any foreign object.

"(H) SEXUAL ASSAULT OR ABUSE.—The act of a person who forcibly or with coercion or threat of force engages, or conspires or attempts to engage, in sexual contact with one or more persons, or causes, or conspires or attempts to cause, one or more persons to engage in sexual contact.

"(I) TAKING HOSTAGES.—The act of a person who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons.

"(2) DEFINITIONS.—In the case of an offense under subsection (a) by reason of subsection (c)(3)—

"(A) the term 'severe mental pain or suffering' shall be applied for purposes of paragraphs (1)(A) and (1)(B) in accordance with the meaning given that term in section 2340(2) of this title;

"(B) the term 'serious bodily injury' shall be applied for purposes of paragraph (1)(F) in accordance with the meaning given that term in section 113(b)(2) of this title;

"(C) the term 'sexual contact' shall be applied for purposes of paragraph (1)(G) in accordance with the meaning given that term in section 2246(3) of this title;

"(D) the term 'serious physical pain or suffering' shall be applied for purposes of paragraph (1)(B) as meaning bodily injury that involves—

"(i) a substantial risk of death;

"(ii) extreme physical pain;

"(iii) a burn or physical disfigurement of a serious nature (other than cuts, abrasions, or bruises); or

"(iv) significant loss or impairment of the function of a bodily member, organ, or mental faculty; and

"(E) the term 'serious mental pain or suffering' shall be applied for purposes of paragraph (1)(B) in accordance with the meaning given the term 'severe mental pain or suffering' (as defined in section 2340(2) of this title), except that—

"(i) the term 'serious' shall replace the term 'severe' where it appears; and

"(ii) as to conduct occurring after the date of the enactment of the Military Commissions Act of 2006, the term 'serious and non-transitory mental harm (which need not be prolonged)' shall replace the term 'prolonged mental harm' where it appears.

"(3) INAPPLICABILITY OF CERTAIN PROVISIONS WITH RESPECT TO COLLATERAL DAMAGE OR INCIDENT OF LAWFUL ATTACK.—The intent specified for the conduct stated in subparagraphs (D), (E), and (F) or paragraph (1) precludes the applicability of those subparagraphs to an offense under subsection (a) by reasons of subsection (c)(3) with respect to—

"(A) collateral damage; or

"(B) death, damage, or injury incident to a lawful attack.

"(4) INAPPLICABILITY OF TAKING HOSTAGES TO PRISONER EXCHANGE.—Paragraph (1)(I) does not apply to an offense under subsection (a) by reason of subsection (c)(3) in the case of a prisoner exchange during wartime.".

(2) RETROACTIVE APPLICABILITY.—The amendments made by this subsection, except as specified in subsection (d)(2)(E) of section 2441 of title 18, United States Code, shall take effect as of November 26, 1997, as if enacted immediately after the amendments made by section 583 of Public Law 105–118 (as amended by section 4002(e)(7) of Public Law 107–273).

(c) ADDITIONAL PROHIBITION ON CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.—

(1) IN GENERAL.—No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

(2) CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT DEFINED.—In this subsection, the term "cruel, inhuman, or degrading treatment or punishment" means cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984.

(3) COMPLIANCE.—The President shall take action to ensure compliance with this subsection, including through the establishment of administrative rules and procedures.

SEC. 7. HABEAS CORPUS MATTERS.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking both the subsection (e) added by section 1005(e)(1) of Public Law 109–148 (119 Stat. 2742) and the subsection (e) added by added by section 1405(e)(1) of Public Law 109–163 (119 Stat. 3477) and inserting the following new subsection (e):

"(e)(1) No court, justice, or judge shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of an alien detained by the United States who has been determined by the United States to have been properly detained as an enemy combatant or is awaiting such determination.

"(2) Except as provided in paragraphs (2) and (3) of section 1005(e) of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note), no court, justice, or judge shall have jurisdiction to hear or consider any other action against the United States or its agents relating to any aspect of the detention, transfer, treatment, trial, or conditions of confinement of an alien who is or was detained by the United States and has been determined by the United States to have been properly detained as an enemy combatant or is awaiting such determination.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to all cases, without exception, pending on or after the date of the enactment of this Act which relate to any aspect of the detention, transfer, treatment, trial, or conditions of detention of an alien detained by the United States since September 11, 2001.

SEC. 8. REVISIONS TO DETAINEE TREATMENT ACT OF 2005 RELATING TO PROTECTION OF CERTAIN UNITED STATES GOVERNMENT PERSONNEL.

(a) COUNSEL AND INVESTIGATIONS.—Section 1004(b) of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd–1(b)) is amended—

(1) by striking "may provide" and inserting "shall provide";

(2) by inserting "or investigation" after "criminal prosecution"; and

(3) by inserting "whether before United States courts or agencies, foreign courts or agencies, or international courts or agencies," after "described in that subsection".

(b) PROTECTION OF PERSONNEL.—Section 1004 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd–1) shall apply with respect to any criminal prosecution that—

(1) relates to the detention and interrogation of aliens described in such section;

(2) is grounded in section 2441(c)(3) of title 18, United States Code; and

(3) relates to actions occurring between September 11, 2001, and December 30, 2005.

SEC. 9. REVIEW OF JUDGMENTS OF MILITARY COMMISSIONS.

Section 1005(e)(3) of the Detainee Treatment Act of 2005 (title X of Public Law 109–148; 119 Stat. 2740; 10 U.S.C. 801 note) is amended—

(1) in subparagraph (A), by striking "pursuant to Military Commission Order No. 1, dated August 31, 2005 (or any successor military order)" and inserting "by a military commission under chapter 47A of title 10, United States Code";

(2) by striking subparagraph (B) and inserting the following new subparagraph (B):

"(B) GRANT OF REVIEW.—Review under this paragraph shall be as of right.";

(3) in subparagraph (C)—

(A) in clause (i)—

(i) by striking "pursuant to the military order" and inserting "by a military commission"; and

(ii) by striking "at Guantanamo Bay, Cuba"; and

(B) in clause (ii), by striking "pursuant to such military order" and inserting "by the military commission"; and

(4) in subparagraph (D)(i), by striking "specified in the military order" and inserting "specified for a military commission".

SEC. 10. DETENTION COVERED BY REVIEW OF DECISIONS OF COMBATANT STATUS REVIEW TRIBUNALS OF PROPRIETY OF DETENTION.

Section 1005(e)(2)(B)(i) of the Detainee Treatment Act of 2005 (title X of Public Law 109–148; 119 Stat. 2742; 10 U.S.C. 801 note) is amended by striking "the Department of Defense at Guantanamo Bay, Cuba" and inserting "the United States". This shall become effective 2 days after the date of enactment.

SA 5039. Mr. FRIST proposed an amendment to amendment SA 5038 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; as follows:

At the end of the amendment in the instructions:

Strike "2 days" and insert "3 days".

SA 5040. Mr. FRIST proposed an amendment to amendment SA 5039 proposed by Mr. FRIST to the amendment SA 5038 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; as follows:

In the amendment:

Strike "3 days" and insert "4 days."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a business meeting, off-the-floor, on the nomination of Mary Peters to be Secretary of Transportation on Monday, September 25, 2006 after the first rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECURE FENCE ACT OF 2006—RESUMED

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate come out of morning business and return to the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6061) to establish operational control over the international land and maritime borders of the United States.

Pending:

Frist amendment No. 5031, to establish the effective date.

Frist amendment No. 5032 (to amendment No. 5031), to amend the effective date.

AMENDMENT NO. 5031, WITHDRAWN

Mr. FRIST. Mr. President, I ask unanimous consent to withdraw amendment No. 5031.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5036

Mr. FRIST. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 5036.

Mr. FRIST. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. FRIST. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5037 TO AMENDMENT NO. 5036

Mr. FRIST. Mr. President, I send a second degree to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 5037 to amendment No. 5036.

Mr. FRIST. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following:

This Act shall become effective 1 day after the date of enactment.

CLOTURE MOTION

Mr. FRIST. Mr. President, I now send a cloture motion to the desk on the pending first-degree amendment.

The PRESIDING OFFICER. The cloture motion having been presented under Rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 5036 to Calendar No. 615, H.R. 6061: a bill to establish operational control over the international land and maritime borders of the United States.

Bill Frist, Jim DeMint, Johnny Isakson, Craig Thomas, Jim Inhofe, Pat Roberts, Gordon Smith, Wayne Allard, John Ensign, Saxby Chambliss, Chris Bond, Conrad Burns, Norm Coleman, Mitch McConnell, Michael B. Enzi, Richard Shelby, John Thune.

CLOTURE MOTION

Mr. FRIST. I now send a cloture motion to the desk on the underlying bill.

The PRESIDING OFFICER. The cloture motion having been presented under Rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 615, H.R. 6061, a bill to establish operational control over the international land and maritime borders of the United States.

Bill Frist, Lamar Alexander, Richard Burr, Gordon Smith, John Thune, Johnny Isakson, John Cornyn, Judd Gregg, Jim Inhofe, Saxby Chambliss, Sam Brownback, Tom Coburn, Jeff Sessions, Richard Shelby, Craig Thomas, Michael B. Enzi, Lisa Murkowski.

Mr. FRIST. I ask the mandatory quorum for both motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO COMMIT

Mr. FRIST. I move to commit the bill to the Judiciary Committee, with instructions to report back forthwith, with an amendment, and I send the motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] moves to commit the bill, H.R. 6061, to the Committee on the Judiciary, with instructions to report back forthwith, with an amendment.

Mr. FRIST. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5039

Mr. FRIST. I send a first-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 5039 to the instructions of the motion to commit.

Mr. FRIST. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment in the instructions:

Strike "2 days" and insert "3 days".

Mr. FRIST. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5040 TO AMENDMENT NO. 5039

Mr. FRIST. Mr. President, I now send a second degree to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 5040 to amendment No. 5039.

Mr. FRIST. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment strike "3 days" and insert "4 days."

Mr. FRIST. Mr. President, we can come back and comment on this, but what I have just done is put an amendment on the legislation. The military commission or Hamdan legislation—I have put that as an amendment on the border security fence bill. I say that just so our colleagues will understand the Democratic leader and I are working very hard to reach an agreement, and we are just about there. We need to talk to some more colleagues about how we will address the Hamdan legislation.

Because things are tight in terms of being able to finish the amount of business we need to do in the next 4 to 5 days, what we just went through was to set up a structure whereby we know we are going to be able to finish that. Again, our intent is to work out a plan to be able to address that legislation in a way that is agreeable to both sides. I think we should be able to do that tomorrow morning.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, if I could just briefly respond, we would like to proceed as expeditiously as possible. We have been alerted by one of my Senators that the rule XIV legislation that was brought to the Senate late last week is different from the amendment that was filed tonight. So some of my folks are trying to figure out what has happened. We thought what was going to be filed as an amendment to this fence bill was the same piece of legislation that was rule XIVed. So we have now a rule XIV that has been sent up, and now we have this amendment. So that has created a little bit of confusion on our side.

But I also say this: I think we could work something out if we can get to the bill. When we start late in the session like this, any one Senator weighs about 1,000 pounds because any Senator can stop anything they want. So we have to make sure we can get to this. It takes all 100 Senators to agree that is the case. If we could proceed to it, it is my understanding the majority leader would allow a limited number of amendments. We could work on this tomorrow with some time agreements on it—agreements on both sides.

If this is not worked out, it is my understanding that what would happen is that on Wednesday there would be a cloture vote on this amendment dealing with Hamdan. That would occur on Wednesday, and then after that, amendments germane in nature would be in order if, in fact, the majority decided to allow any amendments to go forward.

So it appears to me the best chance for Senators on both sides to have an opportunity to offer amendments to Hamdan would be to move to it tomorrow. If we cannot do that, then we will have to see what happens with cloture. But I believe that is where we find ourselves tonight.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, that is exactly where we are. I think the good news is both sides recognize this is a very important issue before this body and before the American people and that we have had a lot of work on this bill to where I think—speaking of the Hamdan legislation—there is going to be very broad support. There are areas people have expressed concern about, and our intent is to work out a unanimous consent agreement hopefully early in the morning whereby we can address those with amendments.

Mr. REID. Mr. President, I would further say just briefly that, yes, we do have this matter before us. Is it what we want? The answer is, probably we think we could do better. That is why we would agree on this side to have a limited number of amendments and have this body decide whether the bill can be improved. We hope that can occur. As I have indicated in my previous statement, it all depends on how the other 98 Senators feel as to whether we can move forward short of cloture on Wednesday.

UNANIMOUS CONSENT REQUEST—S. 3709

Mr. FRIST. Mr. President, on another issue, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the immediate consideration of Calendar No. 527, S. 3709, the U.S.-India nuclear bill.

I further ask consent that the managers' amendment at the desk be agreed to as original text for the purpose of further amendment and the only other amendments in order be FEINGOLD on Presidential certification, DORGAN on fissile material production, BOXER on Iran, REID on Yucca Mountain, CRAIG on Yucca Mountain, with no second-degree amendments in order, 1 hour of debate on each amendment, and 1 hour of general debate on the bill, all equally divided in the usual form.

I further ask consent that following disposition of amendments and the use or yielding back of time, the bill, as amended, be read a third time and the Senate proceed to the consideration of H.R. 5682, the House-passed companion, that all after the enacting clause be stricken and the text of S. 3709, as amended, be inserted in lieu thereof, and that the Senate then proceed to a vote on passage of H.R. 5682, as amended, with no intervening action or debate.

I further ask consent that following passage of the bill, the Senate insist upon its amendment and request a conference with the House, the Chair be authorized to appoint conferees, and S. 3709 be returned to the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President. I received a rare personal telephone call today from Secretary Condoleezza Rice, which I appreciated. It was on this subject matter. I told her how I felt. I told her it is unfortunate that this legislation has been put aside since last July until today. I also told her that I personally support the legislation. I cosponsored it. I think it is important legislation.

I told her exactly what I told the majority leader and the Indian Foreign Minister last week; that is, I support this legislation and believe it is very important for the full Senate to act on it very quickly.

This legislation, I believe, is strongly supported by a sizable majority of the Senate. I canvased our side for amendments. We have a number of amendments that have been talked about. I think that is the universe of the amendments, with rare exception. I think these are manageable amendments. They are few in number. And I think we could complete this legislation very quickly. I have directed our floor staff to prepare a unanimous consent request to that effect.

We have a situation where the managers' amendment Senator LUGAR and Senator BIDEN have come up with—they have not been able to work this out, the two managers. These are two of the most senior Members of the Senate. I hope they can do that in the near future.

So I ask unanimous consent that the majority leader's request be modified as follows: that once the agreement has been reached on the managers' amendment, the Senate begin consideration of S. 3709 under the following limitations: that the managers' amendment be immediately agreed to for purposes of original text, that first-degree amendments deal with similar subject matter as contained in the bill, and that relevant second-degree amendments be in order.

Before the Chair puts the question, I would point out it would be my expectation we could finish this bill very quickly. I think we could finish it in 1 day. It might be a long day, but we could do that. I think we could do that. I think this is important enough that we should have a long day, if necessary, to do this and that agreements would be possible on each of our amendments. On every amendment we would offer, we would agree to a relatively short time limit.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. FRIST. Mr. President, reserving the right to object, as the Democratic leader said, this is a critically important piece of legislation. That is why I wanted to bring it forward tonight and am pleased the Democratic leader so strongly supports the legislation. Our challenge will be to figure out how we can address it with the appropriate concerns. And I understand his statement on the managers' amendment of the chairman and ranking member, that there is a little more work that needs to be done.

Enactment of this legislation will create significant export opportunities for U.S. industry, with job creation, with thousands of new jobs created. There are some technical differences between the House and Senate bills that will have to be worked out in conference. Therefore, I do believe we should address this bill before we leave.

Mr. FRIST. Mr. President, right now, I will object to the modification of my unanimous consent request. After a brief discussion, we can come back and see if we are close to being able to take this to the floor under this time agreement, with these amendments. I think we ought to lock it down tonight. With that, I object to the modification.

The PRESIDING OFFICER. Objection is heard to the modification.

Is there objection to the original request?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, will the majority leader yield for a question?

Mr. FRIST. First, let me go through the remaining business.

Mr. DURBIN. I will wait.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session: provided further that the Agriculture Committee be discharged from further consideration of the nomination of Charles F. Connor, PN1911, to be a member of the board of directors of the Commodity Credit Corporation; provided further that the Senate proceed to its consideration, the nomination be confirmed, with the motion to reconsider laid upon the table, and the President be immediately notified of the Senate's action, and that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF AGRICULTURE

Charles F. Conner, of Indiana, to be a Member of the Board of Directors of the Commodity Credit Corporation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

OBSERVING GLOBAL FAMILY DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 582, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 582) urging the people of the United States to observe Global Family Day and One Day of Peace and Sharing.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD as if read, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 582) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 582

Whereas in 2005, the people of the world suffered many calamitous events, including devastation from tsunamis, terror attacks, wars, famines, genocides, hurricanes, earthquakes, political and religious conflicts, diseases, poverty, and rioting, all necessitating global cooperation, compassion, and unity previously unprecedented among diverse cultures, faiths, and economic classes;

Whereas grave global challenges in 2006 may require cooperation and innovative problem-solving among citizens and nations on an even greater scale;

Whereas, on December 15, 2000, Congress adopted Senate Concurrent Resolution 138, expressing the sense of Congress that the President of the United States should issue a proclamation each year calling upon the people of the United States and interested organizations to observe an international day of peace and sharing at the beginning of each year;

Whereas, in 2001, the United Nations General Assembly adopted Resolution 56/2, which invited "Member States, intergovernmental and non-governmental organizations and all the peoples of the world to celebrate One Day in Peace, 1 January 2002, and every year thereafter";

Whereas many foreign heads of State have recognized the importance of establishing Global Family Day, a special day of international unity, peace, and sharing, on the first day of each year; and

Whereas family is the basic structure of humanity, thus, we must all look to the stability and love within our individual families to create stability in the global community: Now therefore, be it

Resolved, That the Senate urgently requests—

(1) the people of the United States to observe Global Family Day and One Day of Peace and Sharing with appropriate activities stressing the need—

(A) to eradicate violence, hunger, poverty, and suffering; and

(B) to establish greater trust and fellowship among peace-loving countries and families everywhere; and

(2) that American businesses, labor organizations, and faith and civic leaders are urged to join in promoting appropriate activities for Americans and in extending appropriate greetings from the families of America to families in the rest of the world.

DESIGNATING SEPTEMBER AS "NATIONAL YOUTH COURT MONTH"

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 583, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 583) designating September 2006 as "National Youth Court Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The resolution (S. Res. 583) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 583

Whereas a strong country begins with strong communities in which all citizens play an active role and invest in the success and future of the youth of the United States;

Whereas the fifth National Youth Court Month celebrates the outstanding achievement of youth courts throughout the country;

Whereas in 2005, more than 110,000 youths volunteered to hear more than 115,000 juvenile cases, and more than 20,000 adults volunteered to facilitate peer justice in youth court programs;

Whereas 1,158 youth court programs in 49 States and the District of Columbia provide restorative justice for juvenile offenders, resulting in effective crime prevention, early intervention and education for all youth participants, and enhanced public safety throughout the United States;

Whereas, by holding juvenile offenders accountable, reconciling victims, communities, juvenile offenders, and their families, and reducing caseloads for the juvenile justice system, youth courts address offenses that might otherwise go unaddressed until the offending behavior escalates and redirects the efforts of juvenile offenders toward becoming contributing members of their communities;

Whereas Federal, State, and local governments, corporations, foundations, service organizations, educational institutions, juvenile justice agencies, and individual adults support youth courts because youth court programs actively promote and contribute to building successful, productive lives and futures for the youth of the United States;

Whereas a fundamental correlation exists between youth service and lifelong adult commitment to and involvement in one's community;

Whereas volunteer service and related service learning opportunities enable young people to build character and develop and enhance life-skills, such as responsibility, decision-making, time management, teamwork, public speaking, and leadership, which prospective employers will value; and

Whereas participating in youth court programs encourages youth court members to become valuable members of their communities: Now, therefore, be it

Resolved, That the Senate designates September 2006 as "National Youth Court Month".

SENATE LEGAL COUNSEL AUTHORIZATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 584, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 584) to authorize the production of records, testimony, and legal representation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, the Committee on Health, Education, Labor, and Pensions has received a request from the U.S. Attorney's Office for the District of Columbia for records of the committee and testimony by committee staff relevant to an investigation it is conducting into a Presidential nominee's financial disclosure to the committee during confirmation proceedings. The chair and ranking member of the committee would like to cooperate with this request.

Accordingly, in keeping with Senate rules and practice, this resolution would authorize the committee to produce documents for use in this investigation. The resolution would also authorize testimony by committee staff, with representation by the Senate Legal Counsel.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 584) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 584

Whereas, the United States Attorney's Office for the District of Columbia is conducting an investigation of the financial disclosures made by Dr. Lester Crawford to the Committee on Health, Education, Labor, and Pensions in connection with confirmation proceedings on Dr. Crawford's nomination to be Commissioner of the Food and Drug Administration;

Whereas, the Committee on Health, Education, Labor, and Pensions has received a request from the United States Attorney's Office for testimony of three employees of the Committee and for records of the Committee relevant to the investigation:

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities:

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Committee on Health, Education, Labor, and Pensions is authorized to produce documents and committee staff are authorized to testify in these and related proceedings, except where a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent employees of the Committee on Health, Education, Labor, and Pensions in connection with the document production and testimony authorized in section one of this resolution.

SENSE OF THE CONGRESS THAT STATES SHOULD REQUIRE CANDIDATES FOR DRIVER'S LICENSES TO DEMONSTRATE ABILITY TO EXERCISE INCREASED CAUTION

Mr. FRIST. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration and the Senate proceed to H. Con. Res. 235.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 235) expressing the sense of the Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 235) was agreed to.

The preamble was agreed to.

NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 613, S. 3679.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3679) to authorize appropriations for the National Transportation Safety Board, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 3679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

[(a) SHORT TITLE.—This Act may be cited as the "National Transportation Safety Board Reauthorization Act of 2006".

[(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

[Sec. 1. Short title; table of contents.
[Sec. 2. Reports.
[Sec. 3. Repeal of reimbursement for DOT inspector general services.
[Sec. 4. Contracting requirements for investigation services.
[Sec. 5. Technical corrections.
[Sec. 6. AMTRAK plan to assist families of passengers involved in rail passenger accidents.
[Sec. 7. Inspector General of the National Transportation Safety Board.
[Sec. 8. Audit procedures.
[Sec. 9. Authorization of appropriations.

[SEC. 2. REPORTS.

[(a) ANNUAL REPORTS.—

[(1) IN GENERAL.—Section 1117 of title 49, United States Code, is amended—

[(A) by striking "and" after the semicolon in paragraph (2);

[(B) by striking "State." in paragraph (3) and inserting "State;"; and

[(C) by adding at the end the following:

["(4) a description of the activities and operations of the National Transportation Safety Board Academy during the prior calendar year;

["(5) a list of accidents during the prior calendar year that the Board was required to investigate under section 1131 of this title but did not investigate, and an explanation of why they were not investigated; and

["(6) a list of ongoing investigations that have exceeded the expected time allotted for completion by Board order and an explanation for the additional time required to complete each such investigation.".

[(2) UTILIZATION PLAN.—

[(A) PLAN.—Within 90 days after the date of enactment of this Act, the National Transportation Safety Board shall—

[(i) develop a plan to achieve the self-sufficient operation of the National Transportation Safety Board Academy and utilize fully the Academy's facilities and resources;

[(ii) submit a draft of the plan to the Comptroller General for review and comment; and

[(iii) submit a draft of the plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

[(B) PLAN DEVELOPMENT CONSIDERATIONS.—The Board shall—

[(i) give consideration in developing the plan to subleasing the facility to another entity or other revenue-generating measures; and

[(ii) include in the plan a detailed financial statement that covers current Academy expenses and revenues and an analysis of the projected impact of the plan on the Academy's expenses and revenues.

[(C) REPORT.—Within 180 days after the date of enactment of this Act, the National Transportation Safety Board shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the

House of Representatives Committee on Transportation and Infrastructure that includes—

[(i) an updated copy of the plan;

[(ii) any comments and recommendations made by the Comptroller General pursuant to the Government Accountability Office's review of the draft plan; and

[(iii) a response to the Comptroller General's comments and recommendations, including a description of any modifications made to the plan in response to those comments and recommendations.

[(D) IMPLEMENTATION.—The plan shall be fully implemented within 2 years after the date of enactment of this Act.

[(b) DOT REPORT ON COMPLIANCE WITH RECOMMENDATIONS.—Within 90 days after the Secretary of Transportation submits a report under section 1135(d) of title 49, United States Code, the National Transportation Safety Board shall review the Secretary's report and transmit comments on the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

[(c) TRANSPORTATION SAFETY REAUTHORIZATION RECOMMENDATIONS.—The Board shall, as appropriate, provide recommendations and comments to the Congress pertaining to pending transportation safety legislation.

[SEC. 3. REPEAL OF REIMBURSEMENT FOR DOT INSPECTOR GENERAL SERVICES.

[Section 1137 of title 49, United States Code, is amended by striking subsection (d).

[SEC. 4. CONTRACTING REQUIREMENTS FOR INVESTIGATION SERVICES.

[(a) IN GENERAL.—Section 1113(b) of title 49, United States Code, is amended—

[(1) by striking "and" after the semicolon in paragraph (1)(H);

[(2) by redesignating subparagraph (I) as subparagraph (J) in paragraph (1);

[(3) by inserting after subparagraph (H) of paragraph (1) the following:

["'(I) for an investigation under section 1131, enter into agreements or contracts without regard to any other provision of law requiring competition, if necessary to expedite the investigation; and"; and

[(4) by striking "(1)(I)" each place it appears in paragraph (2) and inserting "(1)(J)".

[(b) REPORT ON USAGE.—Section 1117 of title 49, United States Code, as amended by section 2, is further amended—

[(1) by striking "and" after the semicolon in paragraph (5);

[(2) by striking "investigation." in paragraph (6) and inserting "investigation; and"; and

[(3) by adding at the end the following:

["(7) a description of each contract executed during the preceding calendar year under the authority of section 1113(b)(1)(I), and the rationale for dispensing with competition requirements with respect to each such contract.".

[SEC. 5. TECHNICAL CORRECTIONS.

[(a) FUNCTIONAL UNIT FOR MARINE INVESTIGATIONS.—Section 1111(g) of title 49, United States Code, is amended by adding at the end the following:

["(5) marine.".

[(b) MARINE CASUALTY INVESTIGATIONS.—Section 1131(a)(1)(E) of title 49, United States Code, is amended—

[(1) by striking "on the navigable waters or territorial sea of the United States," and inserting "on the navigable waters, all internal waters, and the territorial sea of the United States,"; and

[(2) by inserting "(as defined in section 2101(46))" after "vessel of the United States".

[(c) REFERENCE TO DEPARTMENTAL AUTHORITY.—Section 1131(c)(1) of title 49, United States Code, is amended by inserting "or the Secretary of the department in which the Coast Guard is operating" after "Transportation".

[(d) APPOINTMENT OF MANAGING DIRECTOR.—Section 1111 of title 49, United States Code, is amended—

[(1) by striking paragraph (1) of subsection (e) and inserting the following:

["(1) appoint and supervise officers and employees, other than regular and fulltime employees in the immediate offices of another member, necessary to carry out this chapter;";

[(2) by redesignating paragraphs (2) and (3) of subsection (e) as paragraphs (3) and (4), respectively, and inserting after paragraph (1) the following:

["(2) fix the pay of officers and employees necessary to carry out this chapter;";

[(3) by redesignating subsection (i) as subsection (k); and

[(4) by inserting after subsection (h) the following:

["(i) MANAGING DIRECTOR.—The Board shall have a Managing Director who shall be—

["(1) appointed by the Chairman, in consultation with the Board; and

["(2) approved by the Board, pursuant to a procedure developed and adopted by the Board.

["(j) BOARD MEMBER STAFF.—Each member of the Board shall appoint and supervise regular and fulltime employees in his or her immediate office as long as any such employee has been approved for employment by the designated agency ethics official under the same guidelines that apply to all employees of the Board. The appointment authority provided by this subsection is limited to the number of fulltime equivalent positions, in addition to 1 senior professional staff at the GS–15 level and 1 administrative staff, allocated each member through the Board's annual budget and allocation process.".

[(e) BOARD APPROVAL.—Section 1113(c) of title 49, United States Code, is amended by inserting "The Board shall develop and approve a process for the Board's review and comment or approval of documents submitted to the President, Director of the Office of Management and Budget, or the Congress under this subsection." after "Congress.".

[(f) INVESTIGATION TRACKING SYSTEM.—Within 6 months after the date of enactment of this Act, the National Transportation Safety Board shall develop and implement a process or system available to all Board members that tracks the status and activities associated with all ongoing and pending investigations undertaken by the Board, including the expected completion date, staff assignments, and such other information as the Board may require for the investigations.

[(g) INVESTIGATIVE OFFICERS.—Section 1113 of title 49, United States Code, is amended by adding at the end thereof the following:

["(h) INVESTIGATIVE OFFICERS.—The Board shall maintain at least 1 fulltime employee in each State located more than 1,000 miles from the nearest Board regional office to provide initial investigative response to accidents the Board is empowered to investigate under this chapter that occur in those States.".

[SEC. 6. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

[(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

["§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

["(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Rail Security Act of 2005, Amtrak shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

["(b) CONTENTS OF PLANS.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

["(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

["(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

["(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

["(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

["(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

["(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

["(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

["(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

["(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

[''(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

[''(f) FUNDING.—There shall be made available to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2007 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.''.

[(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

[''24316. Plan to assist families of passengers involved in rail passenger accidents.''.

[SEC. 7. INSPECTOR GENERAL OF THE NATIONAL TRANSPORTATION SAFETY BOARD.

[(a) IN GENERAL.—Section 1137 of title 49, United States Code, is amended to read as follows:

[''§ 1137. Designation of the Department of Transportation Inspector General as Inspector General of the National Transportation Safety Board

[''(a) ESTABLISHMENT OF INSPECTOR GENERAL OF THE NATIONAL TRANSPORTATION SAFETY BOARD.—In order to promote economy, efficiency, and effectiveness in the administration of, and to prevent and detect fraud and abuse in the programs, operations, and activities of the National Transportation Safety Board, the Inspector General of the Department of Transportation shall serve as the Inspector General of the National Transportation Safety Board.

[''(b) AUTHORITY OF THE INSPECTOR GENERAL.—

[''(1) The Inspector General shall exercise such authority as provided by the Inspector General Act of 1978, and other applicable laws, over Board programs, operations and activities not directly associated with specific accident investigations or adjudications, including—

[''(A) financial management, property management, and business operations, including internal accounting and administrative control systems;

[''(B) information management and security, including privacy protection of personally identifiable information;

[''(C) resource management;

[''(D) workforce development;

[''(E) procurement and contracting planning, practices and policies;

[''(F) malfeasance in office by Board employees and contractors; and

[''(G) allegations of false statements, fraud, and other criminal activity within the jurisdiction of the Board.

[''(2) In consultation with the Senate Committee on Commerce, Science, and Transportation or the House Committee on Transportation and Infrastructure Committee, the Inspector General may conduct an audit, investigation, or other review on matters not described in subparagraphs (A) through (G) of paragraph (1).

[''(c) DUTIES.—In carrying out this section, the Inspector General shall—

[''(1) report directly to the Chairman of the Committee and ensure that the Chairman is kept fully and currently informed concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs, operations, and activities of the Board;

[''(2) recommend to the Chairman corrective action concerning such problems, abuses, and deficiencies;

[''(3) report to the Chairman on the progress made in implementing such corrective action; and

[''(4) promptly notify the Chairman on any problems related to access for information or carrying out an audit or investigation.

[''(d) INFORMATION PROVIDED TO BOARD MEMBERS.—The Inspector General and Chairman shall ensure that all members of the Board are informed of major work in progress through regular and periodic briefings and, as appropriate, on a timelier basis for matters of a significant nature.

[''(e) AUTHORIZATION FOR APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for use by the Inspector General of the Department of Transportation such sums as may be necessary to cover expenses associated with activities pursuant to the authority exercised as the Inspector General of the Board. In the absence of an appropriation, the Inspector General and the Board shall have a reimbursable agreement to cover such expenses.''.

[(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 11 of title 49, United States Code, is amended by striking the item relating to section 1137 and inserting the following:

[''1137. Designation of the Department of Transportation Inspector General as Inspector General of the National Transportation Safety Board.''.

[SEC. 8. AUDIT PROCEDURES.

[The National Transportation Safety Board, in consultation with the Inspector General, shall continue to develop and implement comprehensive internal audit controls for its operations. The audit controls shall, at a minimum, address Board asset management systems, including systems for accounting management, debt collection, travel, and property and inventory management and control.

[SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—Section 1118(a) of title 49, United States Code, is amended—

[(1) by striking ''and'' after ''2005,''; and

[(2) by striking ''2006.'' and inserting ''2006, $79,594,000 for fiscal year 2007, and $84,382,432 for fiscal year 2008.''.

[(b) EMERGENCY FUND.—Section 1118(b) of title 49, United States Code, is amended to read as follows:

[''(b) EMERGENCY FUND.—There are authorized to be appropriated for necessary expenses of the Board, not otherwise provided for, for accident investigations amounts sufficient to maintain the emergency fund at a level not to exceed $4,000,000, such sums to remain available until expended.''.

[(c) FEES, REFUNDS, AND REIMBURSEMENTS.—

[(1) IN GENERAL.—Section 1118(c) of title 49, United States Code, is amended—

[(A) by striking ''ACADEMY.—'' and inserting ''FEES, REFUNDS, AND REIMBURSEMENTS.—'';

[(B) by striking paragraph (1) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively, and resetting each such paragraph 2 ems from the left margin;

[(C) by striking paragraph (1), as redesignated, and inserting the following:

[''(1) IN GENERAL.—The Board may impose and collect such fees, refunds, and reimbursements as it determines to be appropriate for services provided by or through the Board.'';

[(D) by striking ''fee'' the first place it appears in paragraph (2), as redesignated, and inserting ''fee, refund, or reimbursement''; and

[(E) by striking ''imposed:'' in subparagraphs (A) and (B) of paragraph (2), as redesignated, and inserting ''imposed or with which the refund or reimbursement is associated;''.

[(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2005.

[(d) REPORT.—Section 1118(d) of title 49, United States Code, is repealed.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Transportation Safety Board Reauthorization Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Reports.
Sec. 3. Contracting requirements for investigation services.
Sec. 4. Technical corrections.
Sec. 5. AMTRAK plan to assist families of passengers involved in rail passenger accidents.
Sec. 6. Inspector General of the National Transportation Safety Board.
Sec. 7. Audit procedures.
Sec. 8. DOT Inspector General to investigate Central Artery project contractors and oversight agencies.
Sec. 9. Implementation of NTSB's ''Most Wanted Transportation Safety Improvements, 2006''.
Sec. 10. Authorization of appropriations.

SEC. 2. REPORTS.

(a) ANNUAL REPORTS.—

(1) IN GENERAL.—Section 1117 of title 49, United States Code, is amended—

(A) by striking ''and'' after the semicolon in paragraph (2);

(B) by striking ''State.'' in paragraph (3) and inserting ''State;''; and

(C) by adding at the end the following:

''(4) a description of the activities and operations of the National Transportation Safety Board Academy during the prior calendar year;

''(5) a list of accidents during the prior calendar year that the Board was required to investigate under section 1131 of this title but did not investigate, and an explanation of why they were not investigated; and

''(6) a list of ongoing investigations that have exceeded the expected time allotted for completion by Board order and an explanation for the additional time required to complete each such investigation.''.

(2) UTILIZATION PLAN.—

(A) PLAN.—Within 90 days after the date of enactment of this Act, the National Transportation Safety Board shall—

(i) develop a plan to achieve the self-sufficient operation of the National Transportation Safety Board Academy and utilize fully the Academy's facilities and resources;

(ii) submit a draft of the plan to the Comptroller General for review and comment; and

(iii) submit a draft of the plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(B) PLAN DEVELOPMENT CONSIDERATIONS.—The Board shall—

(i) give consideration in developing the plan to subleasing the facility to another entity or other revenue-generating measures; and

(ii) include in the plan a detailed financial statement that covers current Academy expenses and revenues and an analysis of the projected impact of the plan on the Academy's expenses and revenues.

(C) REPORT.—Within 180 days after the date of enactment of this Act, the National Transportation Safety Board shall submit a report to the

Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that includes—

(i) an updated copy of the plan;

(ii) any comments and recommendations made by the Comptroller General pursuant to the Government Accountability Office's review of the draft plan; and

(iii) a response to the Comptroller General's comments and recommendations, including a description of any modifications made to the plan in response to those comments and recommendations.

(D) IMPLEMENTATION.—The plan shall be fully implemented within 2 years after the date of enactment of this Act.

(b) DOT REPORT ON COMPLIANCE WITH RECOMMENDATIONS.—Within 90 days after the Secretary of Transportation submits a report under section 1135(d) of title 49, United States Code, the National Transportation Safety Board shall review the Secretary's report and transmit comments on the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(c) TRANSPORTATION SAFETY REAUTHORIZATION RECOMMENDATIONS.—The Board shall, as appropriate, provide recommendations and comments to the Congress pertaining to pending transportation safety legislation.

SEC. 3. CONTRACTING REQUIREMENTS FOR INVESTIGATION SERVICES.

(a) IN GENERAL.—Section 1113(b) of title 49, United States Code, is amended—

(1) by striking "and" after the semicolon in paragraph (1)(H);

(2) by redesignating subparagraph (I) as subparagraph (J) in paragraph (1);

(3) by inserting after subparagraph (H) of paragraph (1) the following:

"(I) for an investigation under section 1131, enter into agreements or contracts without regard to any other provision of law requiring competition, if necessary to expedite the investigation; and"; and

(4) by striking "(1)(I)" each place it appears in paragraph (2) and inserting "(1)(J)".

(b) REPORT ON USAGE.—Section 1117 of title 49, United States Code, as amended by section 2, is further amended—

(1) by striking "and" after the semicolon in paragraph (5);

(2) by striking "investigation." in paragraph (6) and inserting "investigation; and"; and

(3) by adding at the end the following:

"(7) a description of each contract executed during the preceding calendar year under the authority of section 1113(b)(1)(I), and the rationale for dispensing with competition requirements with respect to each such contract.".

SEC. 4. TECHNICAL CORRECTIONS.

(a) FUNCTIONAL UNIT FOR MARINE INVESTIGATIONS.—Section 1111(g) of title 49, United States Code, is amended by adding at the end the following:

"(5) marine.".

(b) MARINE CASUALTY INVESTIGATIONS.—Section 1131(a)(1)(E) of title 49, United States Code, is amended—

(1) by striking "on the navigable waters or territorial sea of the United States," and inserting "on the navigable waters, all internal waters, and the territorial sea of the United States,"; and

(2) by inserting "(as defined in section 2101(46))" after "vessel of the United States".

(c) REFERENCE TO DEPARTMENTAL AUTHORITY.—Section 1131(c)(1) of title 49, United States Code, is amended by inserting "or the Secretary of the department in which the Coast Guard is operating" after "Transportation".

(d) APPOINTMENT OF MANAGING DIRECTOR.—Section 1111 of title 49, United States Code, is amended—

(1) by striking paragraph (1) of subsection (e) and inserting the following:

"(1) appoint and supervise officers and employees, other than regular and fulltime employees in the immediate offices of another member, necessary to carry out this chapter;";

(2) by redesignating paragraphs (2) and (3) of subsection (e) as paragraphs (3) and (4), respectively, and inserting after paragraph (1) the following:

"(2) fix the pay of officers and employees necessary to carry out this chapter;";

(3) by redesignating subsection (i) as subsection (k); and

(4) by inserting after subsection (h) the following:

"(i) MANAGING DIRECTOR.—The Board shall have a Managing Director who shall be—

"(1) appointed by the Chairman, in consultation with the Board; and

"(2) approved by the Board, pursuant to a procedure developed and adopted by the Board.

"(j) BOARD MEMBER STAFF.—Each member of the Board shall appoint and supervise regular and fulltime employees in his or her immediate office as long as any such employee has been approved for employment by the designated agency ethics official under the same guidelines that apply to all employees of the Board. The appointment authority provided by this subsection is limited to the number of fulltime equivalent positions, in addition to 1 senior professional staff at the GS-15 level and 1 administrative staff, allocated each member through the Board's annual budget and allocation process.".

(e) BOARD APPROVAL.—Section 1113(c) of title 49, United States Code, is amended by inserting "The Board shall develop and approve a process for the Board's review and comment or approval of documents submitted to the President, Director of the Office of Management and Budget, or the Congress under this subsection." after "Congress.".

(f) INVESTIGATION TRACKING SYSTEM.—Within 6 months after the date of enactment of this Act, the National Transportation Safety Board shall develop and implement a process or system available to all Board members that tracks the status and activities associated with all ongoing and pending investigations undertaken by the Board, including the expected completion date, staff assignments, and such other information as the Board may require for the investigations.

(g) INVESTIGATIVE OFFICERS.—Section 1113 of title 49, United States Code, is amended by adding at the end thereof the following:

"(h) INVESTIGATIVE OFFICERS.—The Board shall maintain at least 1 fulltime employee in each State located more than 1,000 miles from the nearest Board regional office to provide initial investigative response to accidents the Board is empowered to investigate under this chapter that occur in those States.".

SEC. 5. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"§24316. Plans to address needs of families of passengers involved in rail passenger accidents

"(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the National Transportation Safety Board Reauthorization Act of 2006, Amtrak shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

"(b) CONTENTS OF PLANS.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

"(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

"(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

"(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

"(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

"(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

"(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

"(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

"(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

"(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

"(f) FUNDING.—There shall be made available to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2007 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"24316. Plan to assist families of passengers involved in rail passenger accidents.".

SEC. 6. INSPECTOR GENERAL OF THE NATIONAL TRANSPORTATION SAFETY BOARD.

(a) In General.—Section 1137 of title 49, United States Code, is amended to read as follows:

"§ 1137. Designation of the Department of Transportation Inspector General as Inspector General of the National Transportation Safety Board

"(a) Establishment of Inspector General of the National Transportation Safety Board.—In order to promote economy, efficiency, and effectiveness in the administration of, and to prevent and detect fraud and abuse in the programs, operations, and activities of the National Transportation Safety Board, the Inspector General of the Department of Transportation shall serve as the Inspector General of the National Transportation Safety Board.

"(b) Authority of the Inspector General.—

"(1) The Inspector General shall exercise such authority as provided by the Inspector General Act of 1978, and other applicable laws, over Board programs, operations and activities not directly associated with specific accident investigations or adjudications, including—

"(A) financial management, property management, and business operations, including internal accounting and administrative control systems;

"(B) information management and security, including privacy protection of personally identifiable information;

"(C) resource management;

"(D) workforce development;

"(E) procurement and contracting planning, practices and policies;

"(F) malfeasance in office by Board employees and contractors; and

"(G) allegations of false statements, fraud, and other criminal activity within the jurisdiction of the Board.

"(2) In consultation with the Senate Committee on Commerce, Science, and Transportation or the House Committee on Transportation and Infrastructure Committee, the Inspector General may conduct an audit, investigation, or other review on matters not described in subparagraphs (A) through (G) of paragraph (1).

"(c) Duties.—In carrying out this section, the Inspector General shall—

"(1) report directly to the Chairman of the Committee and ensure that the Chairman is kept fully and currently informed concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs, operations, and activities of the Board;

"(2) recommend to the Chairman corrective action concerning such problems, abuses, and deficiencies;

"(3) report to the Chairman on the progress made in implementing such corrective action; and

"(4) promptly notify the Chairman on any problems related to access for information or carrying out an audit or investigation.

"(d) Information Provided to Board Members.—The Inspector General and Chairman shall ensure that all members of the Board are informed of major work in progress through regular and periodic briefings and, as appropriate, on a timelier basis for matters of a significant nature.

"(e) Authorization for Appropriations.—There are authorized to be appropriated to the Secretary of Transportation for use by the Inspector General of the Department of Transportation such sums as may be necessary to cover expenses associated with activities pursuant to the authority exercised as the Inspector General of the Board. In the absence of an appropriation, the Inspector General and the Board shall have a reimbursable agreement to cover such expenses.".

(b) Conforming Amendment.—The chapter analysis for chapter 11 of title 49, United States Code, is amended by striking the item relating to section 1137 and inserting the following:

"1137. Designation of the Department of Transportation Inspector General as Inspector General of the National Transportation Safety Board".

SEC. 7. AUDIT PROCEDURES.

The National Transportation Safety Board, in consultation with the Inspector General, shall continue to develop and implement comprehensive internal audit controls for its operations. The audit controls shall, at a minimum, address Board asset management systems, including systems for accounting management, debt collection, travel, and property and inventory management and control.

SEC. 8. DOT INSPECTOR GENERAL TO INVESTIGATE CENTRAL ARTERY PROJECT CONTRACTORS AND OVERSIGHT AGENCIES.

(a) In General.—The Inspector General of the Department of Transportation shall investigate the contractors involved in the development and construction of the Central Artery tunnel project in Boston, Massachusetts, and the public agencies that oversaw their work, including the Massachusetts Turnpike Authority and the Federal Highway Administration.

(b) Priorities and Procedure.—In carrying out the mandate provided by subsection (a), the Inspector General shall—

(1) oversee any investigations related to the collapse of ceiling plates in the tunnel on July 10, 2006;

(2) oversee a comprehensive review of the safety of the Central Artery project; and

(3) audit and investigate parties involved in the construction, maintenance, and oversight of the Central Artery project, including the Massachusetts Turnpike Authority and the Federal Highway Administration, in order to determine whether the collapse of ceiling plates in the tunnel on July 10, 2006, resulted from whether poor planning, development, construction, or other factors.

SEC. 9. IMPLEMENTATION OF NTSB'S "MOST WANTED TRANSPORTATION SAFETY IMPROVEMENTS, 2006".

Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure explaining why the Federal Aviation Administration has not implemented the aviation recommendations in the NTSB's "Most Wanted Transportation Safety Improvements, 2006".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—Section 1118(a) of title 49, United States Code, is amended—

(1) by striking "and" after "2005,"; and

(2) by striking "2006." and inserting "2006, $79,594,000 for fiscal year 2007, and $84,382,432 for fiscal year 2008.".

(b) Emergency Fund.—Section 1118(b) of title 49, United States Code, is amended to read as follows:

"(b) Emergency Fund.—There are authorized to be appropriated for necessary expenses of the Board, not otherwise provided for, for accident investigations amounts sufficient to maintain the emergency fund at a level not to exceed $4,000,000, such sums to remain available until expended.".

(c) Fees, Refunds, and Reimbursements.—

(1) In general.—Section 1118(c) of title 49, United States Code, is amended—

(A) by striking "Academy.—" and inserting "Fees, Refunds, and Reimbursements.—";

(B) by striking paragraph (1) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively, and resetting each such paragraph 2 ems from the left margin;

(C) by striking paragraph (1), as redesignated, and inserting the following:

"(1) In general.—The Board may impose and collect such fees, refunds, and reimbursements as it determines to be appropriate for services provided by or through the Board.";

(D) by striking "fee" the first place it appears in paragraph (2), as redesignated, and inserting "fee, refund, or reimbursement"; and

(E) by striking "imposed;" in subparagraphs (A) and (B) of paragraph (2), as redesignated, and inserting "imposed or with which the refund or reimbursement is associated;".

(2) Effective date.—The amendments made by paragraph (1) shall take effect on October 1, 2005.

(d) Report.—Section 1118(d) of title 49, United States Code, is repealed.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

RAILROAD RETIREMENT TECHNICAL IMPROVEMENT ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 630, H.R. 5074.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5074) to amend the Railroad Retirement Act of 1974 to provide for continued payment of railroad retirement annuities by the Department of the Treasury, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5074) was ordered to be read a third time, was read the third time, and passed.

Mr. DURBIN. Mr. President, will the majority leader yield?

Mr. FRIST. I am happy to yield.

Mr. DURBIN. Mr. President, I would like to say to the majority leader by way of a question that I have been working with Senator Chambliss, the chairman of the Agriculture Committee, on the reauthorization of the

Commodity Futures Trading Commission, and we have worked out what I consider to be a fair apportionment of time and amendments. We have been ready to go, prepared, waiting for that propitious moment, hoping that the majority leader would smile our way and give us that opening, that hour or two to get this important legislation passed. I would like to ask the majority leader if he has been thinking about that.

Mr. FRIST. Mr. President, through the Chair, in fact, I will need to turn to the distinguished assistant leader as to how much time—I remember we had it locked down to an amount of time. It is about 7½ or 8 hours. We have a challenging week. We have to get to the DOD appropriations, we have to get to the Homeland Security appropriations, we need to get to the terrorist tribunal legislation, we need to get to the port security legislation, and we need to get to the border fence legislation. We will do our best. I do understand the importance of the legislation, and I want to congratulate the managers and the chairman and ranking member for their great work. I do understand the importance of it.

Mr. DURBIN. Mr. President, if I might ask again of the majority leader—I certainly understand this might not be the week, but I hope when we return you would consider putting this up soon. I appreciate it, and I am sure Senator CHAMBLISS does as well.

Mr. FRIST. Mr. President, I recognize the importance of the issue, and we are doing our best to get everything we possibly can done.

ORDERS FOR TUESDAY, SEPTEMBER 26, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, September 26. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to an hour with the first 30 minutes under the control of the majority leader or his designee, and the final 30 minutes under the control of the Democratic leader or his designee; further, that following morning business, the Senate resume consideration of H.R. 6061, the Border Fence Act. Further, I ask unanimous consent that the Senate stand in recess from 12:30 until 2:15 to accommodate the Democratic policy luncheon; I further ask that it be in order to file first-degree amendments as provided for under rule XXII until the hour of 2:30 on Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, I just went through a host of issues that we need to consider over the course of this week and our intention to complete our work by Friday or Saturday. It is going to take cooperation, and everybody is working together, as the Democratic leader and I implied a few minutes ago, in how we will address the legislation surrounding the military tribunals. Again, we did file, or I just a few moments ago filed cloture on the Hamdan language as well as on the underlying border security bill. We will work, as we just discussed on the floor, very hard to come to an agreement on how we can address the Hamdan legislation with the appropriate number of amendments. The first of these votes would occur Wednesday morning, as the Democratic leader pointed out, and as I said earlier. If we are able to get an agreement, we could actually be voting tomorrow.

Mr. LEVIN. Will the majority leader yield for a question?

Mr. FRIST. I would be happy to.

Mr. LEVIN. Is the Hamdan language which has been filed in the amendment the same as the Hamdan language that was agreed upon by the three Republican Senators with the administration?

Mr. FRIST. Yes. Yes, it is. I think what the Democratic leader said is that there are some changes, but as to what was introduced—Friday, I believe? Friday—so there are some small changes in that, but it has been agreed to by all the parties concerned.

Mr. LEVIN. In your judgment there is no substantive change between that amendment and the language that was agreed upon?

Mr. FRIST. That is correct.

Mr. LEVIN. I thank the majority leader.

Mr. FRIST. The reason I am turning around is, as the Democratic leader said, people have been working very aggressively since the agreement was reached. And every change, we have really tried to go to both sides—to the House, to the Senate, to the administration—so that we can have as much agreement as we possibly can on this bill. So the changes that have been made have been minor, as just reported to me.

Mr. REID. Mr. President, if the majority leader would, when he completes the motion to close for the night—if he would allow the Senator from Illinois to speak for 15 minutes, prior to our going out?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. As in morning business.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks, up to 15 minutes, as in morning business, by our distinguished colleague from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

HEARING ON THE IRAQ WAR

Mr. DURBIN. Mr. President, I thank the majority leader and the Democratic leader for their cooperation in asking for this short period of time.

Mr. President, today there was a hearing that was held by the Democratic Policy Conference under the chairmanship of Senator BYRON DORGAN of North Dakota. It was a historic hearing. It is rare for hearings to occur on Mondays. Usually the business of the Senate and House is concentrated on Tuesday, Wednesday, and Thursday. But this hearing was held on Monday in an effort, by the Democratic Policy Conference, to call witnesses before our Senate to discuss an issue which is on the mind of most Americans. That issue, of course, is the war in Iraq.

Senator DORGAN extended an invitation to this hearing to the Republican majority leader as well as the chairman of the Republican Conference, Senator KYL of Arizona, in an effort to have a bipartisan hearing on the war in Iraq. Unfortunately, neither of those Senators could attend. But Republican Congressman WALTER JONES of North Carolina did come over and join us in this hearing, so there was representation from the Republican House and Democratic Senators at this Democratic Policy Conference.

The reason I bring this to the attention of those who are following the business of the Senate is that I believe this hearing was historic. I believe it is the first time since our invasion of Iraq that we had an opportunity to hear from generals and officers who were in Iraq, who worked on that war and were willing to give us a critique, an analysis of their experience and their view of where we are today.

MG John Batiste from the U.S. Army, retired; MG Paul Eaton, U.S. Army, retired; and COL Hammes of the U.S. Marine Corps, retired, came and testified about what has gone wrong in the war in Iraq and what we need to do from this time forward. One might think, if you listen to the talk shows, that this is common fare in the Senate, but it is not. In fact, it is one of the few times, if any, that we have allowed an oversight hearing on the policy in Iraq.

If you chart the history of this country through our great wars, starting with the Civil War and forward, it is not uncommon for this Congress, regardless of party, to bring the leaders in that war to Washington to ask them questions about the progress that is being made. But, sadly, since the invasion of Iraq, that has not been the course of action.

What we have found, time and time again, is that this Congress has called before it for testimony those at the highest levels of the administration. Of course, the Secretary of Defense, the Under Secretaries, and the generals in the highest command are brought forward. But we never reach the next tier and the next rank and the next level because the perspective changes. The perspective of these men who testified today was the perspective of those who had been in charge of important operations in Iraq and had the responsibility of carrying out a mission and protecting the lives of American soldiers that were at risk.

What they had to say was chilling. In stark testimony, each of these officers, now retired from service, having attended West Point and graduated, having attended Annapolis and graduated, said the first and highest priority that we had as a nation was to change the leadership at the Department of Defense. They felt the approach that is being taken by Secretary Rumsfeld and those in his close-knit team was inconsistent with success and victory in Iraq.

They told of their own personal experiences when they would question some of the decisions that were made by the administration and by Secretary Rumsfeld, only to find that they were ignored or shunned. These generals gave eye-opening testimony, testimony that I wish every Member of the Senate could have heard. These were good witnesses to call—good witnesses because the members of the Armed Services Committee should hear their testimony. All of the Senators should hear that testimony, when they talk about what we face.

When Colonel Hammes of the U.S. Marine Corps, now retired, said he expects the United States to be in Iraq for another decade, 10 years or more; when we hear from each of these officers that we have not provided the necessary troops in the field to accomplish our mission; when each of them reflects on our efforts to build the Iraqis into an army that can defend its own country and then says that the United States would not invest the resources to build the Iraqi Army at that critical moment in its history and now is paying a price for it—their testimony, which was covered by major news media, will be reported by some but should be reported to all the Members of the Senate.

We have a responsibility in the Senate and in the House. We serve as that third branch of Government with a checks and balances system to be involved in the appointment of judges but, yes, to serve in oversight of the executive branch.

Unfortunately, that has not been the case over the last 4 years during the course of this war. Very few, if any, Senators have stepped forward to question this administration's policy in Iraq. The Republican leaders in the Senate have not scheduled hearings with officers and former officers who could give us firsthand, candid, honest testimony about what is going right and what is going wrong. There is a fear in this administration of hearing unpopular expressions from those who have served in our military.

We owe it to our soldiers; we owe it to our Marines, our airmen, our sailors, and all who serve under America's flag, and we owe it to their families to ask the hard questions, to demand the answers from this administration.

Before the hearing today I contacted the Department of Defense for an update, an update on a very grim statistic. I asked how many American lives had been lost, our brave soldiers in Iraq. The number as of this morning: 2,702. Almost 20,000 have returned with serious injuries. We have spent over $325 billion on this war and continue to spend at the rate of $1.5 billion per week.

It is a grim reminder of what this war has cost, first and foremost in human life, but also in human suffering—the prayers and anxieties of American families, those who have returned with injuries that they will deal with for a lifetime, and for taxpayers across the country who have seen our national deficit reach record levels as this administration refuses to accept the honest assessment of the cost of this war and to tell the American people the sacrifices that must be made for us to come home with our mission truly accomplished: 2,702 of our soldiers.

That hearing was important. I am glad that Congressman WALTER JONES came over so that it was a bipartisan hearing. But it is time for more. It is time for us to bring those officers and soldiers before us who are living this war in Iraq to tell us what is really happening on the ground. If there are ripoffs and profiteering by Halliburton and other companies, we should all take that personally. It is not only taxpayers' money wasted, it is money that is not being spent for the defense of our troops. It is money that is being misused when it could be used better so that our troops could get their job done, and done more effectively.

When Colonel Hammes of the U.S. Marine Corps talks about the deterioration of production capacity in the United States, he marvels at that time in history when we were producing 4,000 planes a month, during World War II, and now we find, for the best armored vehicle that we need to move our troops, the best America can do is produce 48 a month? It is a good, valid question: why this war effort has not meant more dedication from our elected officials and the public sector as well as the private sector.

It is interesting that each of these military leaders pointed a finger at Congress and at political leaders as well. All the criticism was not reserved just for the Secretary of Defense and military planners who brought us into this war. They said to us in stark terms that we have not communicated to the American people what it will take to win. They believe, and I share their belief, that the American people, when challenged, will rise to the challenge. We have done it time and again throughout our history.

This hearing, which lasted a little over 2 hours, attracted a number of Senators and Congressman JONES from the House and should have taken place a long time ago. As Major General Batiste said—he has been out of the military after 30-plus years of service. He has been critical of what has happened. Today was the first time anyone had invited him to Capitol Hill to testify. We need to bring in these men and women who will share with us the responsibility of holding our Government and our leaders accountable in time of war.

When so many lives are at stake, when so much is at stake, this Congress has to rise to the challenge and rise to the occasion. Unfortunately, that has not occurred. We have done little or nothing when it comes to accountability for taxpayer dollars, for the course of this war and strategy, and most importantly for the lives that have been lost. We can do better.

We need a new direction when it comes to our policies in Iraq, a direction which doesn't call for immediate withdrawal but a direction which says there will come a day—and soon—when American troops can come home with their mission accomplished. And it is time for us to begin to initiate that conversation.

I thank Senator DORGAN for those who attended today. I think it was time well spent.

I hope, when we return after this election on November 7, we can in a bipartisan fashion have real oversight of this war, ask those important questions which our troops deserve to have answered, ask the important questions our taxpayers need to have answered about the cost of this conflict, and ask those important questions as to how we can reach a time—and soon—when our soldiers can return home victorious, with their mission truly accomplished.

I yield the floor.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:45 a.m. tomorrow.

Thereupon, the Senate, at 7:15 p.m., adjourned until Tuesday, September 26, 2006, at 9:45 a.m.

DISCHARGED NOMINATION

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nomination and the nomination was confirmed:

CHARLES F. CONNER, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

CONFIRMATIONS

Executive nominations confirmed by the Senate Monday, September 25, 2006:

DEPARTMENT OF AGRICULTURE

CHARLES F. CONNER, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

THE JUDICIARY

FRANCISCO AUGUSTO BESOSA, OF PUERTO RICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO.

HOUSE OF REPRESENTATIVES—*Monday, September 25, 2006*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 25, 2006.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GINGREY) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, out of Your infinite love, You call each of us by name. You tie us into a set of relationships and You position us in a particular place and time that we may accomplish Your holy will.

Since this democracy is government by the people, it is for the American people that this House of Representatives gathers today. Whether duly elected or employed by the taxpayers, all who work here, Lord, are called by You and accountable both to You and to the American people.

As ordinary individuals, You equip us to do our job well. We look to You for strength and guidance in all judgments. May all that we do be sanctified by Your presence and dignified by dedication to the common good of the American people both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TORTURE DEFINED

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Merriam-Webster defines torture as "the infliction of intense pain, as from burning, crushing, or wounding." I would challenge those who oppose America's strenuous interrogation of known terrorists to explain how sleep deprivation and forced standing fits this description.

The Islamofascist movement seeks the destruction of modern civilization. To accomplish this twisted goal, no means are off limits. Rules of war and international treaties do not apply. These barbarians target civilians, they eagerly blow up innocent children, they behead their captives.

Our men and women in uniform are fighting to protect our families and our homeland from these mass murderers. It is important that America maintain its high moral standing in the global community. An honest debate about the treatment of terrorist detainees is certainly in order. Still, we cannot forget that our freedoms are under siege. We must employ all appropriate means to eradicate terrorism and protect American families in the global war on terror.

In conclusion, God bless our troops, and we will never forget September 11.

SITUATION IN IRAQ

(Ms. McCOLLUM of Minnesota asked and was given permission to address the House for 1 minute.)

Ms. McCOLLUM of Minnesota. Mr. Speaker, the situation in Iraq is more deadly than ever before. During July and August, 6,600 Iraqi civilians were murdered by death squads, militias, and insurgents.

Today, it was reported that there are 23 armed and violent militias in Iraq, some with direct connections to the Iraqi Government officials and ministries. And we now know our own U.S. intelligence agencies are reporting that the Iraq war is fueling global terrorism, making America less safe. After nearly 3½ years of the war in Iraq, nearly 2,700 American lives lost, our own independent government agencies are saying the incompetence of the Bush administration's Iraq policy is radicalizing and inspiring the creation of terrorists around the world.

Democrats are focused on fighting the war on terror, not creating terrorists. Democrats are focused on keeping America secure and bringing our troops home from Iraq safe and soon.

"I PLEDGE ALLEGIANCE TO MEXICO"?

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, Federal judges have been trying to rip the Pledge of Allegiance out of our schools and have prevented it from being recited by school kids in nine States. Now our pledge is under siege again. Our kids are being intimidated into pledging allegiance to a foreign flag.

Velasco Elementary in Texas celebrated Mexican Independence Day by handing out small Mexican flags and making children as young as pre-kindergarten stand as parents recited the Mexican pledge in Spanish. That pledge honors the heroes of Mexico, promising always to be faithful and dedicate loyalty to that nation.

Pledging allegiance to a foreign flag is un-American. The principal of the school, Sam Williams, justified reciting the pledge meekly by saying,

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□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"Well, we want to be diverse at our school."

There is only one flag our children should uphold and hold. There is only one pledge that they should recite. The Mexican Government and illegals may have their sights on retaking the Southwest, but we will not hand it over to them one student at a time. In the words of the Texans who fought originally for Mexican independence, you'll have to "come and take it." Our loyalty is to America, not to Mexico.

And that's just the way it is.

APPLAUDING THE CAPITOL FLAG OFFICE EMPLOYEES

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, I rise today to applaud the courageous actions of employees in the U.S. Capitol flag office.

Last week, an armed intruder evaded security and broke into the Capitol, leading police on a chase spanning four floors of the building. The perpetrator represented a serious threat to the safety of Members, staff, and the visiting public. At the time of his capture, he was carrying a .22 caliber pistol and was high on crack cocaine. But thanks to the sharp instincts, quick thinking, and decisive action of a trio of Capitol flag office employees, Monday, September 18, was not to be a tragic day. According to published reports, these brave employees were able to subdue the intruder, holding him in custody until Capitol Police arrived.

Mr. Speaker, I have got some serious concerns, as I think we all do, regarding how easily Capitol security was breached last week. We have spent hundreds of millions of dollars on securing the Capitol and increasing the size of the police force since 9/11. But that is a debate for another time and place. Today, I want to use this time on the House floor to recognize individuals from the flag office involved in last week's security breach. They are part of a team who day in and day out ensure that constituents across the country receive their own crisp edition of the Stars and Stripes freshly flown over the Capitol dome. Their actions in a dangerous situation speak volumes, displaying a willingness to put their safety on the line for this institution and for their fellow workers.

ENGLISH AS THE OFFICIAL LANGUAGE

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, the old saying, "united we stand, divided we fall," is so true. Just as common language can unite a people, the lack of a unified national language can be enormously divisive. However, the Senate's immigration bill failed the American people by giving them a watered down, feel-good statement that does nothing.

New immigrants already have to learn English to become citizens. It is only common sense that we come together under one unified language by making English the official language of the United States. Listen up, America: enough is enough. United we stand, and English we speak.

A BLESSED NATION

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, we are a blessed Nation. We have not suffered another attack on our soil since September 11, and we are grateful. We have killed or captured dozens of members of al Qaeda and the Taliban. Our military and intelligence forces are working both hard and smart.

After two decades of having U.S. interests attacked by the terrorists, we have taken the war on terrorism to the terrorists' backyard. For decades, whether it was the Iranian hostage crisis, the bombing of Pan Am Flight 103, the first World Trade Center bombing, or the USS *Cole* bombing, we did not view terrorist attacks as a declaration of war. And that is what they were, but we didn't see it. We used law enforcement to go after terrorists and we sought to negotiate. What a mistake that was. But it is a mistake all too many who prefer appeasement want us to repeat.

Can any of us even imagine, after Pearl Harbor, President Roosevelt suggesting we negotiate a resolution or that we could simply prosecute those involved? Of course it is unimaginable. We are right to be in the Middle East, and we are right to treat this as the war it is.

BERRY COLLEGE

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to congratulate Berry College in Rome, Georgia, which this year was named as one of the top two colleges in the South by the prestigious U.S. News and World Report rankings.

For those of us who know Berry College, this honor comes as no surprise. This past spring I had the honor of addressing Berry College at the 2006 graduation ceremony. I was incredibly impressed by the student body. Berry is helping mold engaged, eager, driven students into the kind of leaders our communities are fortunate to have.

Berry College's founder and namesake, Martha Berry, once noted that education combines the head, the heart, and the hands. I know Berry students are receiving a superior education that combines high-quality academic learning with moral and spiritual growth and experience and worthwhile service to others. This makes Berry not only one of the top colleges in the South but in the Nation as well.

Mr. Speaker, I ask you to join me in congratulating Berry's president, Stephen Briggs, and the students, faculty, staff, and alumni that have made Berry College into a premier educational institution.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
September 22, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER:

Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 22, 2006, at 9:15 a.m.:

That the Senate passed with an amendment H.R. 3127.

That the Senate passed S. Con. Res. 116.

That the Senate passed S. 2562.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
September 22, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 22, 2006, at 11:20 a.m.:

That the Senate passed S. 3850.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

LOWER FARMINGTON RIVER AND SALMON BROOK WILD AND SCENIC RIVER STUDY ACT

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1344) to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Farmington River and Salmon Brook Wild and Scenic River Study Act".

SEC. 2. DESIGNATION OF ADDITIONAL SEGMENT OF FARMINGTON RIVER AND SALMON BROOK IN CONNECTICUT FOR STUDY FOR POTENTIAL ADDITION TO NATIONAL WILD AND SCENIC RIVERS SYSTEM.

(a) FINDINGS.—The Congress finds the following:

(1) The Farmington River and Salmon Brook in the State of Connecticut possess important resource values, including wildlife, ecological, and scenic values, and historic sites and a cultural past important to America's heritage.

(2) There is a longstanding interest among State and local officials, area residents, and river and brook users in undertaking a concerted cooperative effort to manage the river and brook in a productive and meaningful way.

(b) DESIGNATION.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following new paragraph:

"(139) LOWER FARMINGTON RIVER AND SALMON BROOK, CONNECTICUT.—The segment of the Farmington River downstream from the segment designated as a recreational river by section 3(a)(156) to its confluence with the Connecticut River, and the segment of the Salmon Brook including its mainstem and east and west branches.".

(c) TIME FOR SUBMISSION.—Not later than three years after the date of the enactment of this Act, the Secretary of the Interior shall submit to Congress a report containing the results of the study required by the amendment made by subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

☐ 1415

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1344, introduced by the gentlewoman from Connecticut (Mrs. JOHNSON) and amended by the House Resources Committee would designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic River Systems.

I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while the majority has decided to bypass the hearing and the committee consideration process for the pending legislation, H.R. 1344, since it simply authorizes a study of a proposed river designation, we have no objection to adoption of the bill by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. RENZI. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut (Mrs. JOHNSON), the author of the bill.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from Arizona (Mr. RENZI); and I thank the gentlewoman from Guam for her concurrence in moving this study forward; and I thank the gentleman from California (Mr. POMBO), chairman of the Resources Committee, for allowing this matter to come to the floor of the House early in the week.

Mr. Speaker, I rise in strong support of H.R. 1344, the Lower Farmington River and Salmon Brook Wild and Scenic River Study Act. This important legislation builds on the designation of the west branch of the Farmington River which I initiated in 1994. The bill commissions a feasibility study to evaluate whether the lower Farmington River and Salmon Brook qualify as a Wild and Scenic Partnership River within the National Park Service's Wild and Scenic Rivers System. The lower Farmington is defined as a 40-mile stretch between the lower Collinsville Dam in Burlington and the Rainbow Dam in Windsor in the Fifth and First Congressional Districts.

The Farmington River and Salmon Brook's recreational and environmental contributions to our State are well-known and must be protected for future generations. The 14 miles of the Farmington River's West Branch, designated as a Wild and Scenic Partnership River in 1994, is a resounding environmental and economic success. Partnership designation for the West Branch has fostered public-private partnerships to preserve the area's environment and heritage, while yielding the economic benefits to river towns.

The West Branch of the river is home to trout, river otter and bald eagle populations; and historic structures still grace its banks. Fishermen, hikers, canoeists and kayakers enjoy the river and its banks year-round. In addition, a 2003 study by North Carolina State University found that partnership designation resulted in millions in economic activity and increased property values in the river towns of Barkhamsted, Canton, Colebrook, Hartland, and New Hartford.

I hope to see the rest of the Farmington River, as well as Salmon Brook, enjoy similar success. This new initiative is an ideal way to extend that protection and showcase the river's unique cultural and recreational resources, including native American archaeological sites and the Farmington River Canal remnants.

The Lower Farmington also offers recreational opportunities and has been the site of U.S. Olympic Team white water slalom trials. Additionally, the river is home to native brook trout and the slimy sculpin, two fish species only found in areas of high-quality water.

The study of the river is an essential step forward in the designation process. With its strong bipartisan support, I also would like to thank the Resources Committee for bringing this bill forward. I encourage my colleagues to support the legislation.

Mr. LARSON of Connecticut. Mr. Speaker, as a cosponsor of the Lower Farmington River and Salmon Brook Wild and Scenic River Study Act, I rise in strong support of this very important bill.

Connecticut is fortunate to be the home of the Farmington River, which hosts a wealth of natural beauty, a variety of wildlife, and a cultural past important to our state, region, and Nation. In 1994, Congress recognized the upper section of the Farmington—a 14 mile-long stretch that runs from the base of the Goodwin Dam in Hartland to the downstream border of Canton and New Hartford, as Wild and Scenic. As a federally protected river segment, the natural splendor and resources of the Upper Farmington have been managed cooperatively on the local, state and federal level for over a decade. Regrettably, Salmon Brook, a major tributary, and the Lower Farmington that runs 40 miles from Canton to its confluence with the Connecticut River in Windsor do not share the same federal protection. Continued threats to the river's water quality reinforce the urgent need for a collaborative effort to preserve the unique character of both the Upper and Lower Farmington, as well as Salmon Brook, for present and future generations.

The Lower Farmington is a rare natural, cultural and recreational area for the people of the First District and throughout the entire state of Connecticut. The river's free-flowing waters support a rich ecological system and serves as the habitat for diverse fish species, including the American shad and the Atlantic salmon. The River is also home to trout, river otter and bald eagle populations. Since the 1600s, the River has prominently been featured in our state history, from the Tunxis Native American tribes who settled on its shores to the mills and dams that sprung up as part of the Industrial Revolution. Today, people from across Connecticut can enjoy the majestic views of the river along the Farmington River Trail—a former railroad line that when completed will run 26 miles along the shores of the Farmington.

Since 1968, the National Wild and Scenic Rivers System has protected the Nation's most valuable rivers. Through this system, rivers that possess remarkable scenic, recreational, natural, and cultural values are preserved in their free-flowing condition and are protected for the benefit and enjoyment of present and future generations. Designated rivers are afforded the federal protection necessary to maintain their resources and character.

The Lower Farmington River and Salmon Brook Wild and Scenic River Study Act is the first significant step towards designating the Lower Farmington in the National Wild and Scenic Rivers System. I urge my colleagues to join me in ensuring the environmental and historic preservation of these waterways by supporting the underlying bill.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 1344, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING NATIONAL PARK SERVICE TO PAY FOR SUBCONTRACTOR SERVICES COMPLETED AT GRAND CANYON NATIONAL PARK

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3961) to authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver/Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park.

The Clerk read as follows:

H.R. 3961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

As used in this Act, the following definitions apply:

(1) IDIQ.—The term "IDIQ" means an Indefinite Deliver/Indefinite Quantity contract.

(2) PARK.—The term "park" means Grand Canyon National Park.

(3) PGI.—The term "PGI" means Pacific General, Inc.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The park issued approximately 40 task orders to PGI under an IDIQ between fiscal years 2002 and 2003 for a variety of projects.

(2) The value of these task orders was over $17,000,000 for various construction projects throughout the park.

(3) According to invoices sent to the park, PGI certified that proceeds of payments were being sent to subcontractors and suppliers.

(4) In January 2004, complaints were received by numerous subcontractors citing lack of payments by PGI.

(5) The National Park Service has paid over $10,000,000 to PGI, of which an estimated $1,300,000 was owed, but not paid to subcontractors.

(6) During an acquisition management review conducted by the Washington Contracting and Procurement Office of the National Park Service, it was found that the park had failed to ensure that PGI obtained the necessary payment and performance bonds required by the IDIQ and the Miller Act (40 U.S.C. 270a).

(7) On February 6, 2004, the National Park Service suspended further payment to PGI and issued a suspension notice to cease activity by the contractor.

(8) The National Park Service gave PGI every reasonable opportunity to resolve the situation, but PGI has effectively ceased doing business.

(9) Recovery by the Government of that $1,300,000 is unlikely.

(10) The National Park Service is prohibited from making payments to a contractor without obtaining payment and performance bonds.

(11) Contract law generally prohibits payment directly to subcontractors because of the lack of a direct, contractual relationship between the parties.

(12) The Federal Government has derived benefits from the work that has been completed.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary to pay for services rendered by subcontractors that should have been paid by PGI.

SEC. 3. AUTHORIZATION.

The Secretary is authorized to use $1,300,000 from the park's entrance fee revenues to pay subcontractors of PGI for work performed at the park under an IDIQ with PGI between fiscal years 2002 and 2003 provided that—

(1) the primary contract between PGI and the National Park Service is terminated;

(2) the amount owed to the subcontractors is verified;

(3) all reasonable legal avenues or recourse have been exhausted by the subcontractors to recoup amounts owed directly from PGI; and

(4) the subcontractors provide a written statement that payment of the amount verified in paragraph (2) represents payment in full by the United States for all work performed at the park under the IDIQ with PGI between fiscal years 2002 and 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3961, authored by myself, would authorize the National Park Service to pay up to 38 subcontractors for work they performed at the Grand Canyon National Park during the years 2002 and 2003. To date, these subcontractors still have not been paid a total of $1.3 million because the primary contractor went out of business. As it turned out, the primary contractor was not bonded, a fact that the National Park Service does not dispute. The Park Service has indicated it has the money and wishes to make the contractors whole, but requires a congressional directive to do so.

I thank the gentleman from New Mexico (Mr. PEARCE) whose perseverance on this issue has allowed us to get to this point today in helping to resolve the issue. I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, I wish to thank the gentleman from Arizona (Mr. RENZI) for his work on this bill. We have no objection to the consideration of this legislation, H.R. 3961, and urge our colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 3961.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SOUTHERN NEVADA READINESS CENTER ACT

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4382) to provide for the conveyance of certain land in Clark County, Nevada, for use by the Nevada National Guard.

The Clerk read as follows:

H.R. 4382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southern Nevada Readiness Center Act".

SEC. 2. NEVADA NATIONAL GUARD LAND CONVEYANCE, CLARK COUNTY, NEVADA.

Notwithstanding any other provision of law, Clark County, Nevada, may convey, without consideration, to the Nevada Division of State Lands for use by the Nevada National Guard between 35 and 50 acres of land in Clark County, Nevada, as generally depicted on the map entitled "Southern Nevada Readiness Center Act" and dated October 4, 2005.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4382, introduced by the gentleman from Nevada (Mr. PORTER), would allow Clark County, Nevada, to convey 35 to 50 acres to the State and exempt them from paying 85 percent of the land value which is required by the Southern Nevada Public Lands Management Act. The State of Nevada would like to build a National Guard facility, the Southern Nevada Readiness Center, on this land. The Center would likely serve as the new Weapons of Mass Destruction Civil Support Team for the State and serve related purposes for the protection of McCarran airport. Currently, National Guard units in Las Vegas must serve and operate from locations spread over 25 miles.

I urge passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we support H.R. 4382; and I commend my colleague, the gentleman from Nevada (Mr. PORTER). We have no objection to the adoption of the legislation by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. RENZI. Mr. Speaker, I yield such time as he may consume to the author of the bill, the gentleman from Nevada (Mr. PORTER).

Mr. PORTER. Mr. Speaker, I rise today to urge passage of H.R. 4382, the Southern Nevada Readiness Center Act. I would like to thank the gentleman from Nevada (Mr. GIBBONS) and the gentlewoman from Nevada (Ms. BERKLEY), as well as the Nevada National Guard and Clark County, Nevada, for their strong support of this legislation.

The purpose of H.R. 4382 is to convey 35 to 50 acres of land from the McCarran Airport Cooperative Management Area Boundary to the Nevada National Guard in the State of Nevada for the purpose of building the Nevada National Guard Readiness Center. This new center will reside in my district in southern Nevada.

The Nevada Army National Guard is an impressive group of soldiers whose work contributes to the United States military's overall mission of defending our homeland. More specifically, the Nevada National Guard maintains a three-part mission geared to the Federal, State and community. The underlying focus of each individual mission is for the safety, the protection and the well-being of the American people.

Under the Ronald W. Reagan National Defense Authorization for fiscal year 2005, over $12.8 million was secured to construct a new Nevada National Guard Readiness Center in southern Nevada. Additionally, during their 2005 legislative work period, the Nevada State legislature approved matching funds and has appropriated over $27 million for the construction of and projects associated with the Readiness Center.

The State of Nevada is firmly committed to ensuring that we do our part to defend our homeland and that our guard is prepared to respond to any national security threats facing our State and Nation.

The Southern Nevada Readiness Center is an essential link to helping the State meet its commitment to train guardsmen to respond to chemical, biological and other terrorist threats against Nevada and our Nation.

Therefore, Mr. Speaker, I urge my colleagues to support passage of this very important bill.

Ms. BORDALLO. Mr. Speaker, in closing, I just want to state my support for our National Guard Civil Support Teams and for H.R. 4382. We fought long and hard for our CST in Guam and just broke ground for our facility last month.

Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I have no additional speakers; and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 4382.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WATER RESOURCES RESEARCH ACT AMENDMENTS OF 2006

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4588) to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984, as amended.

The Clerk read as follows

H.R. 4588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Water Resources Research Act Amendments of 2006".

SEC. 2. WATER RESOURCES RESEARCH ACT AMENDMENTS.

(a) SCOPE OF RESEARCH; OTHER ACTIVITIES; COOPERATION AND COORDINATION.—Section 104(b)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(b)(1)) is amended to read as follows:

"(1) plan, conduct, or otherwise arrange for competent applied and peer reviewed research that fosters—

"(A) improvements in water supply reliability;

"(B) resolutions of other water problems;

"(C) the entry of new research scientists, engineers, and technicians into water resources fields; and

"(D) the dissemination of research results to water managers and the public.".

(b) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—Section 104(e) of the Water Resources Research Act of 1984 (42 U.S.C. 10303 (e)) is amended—

(1) by striking "5" and inserting "3"; and

(2) by inserting "at producing measured results and applied water supply research" after "effectiveness".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 104(f)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(f)(1)) is amended to read as follows:

"(1) There is authorized to be appropriated to carry out this section, to remain available until expended, $12,000,000 for each of fiscal years 2007 through 2011.".

(d) ADDITIONAL APPROPRIATIONS WHERE RESEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE NATURE.—Section 104(g)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303 (g)(1)) is amended by striking "$3,000,000 for fiscal year 2001, $4,000,000 for each of fiscal years 2002 and 2003, and $6,000,000 for each of fiscal years 2004 and 2005" and inserting the following: "$6,000,000 for each of fiscal years 2007 through 2011".

(e) COORDINATION.—Section 104(h)(2) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(h)(2)) is amended—

(1) by striking "(2) REPORT" and inserting "(2) REPORTS"; and

(2) by inserting after the first sentence the following: "As part of the annual budget submission to Congress, the Secretary shall also provide a crosscut budget detailing the expenditures on activities listed under subsection (a)(1) and a report which details the level of applied research and the results of the activities authorized by this Act, including potential and actual—

"(A) increases in annual water supplies;

"(B) increases in annual water yields; and

"(C) advances in water infrastructure improvements.".

(f) ADMINISTRATIVE COSTS.—Section 107 of the Water Resources Research Act of 1984 (42 U.S.C. 10306) is amended by striking "15" and inserting "5".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4588, sponsored by the gentleman from California (Mr. DOOLITTLE), reauthorizes the Water Resources Research Act of 1984 for 5 years. When originally authorized in 1984, the initial legislation established a Water Resource and Technology Institute at each of the 54 land grant colleges throughout the country to foster research and training of future scientists and engineers in the water resources field.

This legislation requires more focus on applied research and more oversight to ensure that the research has practical applications, improves water supply reliability, and helps to resolve real water problems outside the academic world. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we support H.R. 4588 to continue support of water resources research at public universities.

I might add that my district is home to one of these institutes, the Water and Environmental Research Institute of the Western Pacific, or WERI, at the University of Guam. WERI is integral to water research and the protection of water resources in Micronesia, our region of the world. This is an excellent partnership between USGCS and institutions of higher education across the country, and we are pleased to support this reauthorization.

Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 4588, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

☐ 1430

OREGON WATER RESOURCES MANAGEMENT ACT OF 2006

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5079) to provide for the modification of an amendatory repayment contract between the Secretary of the Interior and the North Unit Irrigation District, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oregon Water Resources Management Act of 2006".

SEC. 2. EXTENSION OF PARTICIPATION OF BUREAU OF RECLAMATION IN DESCHUTES RIVER CONSERVANCY.

Section 301 of the Oregon Resource Conservation Act of 1996 (division B of Public Law 104–208; 110 Stat. 3009–534) is amended—

(1) in subsection (a)(1), by striking "Deschutes River Basin Working Group" and inserting "Deschutes River Conservancy Working Group";

(2) by amending the text of subsection (a)(1)(B) to read as follows: "4 representatives of private interests including two from irrigated agriculture who actively farm more than 100 acres of irrigated land and are not irrigation district managers and two from the environmental community;";

(3) in subsection (b)(3), by inserting before the final period the following: ", and up to a total amount of $2,000,000 during each of fiscal years 2006 through 2015"; and

(4) in subsection (h), by inserting before the period at the end the following: ", and $2,000,000 for each of fiscal years 2006 through 2015".

SEC. 3. WALLOWA LAKE DAM REHABILITATION ACT.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) ASSOCIATED DITCH COMPANIES, INCORPORATED.—The term "Associated Ditch Companies, Incorporated" means the nonprofit corporation established under the laws of the State of Oregon that operates Wallowa Lake Dam.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(3) WALLOWA LAKE DAM REHABILITATION PROGRAM.—The term "Wallowa Lake Dam Rehabilitation Program" means the program for the rehabilitation of the Wallowa Lake Dam in Oregon, as contained in the engineering document titled, "Phase I Dam Assessment and Preliminary Engineering Design", dated December 2002, and on file with the Bureau of Reclamation.

(b) AUTHORIZATION TO PARTICIPATE IN PROGRAM.—

(1) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants to, or enter into cooperative or other agreements with, tribal, State, and local governmental entities and the Associated Ditch Companies, Incorporated, to plan, design, and construct facilities needed to implement the Wallowa Lake Dam Rehabilitation Program.

(2) CONDITIONS.—As a condition of providing funds under paragraph (1), the Secretary shall ensure that—

(A) the Wallowa Lake Dam Rehabilitation Program and activities under this section meet the standards of the dam safety program of the State of Oregon;

(B) the Associated Ditch Companies, Incorporated, agrees to assume liability for any work performed, or supervised, with Federal funds provided to it under this section; and

(C) the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed with Federal funds provided under this section, both while and after activities are conducted using Federal funds provided under this section.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the costs of activities authorized under this section shall not exceed 50 percent.

(B) EXCLUSIONS FROM FEDERAL SHARE.—There shall not be credited against the Federal share of such costs—

(i) any expenditure by the Bonneville Power Administration in the Wallowa River watershed; and

(ii) expenditures made by individual agricultural producers in any Federal commodity or conservation program.

(4) COMPLIANCE WITH STATE LAW.—The Secretary, in carrying out this section, shall comply with applicable Oregon State water law.

(5) PROHIBITION ON HOLDING TITLE.—The Federal Government shall not hold title to any facility rehabilitated or constructed under this section.

(6) PROHIBITION ON OPERATION AND MAINTENANCE.—The Federal Government shall not be responsible for the operation and maintenance of any facility constructed or rehabilitated under this section.

(c) RELATIONSHIP TO OTHER LAW.—Activities funded under this section shall not be considered a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to pay the Federal share of the costs of activities authorized under this section, $6,000,000.

(e) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.

SEC. 4. LITTLE BUTTE/BEAR CREEK SUBBASINS, OREGON, WATER RESOURCE STUDY.

(a) AUTHORIZATION.—The Secretary of the Interior, acting through the Bureau of Reclamation, may participate in the Water for Irrigation, Streams and the Economy Project water management feasibility study and environmental impact statement in accordance with the "Memorandum of Agreement Between City of Medford and Bureau of Reclamation for the Water for Irrigation, Streams, and the Economy Project", dated July 2, 2004.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Bureau of Reclamation $500,000 to carry out activities under this section.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share shall be 50 percent of the total costs of the Bureau of Reclamation in carrying out subsection (a).

(B) FORM.—The non-Federal share required under subparagraph (A) may be in the form of any in-kind services that the Secretary of the Interior determines would contribute substantially toward the conduct and completion of the study and environmental impact statement required under subsection (a).

(c) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.

SEC. 5. NORTH UNIT IRRIGATION DISTRICT.

(a) SHORT TITLE.—This section may be cited as the "North Unit Irrigation District Act of 2006".

(b) AMENDMENT.—The Act of August 10, 1954 (68 Stat. 679, chapter 663), is amended—

(1) in the first section—

(A) by inserting "(referred to in this Act as the 'District')" after "irrigation district"; and

(B) by inserting "(referred to in this Act as the 'Contract')" after "1953"; and

(2) by adding at the end the following:

"SEC. 3. ADDITIONAL TERMS.

"On approval of the District directors and notwithstanding project authorizing legislation to the contrary, the Contract is modified, without further action by the Secretary of the Interior, to include the following modifications:

"(1) In Article 8(a) of the Contract, by deleting 'a maximum of 50,000' and inserting 'approximately 59,000' after 'irrigation service to'.

"(2) In Article 11(a) of the Contract, by deleting 'The classified irrigable lands within the project comprise 49,817.75 irrigable acres, of which 35,773.75 acres are in Class A and 14,044.40 in Class B. These lands and the standards upon which the classification was made are described in the document entitled "Land Classification, North Unit, Deschutes Project, 1953" which is on file in the office of the Regional Director, Bureau of Reclamation, Boise, Idaho, and in the office of the District' and inserting 'The classified irrigable land within the project comprises 58,902.8 irrigable acres, all of which are authorized to receive irrigation water pursuant to water rights issued by the State of Oregon and have in the past received water pursuant to such State water rights.'.

"(3) In Article 11(c) of the Contract, by deleting ', with the approval of the Secretary,' after 'District may', by deleting 'the 49,817.75 acre maximum limit on the irrigable area is not exceeded' and inserting 'irrigation service is provided to no more than approximately 59,000 acres and no amendment to the District boundary is required' after 'time so long as'.

"(4) In Article 11(d) of the Contract, by inserting ', and may further be used for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law' after 'herein provided'.

"(5) By adding at the end of Article 12(d) the following: '(e) Notwithstanding the above subsections of this Article or Article 13 below, beginning with the irrigation season immediately following the date of enactment of the North Unit Irrigation District Act of 2006, the annual installment for each year, for the District, under the Contract, on account of the District's construction charge obligation, shall be a fixed and equal annual amount payable on June 30 the year following the year for which it is applicable, such that the District's total construction charge obligation shall be completely paid by June 30, 2044.'.

"(6) In Article 14(a) of the Contract, by inserting 'and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law,' after 'and incidental stock and domestic uses', by inserting 'and for instream purposes as described above,' after 'irrigation, stock and domestic uses', and by inserting ', including natural flow rights out of the Crooked River held by the District' after 'irrigation system'.

"(7) In Article 29(a) of the Contract, by inserting 'and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law' after 'provided in article 11'.

"(8) In Article 34 of the Contract, by deleting 'The District, after the election and upon the execution of this contract, shall promptly secure final decree of the proper State court approving and confirming this contract and decreeing and adjudging it to be a lawful, valid, and binding general obligation of the District. The District shall furnish to the United States certified copies of such decrees and of all pertinent supporting records.' after 'for that purpose.'.

"SEC. 4. FUTURE AUTHORITY TO RENEGOTIATE.

"The Secretary of the Interior (acting through the Commissioner of Reclamation) may in the future renegotiate with the District such terms of the Contract as the District directors determine to be necessary, only upon the written request of the District directors and the consent of the Commissioner of Reclamation.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5079, the Oregon Water Resources Management Act of 2006, is sponsored by Congressman GREG WALDEN. It incorporates language from H.R. 5019, S. 166, and S. 251. Each of the bills deals with Oregon water resource management issues. They all have bipartisan support from the Oregon delegation and during the 108th and 109th Congresses had been vetted through the committee hearing process on both the House and Senate sides.

I urge my colleagues to support this bill, which will result in better management of Oregon's water resources.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5079 includes a number of provisions to improve water supplies and water management in the State of Oregon. We have no objections to the consideration of this legislation today

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 5079, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to update the management of Oregon water resources, and for other purposes.".

A motion to reconsider was laid on the table.

ICE AGE FLOODS NATIONAL GEOLOGIC ROUTE DESIGNATION ACT OF 2006

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 383) to designate the Ice Age Floods National Geologic Trail, and for other purposes, as amended.

The Clerk read as follows

H.R. 383

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ice Age Floods National Geologic Route Designation Act of 2006".

SEC. 2. PURPOSE.

The purpose of this Act is to designate the Ice Age Floods National Geologic Route in the States of Montana, Idaho, Washington, and Oregon, enabling the public to view, experience, and learn about the Ice Age Floods' features and story through the collaborative efforts of public and private entities.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ROUTE.—The term "Route" means the Ice Age Floods National Geologic Route designated in section 4.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) FLOODS.—The term "Ice Age Floods" or "floods" means the cataclysmic floods that occurred in what is now the northwestern United States during the last Ice Age primarily from massive, rapid and recurring drainage of Glacial Lake Missoula.

SEC. 4. DESIGNATION OF THE ICE AGE FLOODS NATIONAL NATIONAL GEOLOGIC ROUTE.

(a) DESIGNATION.—In order to provide for the public appreciation, education, understanding, and enjoyment, through a coordinated interpretive program of certain nationally significant natural and cultural sites associated with Ice Age Floods that are accessible generally by public roads, the Secretary, acting through the Director of the National Park Service, with the concurrence of the agency having jurisdiction over such roads, is authorized to designate, by publication of a map or other description thereof in the Federal Register, a vehicular tour route along existing public roads linking such natural and cultural sites. Such route shall be known as the "Ice Age Floods National Geologic Route".

(b) LOCATION.—The location of the Route shall generally follow public roads and highways from the vicinity of Missoula in western Montana, across northern Idaho, through eastern and southern sections of Washington, and across northern Oregon in the vicinity of the Willamette Valley and the Columbia River to the Pacific Ocean, as generally depicted on the map titled "Ice Age Floods National Geologic Trial", numbered P43/80,000, and dated June 2004.

(c) MAPS.—

(1) REVISIONS.—The Secretary may revise the map by publication in the Federal Register of a notice of availability of a new map, as needed, in cooperation with Federal, State, local, or tribal governments, and other public or private entities.

(2) AVAILABILITY.—Any map referred to in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) DESCRIPTION OF SITES; PLAN; INTERPRETIVE PROGRAM.—

(1) DESCRIPTION OF SITES; PLAN.—Not later than 3 years after the date that funds become available for this Act, the Secretary shall prepare a description of sites along the Route and general plan which shall include the location and description of each of the following:

(A) Unique geographic or geologic features and significant landforms.

(B) Important cultural resources.

(2) INTERPRETIVE PROGRAM.—The general plan shall include proposals for a comprehensive interpretive program of the Route.

(3) TRANSMISSION TO CONGRESS.—The Secretary shall transmit the description of sites and general plan to the Committee on Resources of the United States House of Representative and the Committee on Energy and Natural Resources of the United States Senate.

(4) CONSULTATION.—The description of sites and plan shall be prepared in consultation with other Federal agencies, the State of Montana, the State Idaho, the State of Washington, and the State of Oregon, units of local governments, tribal governments, interested private citizens, and nonprofit organizations, and the Ice Age Floods Institute.

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, shall administer a program to interpret the Route in accordance with this Act.

(b) PUBLIC EDUCATION.—With respect to sites linked by segments of the Route which are administered by other Federal, State, tribal, and local nonprofit or private entities, the Secretary is authorized to provide technical assistance in the development of interpretive devices and materials pursuant to cooperative agreements with such entities. The Secretary, in cooperation with Federal, State, tribal, or local governments or nonprofit or private entities, shall prepare and distribute information for the public appreciation of sites along the Route.

(c) MARKERS.—The Secretary shall ensure that the Route is marked with appropriate markers to guide the public. With the concurrence and assistance of the State, tribal, or local entity having jurisdiction over the roads designated as part of the Route, the Secretary may

erect thereon signs and other informational devices displaying the Ice Age Floods National Geologic Route marker. The Secretary is authorized to accept the donation of suitable signs and other informational devices for placement at appropriate locations.

(d) PRIVATE PROPERTY RIGHTS.—Nothing in this Act shall be construed to require any private property owner to allow public access (including Federal, State or local government access) to such private property or to modify any provision of Federal, State or local law with regard to public access to or use of private lands.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary $250,000 for each fiscal year to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

H.R. 383, introduced by Congressman DOC HASTINGS, would designate the Ice Age Floods National Geologic Route from Missoula, Montana, to the Pacific Ocean. The National Park Service will be charged with administering a program of education and interpretation along the route. In 2001, the National Park Service completed a special resource study which proposed that the Ice Age Floods National Geologic Trail be established.

I urge support of H.R. 383.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with the changes made to the bill by the Resources Committee, we support H.R. 383 and have no objection to the adoption of the legislation by the House today.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 383, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the Ice Age Floods National Geologic Route, and for other purposes.".

A motion to reconsider was laid on the table.

JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT ACT OF 2006

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1515) to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes, as amended.

The Clerk read as follows

H.R. 1515

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jean Lafitte National Historical Park and Preserve Boundary Adjustment Act of 2006".

SEC. 2. JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—Section 901 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230) is amended in the second sentence by striking "twenty thousand acres generally depicted on the map entitled 'Barataria Marsh Unit-Jean Lafitte National Historical Park and Preserve' numbered 90,000B and dated April 1978," and inserting "23,000 acres generally depicted on the map titled 'Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve', numbered 467/80100, and dated August 2002,".

(b) ACQUISITION OF LAND.—Section 902 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230a) is amended—

(1) in subsection (a)—

(A) by striking "(a) Within the" and all that follows through the first sentence and inserting the following:

"(a) IN GENERAL.—

"(1) BARATARIA PRESERVE UNIT.—

"(A) IN GENERAL.—The Secretary may acquire any land, water, and interests in land and water within the boundary of the Barataria Preserve Unit, as depicted on the map described in section 901, by donation, purchase with donated or appropriated funds, but only with the consent of the owner, transfer from any other Federal agency, or exchange.

"(B) LIMITATIONS.—

"(I) FEDERAL LAND.—Any Federal land acquired in the areas identified on the map as the 'Bayou aux Carpes Addition' and 'CIT Tract Addition' (the 'Areas') shall be transferred without consideration to the administrative jurisdiction of the National Park Service.

"(ii) EASEMENTS.—Any Federal land in the Areas that is transferred under clause (I) shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.

"(iii) PRIVATE INTERESTS.—Any private land, water, or interests in land and water in the Barataria Preserve Unit may be acquired by the Secretary only with the consent of the owner.";

(B) in the second sentence, by striking "The Secretary may also" and inserting the following:

"(2) FRENCH QUARTER.—The Secretary may";

(C) in the third sentence, by striking "Lands, waters, and interests therein" and inserting the following:

"(3) ACQUISITION OF STATE LAND.—Land, water, and interests in land and water"; and

(D) in the fourth sentence, by striking "In acquiring" and inserting the following:

"(4) ACQUISITION OF OIL AND GAS RIGHTS.—In acquiring";

(2) by striking subsections (b) through (f) and inserting the following:

"(b) RESOURCE PROTECTION.—With respect to the land, water, and interests in land and water of the Barataria Preserve Unit, the Secretary shall preserve and protect—

"(1) fresh water drainage patterns;

"(2) vegetative cover;

"(3) the integrity of ecological and biological systems; and

"(4) water and air quality."; and

(3) by redesignating subsection (g) as subsection (c).

(c) HUNTING, FISHING, AND TRAPPING.—Section 905 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230d) is amended in the first sentence—

(1) by inserting after "Barataria Marsh Unit" ", but only as to land, water, or interests in land and water managed by the Secretary"; and

(2) by striking "within the core area" and all that follows through "he may" and inserting "the Secretary may".

(d) ADMINISTRATION.—Section 906 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking "Pending such establishment and thereafter the" and inserting "The".

SEC. 3. REFERENCES IN LAW.

(a) IN GENERAL.—Any reference in a law (including regulations), map, document, paper, or other record of the United States—

(1) to the Barataria Marsh Unit shall be considered to be a reference to the Barataria Preserve Unit; or

(2) to the Jean Lafitte National Historical Park shall be considered to be a reference to the Jean Lafitte National Historical Park and Preserve.

(b) CONFORMING AMENDMENTS.—Title IX of the National Parks and Recreation Act of 1978 (16 U.S.C. 230 et seq.) is amended—

(1) by striking "Barataria Marsh Unit" each place it appears and inserting "Barataria Preserve Unit"; and

(2) by striking "Jean Lafitte National Historical Park" each place it appears and inserting "Jean Lafitte National Historical Park and Preserve".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1515, introduced by Congressman JINDAL, adjusts the boundary of the Barataria Marsh Unit of the Jean Lafitte National Historic Park and Preserve. The bill would expand the park boundary by 3,900 acres and increases the statutory acreage ceiling to 23,000 acres. Willing seller language has been extended to include all potential additions to the park. Most of the lands to be included in the park boundary are federally owned wetlands.

I urge the support of H.R. 1515.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. I yield myself such time as I may consume.

Mr. Speaker, I would note that we are taking up H.R. 1515 when a Senate-passed measure, S. 207, sponsored by Senator LANDRIEU and dealing with the same subject, was referred to the Resources Committee well over a year ago. However, we will not object to the adoption of H.R. 1515 by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. RENZI. Mr. Speaker, I yield such time as he may consume to the author of the bill, Mr. JINDAL.

Mr. JINDAL. Mr. Speaker, I thank my colleagues for yielding me this time and for their support of this important legislation.

The legislation in its amended form on the House floor is now supported by not only the entire Louisiana delegation but the Jefferson Parish Council, the Town of Jean Lafitte, the Louisiana Wildlife Federation, the League of Women Voters, Marrero Land, as well as the Louisiana Audubon Council.

Now, I will just very briefly state for my colleagues why this is such an important bill for the State of Louisiana. This bill not only expands the preserve by over 3,900 acres, but it does a lot to protect Louisiana's important wetlands. Studies by our scientists have shown, since Hurricanes Katrina and Rita, the importance of wetlands as natural hurricane buffers which protect our levees.

While these wetlands cannot prevent the devastating effects of major hurricanes like Katrina and Rita, they are known to significantly reduce the storm surges associated with the more frequent tropical storms and smaller hurricanes. They absorb the energy. They reduce the hurricane surges, and as a result, they reduce some of the loss from the open water. Some experts believe that for every linear mile of wetlands, 2 to 4 miles of coastal wetlands reduces storm surge by a foot. Anybody that saw the devastating flooding last year caused by Katrina and Rita certainly understands why this is so important.

The preserve is a natural hurricane buffer that provides significant protection for the greater New Orleans area, particularly for the 500,000 residents of the west bank of Jefferson Parish.

I will close by saying this preserve in particular lies outside of the levees and so serves as a critical estuary for our wildlife, but also is a significant protection against hurricane and tidal surges.

I thank my colleagues for their support.

Ms. BORDALLO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 1515, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NEW HAMPSHIRE WILDERNESS ACT OF 2006

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5059) to designate the Wild River Wilderness in the White Mountain National Forest in the State of New Hampshire, and for other purposes.

The Clerk read as follows:

H.R. 5059

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "New Hampshire Wilderness Act of 2006".

SEC. 2. DESIGNATION OF WILD RIVER WILDERNESS, WHITE MOUNTAIN NATIONAL FOREST, NEW HAMPSHIRE.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain National Forest System land in the White Mountain National Forest in the State of New Hampshire, comprising approximately 23,700 acres, as depicted on the map entitled "Proposed Wild River Wilderness—White Mountain National Forest", dated February 6, 2006, is designated as wilderness and and as a component of the National Wilderness Preservation System, which shall be known as the "Wild River Wilderness".

(b) MAP AND DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture, acting through the Chief of the Forest Service (in this section referred to as the "Secretary"), shall file a map and a legal description of the Wild River Wilderness with the committees of appropriate jurisdiction in the Senate and the House of Representatives. The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description. The map and legal description shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

(c) ADMINISTRATION.—Subject to valid existing rights, the Secretary shall administer the Wild River Wilderness in accordance with laws applicable to the White Mountain National Forest and the Wilderness Act (16 U.S.C. 1131 et seq.), except that, with respect to the Wild River Wilderness, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(d) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section affects any jurisdiction or responsibility of the State of New Hampshire with respect to wildlife and fish in the State.

(e) WITHDRAWAL.—Subject to valid existing rights, all Federal land in the Wild River Wilderness are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral leasing laws (including geothermal leasing laws).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

I commend Congressman BASS for introducing this legislation to designate within his district 23,700 acres of new wilderness in the White Mountain National Forest. The Wild River Wilderness created in this bill was developed with the Forest Service through their forest planning process and with substantial input and involvement from the public and local interest groups. Since it has the strong support of New Hampshire's citizens, environmental groups, the forest products industry, elected officials, the Forest Service, and the administration, it deserves our support as well.

I urge you to vote in favor of H.R. 5059.

I include an exchange of letters with Chairman GOODLATTE of the Agriculture Committee on this bill and related H.R. 5062 and thank the chairman for his cooperation in scheduling this bill and H.R. 5062 today.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, September 25, 2006.

Hon. BOB GOODLATTE,
Chairman, Committee on Agriculture,
Washington, DC.

DEAR MR. CHAIRMAN: I ask your help in scheduling H.R. 5059 and H.R. 5062, two bills which establish wilderness areas in the State of New Hampshire, for consideration by the House of Representatives as soon as possible. H.R. 5059, authored by Congressman Charles Bass, and H.R. 5062, authored by Congressman Jeb Bradley, were both referred primarily to the Committee on Resources and additionally to the Committee on Agriculture. The bills implement two recent Forest Service recommendations for wilderness areas in the White Mountains of New Hampshire, H.R. 5059, the Wild River Wilderness, and H.R. 5062, the Sandwich Range Wilderness.

In hope that the Senate will be able to act on these bills this Congress, I ask that you allow the Committee on Agriculture to be discharged from further consideration of the bills. This action would not be considered as precedent for any future referrals of similar measures or seen as affecting your Committee's jurisdiction over the subject matter of the bills. Moreover, if the bills are conferenced with the Senate, I would support naming Agriculture Committee members to any conference committee.

I look forward to your response and would be pleased to include it and this letter in the Congressional Record during Floor consideration of the bills by the House of Representatives.

Sincerely,

RICHARD W. POMBO,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, September 25, 2006.

Hon. RICHARD POMBO,
Chairman, House Committee on Resources,
Washington, DC.

DEAR MR. CHAIRMAN: I understand your wish to expedite H.R. 5059 and H.R. 5062, which establish the Wild River Wilderness and the Sandwich Range Wilderness, respectively. The Committee on Agriculture received referrals for H.R. 5059 and H.R. 5062, both entitled the New Hampshire Wilderness Act of 2006.

Because of your wish to expedite this legislation and the history of cooperation between our Committees on these matters, I will agree to discharge H.R. 5059 and H.R. 5062 from further consideration by the Committee on Agriculture. The Committee on Agriculture will discharge the bill with the understanding that discharge does not waive any future jurisdictional claim over this issue or similar measures. Furthermore, in the event a conference with the Senate is requested on this matter, the Committee on Agriculture reserves the right to seek appointment of conferees.

Again, I am grateful for the cooperative spirit in which you have worked regarding this matter and others.

Sincerely,

BOB GOODLATTE,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, since this bill was introduced in March, there has been no action on it by the Resources Committee. It would appear then that the impetus for movement on the legislation is the fact that the Senate last week passed S. 2463, which includes in part the wilderness designation provided for by H.R. 5059.

The wilderness designation made by H.R. 5059 is clean and would result in the protection of 23,700 acres of national forest land. As such, we have no objection to the adoption of the legislation by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Speaker, I commend my colleagues from Guam and New Mexico for their support of this legislation.

This legislation was sponsored by my colleague Congressman BASS, who is unable to be here today. As the gentleman from New Mexico stated, it has broad support in New Hampshire. In fact, we are not aware of any opposition whatsoever. It has the support of a number of environmental groups as well as interested businesses that are in the forest products industry. It was a result of consensus among all of the interested parties in New Hampshire, and I urge its adoption.

Also, on a personal note, having hiked extensively in this area of the White Mountain National Forest, it is a worthy candidate for wilderness designation. It is one of the most beautiful areas of our State, and I urge my colleagues to support this bill unanimously

Ms. BORDALLO. Mr. Speaker I have no further requests for time, and I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 5059.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. BORDALLO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

NEW HAMPSHIRE WILDERNESS ACT OF 2006

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5062) to designate as wilderness certain National Forest System land in the State of New Hampshire.

The Clerk read as follows:

H.R. 5062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "New Hampshire Wilderness Act of 2006".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) STATE.—The term "State" means the State of New Hampshire.

SEC. 3. DESIGNATION OF WILDERNESS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal land managed by the Forest Service, comprising approximately 10,800 acres, as depicted on the map entitled "Proposed Sandwich Range Wilderness Additions—White Mountain National Forest", dated February 6, 2006, is designated as wilderness and incorporated in the Sandwich Range Wilderness, as designated by the New Hampshire Wilderness Act of 1984 (Public Law 98–323; 98 Stat. 259).

SEC. 4. MAP AND DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the wilderness area designated by section 3 with the committees of appropriate jurisdiction in the Senate and the House of Representatives.

(b) FORCE AND EFFECT.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) PUBLIC AVAILABILITY.—The map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 5. ADMINISTRATION.

(a) ADMINISTRATION.—Subject to valid existing rights, the wilderness area designated under this section shall be administered by the Secretary in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to the wilderness area designated by this Act, any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(c) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act affects any jurisdiction or responsibility of the State with respect to wildlife and fish in the State.

(d) WITHDRAWAL.—Subject to valid existing rights, all Federal land in the wilderness area designated by section 3 are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral leasing laws (including geothermal leasing laws).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank Representative BRADLEY for introducing his legislation to designate, within his district, 10,800 acres of new wilderness in the White Mountain National Forest. The Sandwich Range Wilderness additions proposed in this bill were developed with the Forest Service through their forest planning process and with substantial input and involvement from the public and local interest groups. Since it has the strong support of New Hampshire's citizens, environmental groups, the forest products industry, elected officials, the Forest Service, and administration, it deserves our support as well.

I urge you to vote in favor of H.R. 5062.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, like the bill we just considered, this measure also deals with the wilderness designation in New Hampshire and there has been no action on it by the Resources Committee. Legislation that the Senate passed last week, S. 2463, also includes the wilderness designation provided for by H.R. 5062.

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The wilderness designation made by H.R. 5059 is clean and would result in the protection of 10,800 acres of forest land. As such. we have no objection to the adoption of the legislation by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker. I yield such time as he may consume to the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Speaker, once again I thank my colleagues from Guam and New Mexico for their support of this legislation. Like Congressman BASS's bill previously, my bill expands by nearly 11,000 acres the Sandwich Range Wilderness Area in the central part of the White Mountain National Forest.

The Forest Service in the State of New Hampshire, working once again with environmental groups, with businesses involved in the forest products industry, developed a comprehensive plan for the management of the White Mountain National Forest. Both of these wilderness proposals have seen fit to have garnered the support of everyone in New Hampshire that I am aware of.

The Forest Service plan had absolutely no appeals and is in the process of being implemented. The legislation that myself and Congressman BASS have separately proposed would implement the two wilderness proposals and, as I have repeatedly stated, has received no objections.

It is certainly my hope, and I appreciate the support of my colleague on the other side of the aisle, as well as my colleague from New Mexico, for this legislation, should go forward this afternoon. It will protect the New Hampshire environment. It will also serve the forest products industry in my State. And I would urge my colleagues in the strongest possible way to vote for both of these bills later on today, despite the call for a vote potentially by my colleague on the other side of the aisle

Mr. VAN HOLLEN. Mr. Speaker, I rise to explain my votes in opposition to H.R. 5059 and H.R. While I agree with the substance of these bills, I strongly opposed the decision of the House Republican leadership to use these important bills as part of an effort to play politics with the environment. The Republicans had an opportunity to vote on the New England Wilderness Act (S. 2463), bipartisan legislation passed by the Senate last week that would designate wilderness areas in both New Hampshire and Vermont.

Instead they chose to separate the New Hampshire wilderness areas into two pieces of legislation and refused to include the Vermont wilderness in either bill. They apparently did this to hand a victory to the Republican representative from New Hampshire but deny Rep. SANDERS a legislative win on the eve of his upcoming Senate election in Vermont. Shame on them. By putting these bills on the Suspension Calendar, the Republican leadership ensured that wilderness bills in New England will not be signed into law this year as it is virtually impossible to reconcile the differences between the House and Senate bills given the amount of time left in this legislative session.

The New England Wilderness Act enjoys the full backing of the two states' bicameral, tripartisan delegation. It is disappointing that in the final days of this Congress, Republicans are abusing their power and the American people are paying the price.

Ms. BORDALLO. Mr. Speaker. I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker. I have no additional speakers, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 5062.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. BORDALLO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS OF 2006

Mr. PEARCE. Mr. Speaker. I move to suspend the rules and pass the bill (H.R. 5861) to amend the National Historic Preservation Act. and for other purposes, as amended.

The Clerk read as follows:

H.R. 5861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Historic Preservation Act Amendments of 2006".

SEC. 2. HISTORIC PRESERVATION OFFICER RESPONSIBILITIES.

Section 101(b) of the National Historic Preservation Act (16 U.S.C. 470a(b)) is amended by adding at the end the following:

"(7) The State Historic Preservation Officer shall have no authority to require an applicant for Federal assistance. permit, or license to identify historic properties outside the undertaking's area of potential effects as determined by the Federal agency in accordance with the regulations implementing section 106.

"(8) If the State Historic Preservation Officer. Tribal representative, or Tribal Historic Preservation Officer fails to respond within 30 days after an adequately documented finding of 'no historic properties affected' or 'no adverse effect' as provided in the regulations implementing section 106, the Federal agency may assume that the State Historic Preservation Officer or Tribal Historic Preservation Officer has no objection to the finding.".

SEC. 3. ADDITIONAL CRITERIA FOR CERTIFICATION OF LOCAL GOVERNMENTS TO CARRY OUT NATIONAL HISTORIC PRESERVATION ACT.

Section 101(c)(1) of the National Historic Preservation Act (16 U.S.C. 470a(c)(1)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by redesignating subparagraph (E) as subparagraph (F);

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) agrees that it shall not use any eligibility determination regarding the inclusion of any property or District on the National Register to initiate local regulatory requirements unless the entity provides full due process protection to the owner or owners of the property or District through a hearing process; and"; and

(4) in the matter below the subparagraphs, by striking "through (E)" and inserting "through (F)".

SEC. 4. HISTORIC PRESERVATION FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended by striking "2005" and inserting "2015".

SEC. 5. ADVISORY COUNCIL ON HISTORIC PRESERVATION.

(a) MEMBERSHIP.—Section 201 of the national historic preservation act (16 U.S.C. 470i) is amended—

(1) in subsection (a)(4), by striking "four" and inserting "seven";

(2) in subsection (b), by striking "(5) and (6)" and inserting "paragraph (6)"; and

(3) in subsection (f), by striking "Nine" and inserting "Eleven".

(b) FINANCIAL AND ADMINISTRATIVE SERVICES.—Section 205(f) of such Act (16 U.S.C. 470m(f)) is amended to read as follows:

"(f) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior or, at the discretion of the Council, such other agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance or by reimbursement from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the head of the agency or, in the case of a private entity, the authorized representative of the private entity that will provide the services. When a Federal agency affords such services, the regulations of that agency for the collection of indebtedness of personnel resulting from erroneous payments, prescribed under section 5514(b) of title 5, United States Code, shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of that agency for the administrative control of funds under sections 1513(d) and 1514 of title 31, United States Code, shall apply to appropriations of the Council. The Council shall not be required to prescribe such regulations.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 212(a) of the Act (16 U.S.C. 470t(a)) is amended by striking "for purposes of this title not to exceed $4,000,000 for each fiscal year 1997 through 2005" and inserting "such amounts as may be necessary to carry out this title".

SEC. 6. EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS IN MEETING PURPOSES AND POLICIES OF THE NATIONAL HISTORIC PRESERVATION ACT.

The National Historic Preservation Act is amended by inserting after section 215 (16 U.S.C. 470v–1) the following new section:

"SEC. 216. EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS.

"(a) COOPERATIVE AGREEMENTS.—The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of such program in meeting the purposes and policies of this Act. Such cooperative agreements may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this Act or that allow the Council to participate in the selection of recipients, if such provisions are not inconsistent with the statutory authorization and purpose of the grant or assistance program.

"(b) REVIEW OF GRANT AND ASSISTANCE PROGRAMS.—The council may—

"(1) review the operation of any Federal grant or assistance program to evaluate the effectiveness of such program in meeting the purposes and policies of this Act;

"(2) make recommendations to the head of the Federal agency that administers such program to further the consistency of the program with the purposes and policies of this Act and to improve its effectiveness in carrying out those purposes and policies; and

"(3) make recommendations to the President and the Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this Act, including recommendations with regard to appropriate funding levels.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5861, introduced by me, amends the National Historic Preservation Act to do five things:

It extends the Historic Preservation Fund to 2015 for State and tribal preservation activities.

Secondly, it reauthorizes the Advisory Council on Historic Preservation.

Third, requires certain local governments to provide full due process to property owners who object to a determination of eligibility on their property.

Fourth, it imposes a deadline on State or Tribal Historic Preservation Officers to respond to section 106 applications within 30 days of a "no adverse effects" determination.

And, fifth, prohibits a State historic preservation officer from requiring a Federal agency applicant to identify properties outside the area of potential effects.

From its auspicious start in April of 2004 as a discussion draft to the bill before us in the House today, H.R. 5861 has been the subject of more discussion and rewrite they any other bill that I have been involved with since becoming the chairman of the Subcommittee on National Parks.

While the bill may not be the final product that many envisioned, myself included, I believe H.R. 5861 represents a significant step towards improving the section 106 process under the National Historic Preservation Act by reducing some of the conflicts that exist between the business and preservation communities and the State and Tribal Preservation Officers.

In addition, H.R. 5861 will enhance private property protections in the listing process, under the Historic Preservation Act as well as improve the operation of the Advisory Council and extend the authorization of the Historic Preservation Fund.

Finally, this bill was a truly collaborative effort. I believe it is important to take a moment to thank those individuals and organizations for their help in crafting this important bill.

First of all, Congressman TURNER of Ohio; Vince Sampson of the Resources Committee majority staff; David Watkins of the Resources Committee minority staff; Chairman John Nau of the Advisory Council on Historic Preservation; the National Conference of State Historic Preservation Officers; Sonnenschein, Nath and Rosenthal; the National Mining Association, the National Trust For Historic Preservation; CTIA, the Wireless Association; the United South and Eastern Tribes; the National Association of Tribal Historic Preservation Officers; Preservation Action; the National Stone, Sand and Gravel Association; the American Cultural Resources Association; the American Association of State Highway and Transportation Officials; and Rob Howard, from the National Park Subcommittee majority staff.

I include a letter in support of the bill from CTIA, the Wireless Association.

CTIA,
THE WIRELESS ASSOCIATION,
Washington, DC, September 25, 2006.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources,
Washington, DC.

DEAR CHAIRMAN POMBO: I want to thank you and National Parks Subcommittee Chairman Pearce for all of your diligent efforts on H.R. 5861, the National Historic Preservation Act Amendments of 2006 (NHPA) and specifically the Section 106 provisions.

As you know, in 2004 a Nationwide Programmatic Agreement (NPA) was adopted to streamline the Section 106 tower siting review process. CTIA—The Wireless Association and its member companies greatly appreciate the fine work the Committee has done to clarity the NHPA relative to the NPA.

As such, for tile purposes of legislative history, under Section 800.3(c)(4) of the rules of the Advisory Council on Historic Preservation (ACHP), State Historic Preservation Officers (SHPOs) and Tribal Historic Preservation Officers (THPOs) are required to respond to a request for a review of a finding or determination regarding the impact of a proposed project within 30 days. If the SHPO or THPO fails to respond within 30 days, the agency official or its designee may proceed to the next step in the process or consult with the ACHP.

This technical amendment clarifies that this 30 day time period applies equally to SHPOs, THPOs and other tribal officials acting in the same capacity off tribal lands. Any SHPO, THPO or tribal representative acting in an official capacity that is asked to review a finding or determination of the impact (or lack thereof) of a proposed project must respond to such a request within 30 days.

All parties acting in such a role must affirmatively express any concerns about a proposed project within 30 days of notice. If no such affirmative concern is stated, consent is assumed and the project may proceed to the next stage in the process or the ACHP may be consulted.

Again, thank you for all the conscientious work that you and your National Parks Subcommittee Staff Director, Rob Howarth, have spent on this legislation.

Sincerely,

STEVE LARGENT.

Mr. Speaker, I urge adoption of the bill, and reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5861 is an acceptable compromise. While it makes technical changes to the Historic Preservation Act, it includes none of the highly controversial amendments that were first proposed by the majority.

The historic preservation community, including the Advisory Council, the Trust, and the State and Tribal Historic Preservation Officers support this legislation.

Mr. Speaker, we do not oppose H.R. 5861

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 5861, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXTENDING AUTHORIZATION FOR ESTABLISHING A MEMORIAL IN THE DISTRICT OF COLUMBIA TO HONOR VETERANS

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4275) to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

The Clerk read as follows

H.R. 4275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY FOR ESTABLISHING MEMORIAL EXTENDED.

Section 1 of Public Law 106–348 is amended—

(1) in subsection (b), by adding at the end, before the final period, the following: ", except that section 8903(e) of title 40, United States Code, shall not apply and the authorization for this Act shall expire on October 24, 2015"; and

(2) in subsection (d), by striking "under section 10(b) of such Act (40 U.S.C. 1010(b))" and inserting "under subsection (b)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4275, introduced by Congresswoman SUE KELLY, would extend through October, 2015, the authority of the Disabled Veterans' Life Memorial Foundation to raise funds for a memorial in the District of Columbia to honor veterans who became disabled while serving in the Armed Forces of the United States. The organization has already secured a site from the National Park Service for this memorial.

I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we supported the original authorization for a memorial to disabled veterans here in Washington, D.C. Through no fault of the memorial proponents, complications regarding the final site selection have delayed the approval process.

Mr. Speaker, this is a very important piece of legislation that is near and dear to many of our hearts. Just this summer, I attended a Purple Heart pinning ceremony for a young soldier from Guam, Sergeant Jeremy Balamonte, who was wounded in action in Iraq early in the war. Another soldier, Jilario Bermanis, from Micronesia, was paralyzed in combat.

Mr. Speaker, we have had a number of fatalities and wounded soldiers fighting in this war. So, again, I would like to emphasize that this is something that is very, very dear to my heart.

We support this extension to allow this project the time it needs to move forward.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, 6 years ago, Congress created the American Veterans Disabled for Life Memorial Foundation. We tasked them with establishing a memorial in Washington, DC, honoring veterans who became disabled while serving in the Armed Forces of the United States.

The Foundation's work is important, but it is not yet complete. When they are finished, they will have created a memorial that is long overdue to pay tribute to our Nation's veterans who have returned from the battlefield bearing the scars of war.

I have been working closely with the Foundation to help them in their efforts. I have introduced legislation in the House, H.R. 1951, that would mint a commemorative coin in honor of our disabled veterans. The proceeds of this coin will go towards the efforts of the Foundation to build the memorial.

This legislation currently has 195 cosponsors, and I invite my colleagues to cosponsor this legislation that pays tribute to our veterans in two ways, by minting a coin honoring our Nation's disabled veterans, and by helping the Foundation in their efforts to build a memorial to disabled veterans.

I would like to quote from a letter from Bradley Barton, the National Commander of the Disabled American Veterans, which has endorsed the American Veterans Disabled for Life Memorial Coin Act.

Commander Barton says, "We express our pride, patriotism, values and national identity through memorials that signify and define who we are as a Nation; and it is important that we maintain public recognition and awareness of the extraordinary sacrifices disabled veterans have made on behalf of their fellow citizens and our country."

DISABLED AMERICAN VETERANS,
Washington, DC, September 21, 2006.

Hon. SUE KELLY,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE KELLY: Once again, Congress is prepared to adjourn sine die without addressing the "American Veterans Disabled for Life Commemorative Coin Act," H.R. 1951. The Senate bill, S. 633, passed on May 25, 2006. It has been held since then, pending House action.

This legislation provides for the minting and sale of special coins to commemorate living disabled American veterans and authorizes special surcharges on these coins to be contributed to the fund for construction of a memorial to disabled veterans on grounds near the Nation's Capitol in accordance with legislation already enacted.

We express our pride, patriotism, values, and national identity through memorials that signify and define who we are as a nation, and it is important that we maintain public recognition and awareness of the extraordinary sacrifices disabled veterans had made on behalf of their fellow citizens and our country.

The coins will be minted starting in 2010, the same year that the groundbreaking and dedication of the American Veterans Disabled for Life Memorial will take place. A portion of the proceeds from this coin will support the construction of this Memorial. Please don't let this legislation die in the 109th Congress. I call upon you to cosponsor H.R. 1951.

Please let me know if you plan to cosponsor and support this legislation.

Sincerely,

BRADLEY S. BARTON,
National Commander.

The Foundation's cofounder and chairwoman is Lois Pope, a woman who is dedicated and committed to making this memorial a reality. To date, the Foundation has raised more than $25 million of the $65 million needed to build the memorial.

More telling still is the sheer number of people they have enlisted to help in their efforts. Within the last 2 years alone, more than 550,000 individual Americans have contributed in support of the memorial.

H.R. 4275, the bill before the House today, would extend the American Veterans Disabled for Life Memorial Foundation's charter until 2015. This would provide the Foundation with ample time to complete their fundraising, design and construction efforts on the disabled veterans memorial.

The National Park Service also supports the extension. National Park Deputy Director Donald Murphy testified before the House National Parks Subcommittee on May 25, saying that, "The Foundation has proceeded in a professional and responsible manner in all aspects of the memorial process, and we feel it is fair to allow the Foundation additional time to continue fundraising and complete design development."

The Foundation was created by an act of Congress in 2000, and the Congress should extend its charter so this organization can complete the important work we have tasked them with. I encourage every Member of this House to support H.R. 4275, and I support the great work that the American Veterans Disabled for Life Memorial Foundation continues doing to honor our Nation's disabled veterans.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support H.R. 4275, to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

The passage of H.R. 4275 would authorize an additional 8 years for the Disabled Veterans' LIFE Memorial Foundation, Foundation to establish the American Veterans Disabled for Life Memorial in the District of Columbia. The original authorization date to establish the memorial was October 24, 2000 and is set to expire on October 24, 2007 if the Foundation has not secured a permit to begin construction from the National Park Service, NPS, before that date.

Mr. Speaker, we must pass H.R. 4275 to ensure that the well-deserved memorial to honor disabled veterans can come to its fruition. I am virtually certain that we all value the time and service of all of our veterans, who have faithfully served to protect the interests of this great Nation and its citizens. We certainly would like to express that sentiment here today by passage of H.R. 4275 to honor permanently disabled veterans.

A mere technical permit incompletion cannot be allowed to erase our wholehearted intent and desire to support the establishment of an appropriate memorial to honor our disabled veterans—those men and women who have unselfishly sacrificed dreams for duty, and limbs and lives for liberty.

The extension request is certainly a reasonable one. Given the unique aspects of the site and the need to secure adequate traffic patterns in order to achieve both a site worthy of this memorial and the appropriate urban design in relation to the U.S. Capitol and the U.S. Botanic Gardens, the Foundation should be given additional time for the continued fundraising, design and development that is necessary. If giving extra time is crucial to the successful completion of this memorial, it is only fair to give it. For these honorable veterans have already given us their time.

Indeed, allowing an extension for this memorial project is not new. We have granted other similar extensions for the completion of memorials. These extensions include the memorials to Women in Military Service for America, George Mason, World War II, Martin Luther King, Jr., and the Victims of Communism.

There are over 3 million living disabled veterans in this country, a number which unfortunately continues to rise as we remain engaged in the Iraq and Afghanistan conflicts. Let us respect and honor the invaluable service of all past and future disabled veterans by ensuring that the Foundation is granted an extension necessary to complete the Americans Disabled Veterans For Life Memorial.

I urge my colleagues to support this resolution.

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Ms. BORDALLO. Mr. Speaker, I have no further speakers, and I yield back my time.

Mr. PEARCE. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 4275.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING LAND CONVEYANCE TO THE MISSOURI RIVER BASIN LEWIS AND CLARK INTERPRETIVE TRAIL AND VISITOR CENTER FOUNDATION

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3871) to authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail, as amended.

The Clerk read as follows:

H.R. 3871

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE, LEWIS AND CLARK NATIONAL HISTORIC TRAIL, NEBRASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Interior may convey, without consideration, to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc., a 501(c)(3) not-for-profit organization with operational headquarters at 100 Valmont Drive, Nebraska City, Nebraska, 68410, all right, title and interest of the United States in and to the federally owned land under jurisdiction of the Secretary consisting of 2 parcels as generally depicted on the map titled "Lewis and Clark National Historic Trail", numbered 648/80,002, and dated March 2006.

(b) SURVEY; CONVEYANCE COST.—The exact acreage and legal description of the land to be conveyed under section (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey and all other costs incurred by the Secretary to convey the land shall be borne by the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc.

(c) CONDITION OF CONVEYANCE, USE OF CONVEYED LAND.—The conveyance authorized under subsection (a) shall be subject to the condition that the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. use the conveyed land as a historic site and interpretive center for the Lewis and Clark National Historic Trail.

(d) DISCONTINUANCE OF USE.—If Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. determines to discontinue use of the land conveyed under subsection (a) as an historic site and interpretive center for the Lewis and Clark National Historic Trail, the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. shall convey lands back to the Secretary without consideration.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or the conveyance, if any, under subsection (d) as the Secretary considers appropriate to protect the interests of the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—To assist with the operation of the facility there is authorized to be appropriated $150,000 per year for a period not to exceed 10 years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3871, introduced by Congressman JEFF FORTENBERRY, would authorize the Secretary of the Interior to convey to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation specified Federal land associated with the Lewis and Clark National Historic Trail in Nebraska. This land would be used as an historic site and interpretive center for the trail.

I urge your support for H.R. 3871.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a noncontroversial measure, and it contains appropriate safeguards regarding the property being conveyed for use as a visitor center for the Lewis and Clark National Historic Trail.

We urge the adoption of H.R. 3871.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker I yield such time as he may consume to the gentleman from Nebraska (Mr. FORTENBERRY), the author of the legislation.

Mr. FORTENBERRY. Mr. Speaker, I thank the gentleman from New Mexico.

Mr. Speaker, I rise in strong support of H.R. 3871, a bill to authorize the Secretary of the Interior to convey a Lewis and Clark visitor center in my district from the National Park Service to a well-respected nonprofit organization. As the sponsor of this bill, I encourage my colleagues to support this important legislation.

I would like to begin by expressing my sincere appreciation to the distinguished gentleman from California (Mr. POMBO), the chairman of the House Committee on Resources, and the distinguished gentleman from New Mexico (Mr. PEARCE), the chairman of the Subcommittee on National Parks, for their outstanding work on bringing this legislation to the floor. We appreciate it.

I would also like to take this opportunity to express my gratitude to Nancy Hoch from Nebraska City, who has played such a key role in the construction of the visitor center and its ongoing operation. Her vision and leadership have been instrumental in making the center such an outstanding success.

The bill is very straightforward. It would simply convey certain Federal land near Nebraska City associated with the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center to the related nonprofit group, the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Incorporated.

The bill also authorizes $150,000 annually for 10 years to operate the facility. It is important to note that the National Park Service currently provides about $200,000 annually to subsidize operations at the center. As a result, enactment of this legislation would actually save the Federal Government about $50,000 per year.

It is also important to note that I worked with the National Park Service in drafting the language for the bill, and this proposed conveyance fits with the long-range plans for the center. I also believe that it would be the most cost-effective option for the Park Service.

H.R. 3871 is cosponsored by both of my colleagues from Nebraska, Representatives LEE TERRY and TOM

OSBORNE. A companion bill in the Senate, S. 1957, has the support of both Nebraska Senators, CHUCK HAGEL and BEN NELSON.

The Interpretive Trail and Visitor Center is an outstanding resource and an impressive facility. The nonprofit organization associated with it includes a committed group of individuals who have spent many years making the center a reality and ensuring that it provides a meaningful and educational experience for those who visit it. This legislative action is needed to fulfill the original plan for operating the visitor center.

The Missouri River Basin Lewis and Clark Interpretive Center is truly unique. It is the only visitor center or museum in the United States to focus on the flora and fauna and scientific discoveries recorded by Lewis and Clark.

The Lewis and Clark Expedition was a watershed mark in American history. Two centuries later, the courageous story of these two outstanding explorers and the Corps of Discovery continues to inspire Americans of all ages. This legislation will help ensure that future generations will have the opportunity to learn about this remarkable journey.

Again, Mr. Speaker, I would encourage my colleagues to vote for H.R. 3871.

Ms. BORDALLO. Mr. Speaker, I have no further speakers, and so I yield back my time.

Mr. PEARCE. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 3871, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RIVER RAISIN NATIONAL BATTLEFIELD STUDY ACT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5132) to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Monroe County, Michigan, relating to the Battles of the River Raisin during the War of 1812, as amended.

The Clerk read as follows:

H.R. 5132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "River Raisin National Battlefield Study Act".

SEC. 2. SPECIAL RESOURCE STUDY, MONROE COUNTY, MICHIGAN, SITES RELATING TO BATTLES OF THE RIVER RAISIN.

(a) STUDY REQUIRED.—The Secretary of the Interior shall conduct a special resource study of sites in Monroe County, Michigan, relating to the Battles of the River Raisin on January 18 and 22, 1813, and their aftermath to determine—

(1) the national significance of the sites; and

(2) the suitability and feasibility of including the sites in the National Park System.

(b) REQUIREMENTS.—The study conducted under subsection (a) shall include the analysis and recommendations of the Secretary on—

(1) the effect on Monroe County, Michigan, of including the sites in the National Park System; and

(2) whether the sites could be included in an existing unit of the National Park System.

(c) CONSULTATION.—In conducting the study under subsection (a), the Secretary shall consult with—

(1) appropriate Federal agencies and State and local government entities; and

(2) interested groups and organizations.

(d) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with Public Law 91–383 (16 U.S.C. 1a-1 et seq.).

(e) REPORT.—Not later than three years after the date on which funds are first made available for the study, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5132 directs the Secretary of the Interior to study the feasibility and suitability of including certain lands related to the Battle of the River Raisin during the War of 1812 in Monroe County, Michigan, as part of the National Park System.

Currently, the main battlefield is occupied by an abandoned paper mill. The city of Monroe has received a $1 million grant to clean up the location in preparation for possible listing as a National Historic Landmark. The National Park Service testified that there is intact archaeological evidence of the battle and that this site has impressive integrity as a battlefield if it is preserved.

I urge your support for H.R. 5132.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while most Americans are aware of the significance of the Revolutionary War or the Civil War, the importance of the War of 1812 is not as widely understood.

The Dean of this House, Representative JOHN DINGELL, is to be commended for his experience and effectiveness in bringing this important legislation to the floor. It is always an honor to work with Mr. DINGELL, and we urge our colleagues to support H.R. 5132.

Mr. Speaker, it is now indeed my honor to yield as much time as he may consume to the distinguished gentleman from Michigan (Mr. DINGELL), the Dean of this House and the sponsor of this legislation.

Mr. DINGELL. Mr. Speaker, I intend to show my appreciation to the distinguished gentlewoman by revising and extending my remarks and also my respect and affection for the gentleman from New Mexico.

I rise to support the legislation. I urge the House to pass this legislation. It was the bloodiest battle. It commemorates the bloodiest battle in the history of Michigan, the bloodiest battle in the War of 1812, and the loss of 700 citizens and more, mostly from Kentucky, who came to Michigan to save it from the British and the Indians. The end result was that "Remember the River Raisin" became the battle cry in the War of 1812.

Our work today, I want you to know, makes a very important contribution to us remembering the history of Michigan, the history of the War of 1812 and matters important, not just to my people in Monroe, but to all of us.

I thank the gentleman from New Mexico and the distinguished gentlewoman from Guam and my friend, chairman of the committee, Mr. POMBO.

Mr. Speaker, in 6 years our Nation will mark the bicentennial of the War of 1812. The War of 1812 is one of the least studied, but most important episodes in our Nation's history. Following the Revolutionary War, America was a weak Nation and was preyed upon by Britain, France and Spain. Britain aimed to re-conquer the newly independent former colonies.

The legislation we are considering here today will preserve one of the most important stories of that war, the Battle of the River Raisin.

This legislation, quite simply, would direct the Secretary of the Interior to study the suitability of including the site of the River Raisin massacre into the National Park system.

The legislation already has support from the people of Monroe, Michigan, our governor, historians, archeologists and the National Park Service.

When the war broke out, it was expected that Britain would quickly defeat the poorly equipped and poorly trained Americans. Washington was burned, and British troops torched the Capitol.

Along the Western frontier, in what is today Michigan, Ohio and Kentucky, the war raged. When Detroit fell to the British a contingent of Kentuckians, under the direction of Gen. William Henry Harrison marched to retake the city.

On January 18, 1813 American forces crossed the River Raisin and attacked the British encampment on the other side. They forced the British to retreat. Four days later, British forces and their Native American allies counter-attacked. The Americans were routed.

When the British withdrew, they took with them any American who could travel as a prisoner. The injured were left. The next day, the Native allies returned and massacred the Americans and burned the surrounding town to the ground.

Of the 900 strong American force only 33 escaped death or capture. Throughout the American Army the cry "Remember the Raisin" rallied our troops. Soon thereafter, spurred by the memory of the Raisin, the Americans liberated Detroit and won the decisive Battle of the Thames in Ontario—guaranteeing America's victory in the war.

The River Raisin Battle is still the bloodiest battle ever in Michigan, and was the most violent battle on continental U.S. soil outside of the Civil War. It is an important episode in American history that needs to be recognized.

Since 1813, the site of the battle and massacre has been encroached upon increasingly by the town of Monroe. What was once a small farming settlement is now a bustling city.

Homes have been built where the American soldiers crossed the river. A factory, at one time, operated on the site; buildings were built and later torn down. Now, most of the land where the battle took place is in the possession of the City of Monroe and they want to make sure that it is protected for all Americans to visit.

The State of Michigan has provided $1 million for Brownfield redevelopment and rehabilitation of the site. The City of Monroe and the Monroe County Historical Society have each pledged $35,000 for the creation of a master plan for the entire battlefield site, and they will soon be applying for a Battlefield Protection Grant through the National Park Service.

A citizens' group has also formed to guide the development of the battlefield, raise funds for historic preservation and develop educational programs.

I am confident that the energy and commitment of the community would make this a wise inclusion into our National Park system.

I can think of no better way to honor the hundreds who gave their lives at the River Raisin than to make the site a permanent memorial to their bravery and sacrifice.

We need to do this in order to protect an important piece of our Nation's heritage.

Ms. BORDALLO. Mr. Speaker, I have no further speakers, and I yield back my time.

Mr. PEARCE. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 5132, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MISSISSIPPI RIVER TRAIL STUDY ACT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1796) to amend the National Trails System Act to designate the route of the Mississippi River from its headwaters in the State of Minnesota to the Gulf of Mexico for study for potential addition to the National Trails System as a national scenic trail, national historic trail, or both, and for other purposes.

The Clerk read as follows:

H.R. 1796

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mississippi River Trail Study Act".

SEC. 2. DESIGNATION OF ROUTE OF THE MISSISSIPPI RIVER FOR STUDY FOR POTENTIAL ADDITION TO THE NATIONAL TRAILS SYSTEM.

(a) DESIGNATION.—Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended—

(1) by redesignating the first paragraph after paragraph (40) as paragraph (41) and, in such paragraph, by striking "The" and inserting "LONG WALK TRAIL.—The";

(2) by redesignating the second paragraph after paragraph (40) as paragraph (42); and

(3) by adding at the end the following new paragraph:

"(43) MISSISSIPPI RIVER TRAIL.—The route of the Mississippi River from its headwaters in the State of Minnesota to the Gulf of Mexico.".

(b) RELATION TO OTHER STUDIES.—The study required by the amendment made by this section is intended to complement, and not duplicate, other studies of the scenic or historical importance of the Mississippi River that may be underway or undertaken.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1796 would designate the route of the Mississippi River for study as a potential addition to the National Trails System as a national scenic trail, national historic trail or both. The route would stretch from its headwaters in the State of Minnesota to the Gulf of Mexico.

Establishing a national trail along the river will connect the nearly 40 existing public land units on or very near the river which includes national forests, national parks, and wildlife refuges.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Representative BETTY McCOLLUM is to be commended for her foresight in introducing this legislation and her diligence in working to get her bill to the floor today.

The importance of the mighty Mississippi in her district and all along its route as it bisects this country before reaching the Gulf of Mexico can never be overstated.

I am a proud cosponsor of this legislation, and I urge my colleagues to support H.R. 1796.

Mr. Speaker, I yield as much time as she may consume to my friend and our colleague from St. Paul, Minnesota (Ms. McCOLLUM), the sponsor of this legislation.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I would like to thank my colleague from Guam, a fellow alumni from the College of St. Catherine's located in St. Paul, Minnesota, on the banks of the Mississippi River.

Mr. Speaker, I rise today in support of H.R. 1796, the Mississippi River Trail Study Act, which will help connect America and Americans in the future to the Mississippi River and focus attention on its incredible natural resource.

The Mississippi River Trail Study Act authorizes the Secretary of the Interior to conduct a study examining the feasibility and the suitability of including the Mississippi corridor in our National Trails System.

This study will be an important step towards coordinating the public and private amenities along the river, preserving its natural treasures, and recognizing the Mississippi's historic and cultural values for our country.

This will be the first time the Mississippi River corridor is considered for inclusion in our National Park System, and it should be for, after all, the Mississippi River is America's river.

On its journey from Lake Itasca in my home State of Minnesota to the Gulf of Mexico, the Mississippi River touches 10 States.

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It shapes the everyday life for more than 11 million Americans living in communities along its banks and contributes to the enjoyment of millions of domestic and international tourists who visit the Mississippi River attractions each year.

The mighty Mississippi continues to be a working river, moving goods safely and inexpensively along America's natural artery of commerce.

The Mississippi River Trail Study Act is supported by local and multi-state groups. For example, the Mississippi Parkway Commission, the Audubon Minnesota and the Mississippi River Trail Corporation have offered to help the National Park Service complete the study by contributing data, local contacts and other tangible forms of assistance, and these are just a few of the examples that the Park Service can expect all up and down the Mississippi River corridor.

The Park Service said, with this help and cooperation from groups, they will be able to save time and money in completing the study.

In the past, the Mississippi River has been a powerful story line in America's narrative. Today, the River continues to shape our identity, strengthen our economy, and its beauty continues to be breathtaking. The Mississippi River a national treasure, deserving consideration authorized by this legislation.

Once again, I thank my colleagues from Guam and New Mexico for helping with the floor debate.

Mr. PEARCE. Mr. Speaker, I reserve the balance of my time

Ms. BORDALLO. Mr. Speaker, I thank Representative MCCOLLUM for her remarks. I have no further speakers.

Mr. Speaker, I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 1796.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PIEDRAS BLANCAS HISTORIC LIGHT STATION OUTSTANDING NATURAL AREA ACT OF 2005

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3534) to designate the Piedras Blancas Light Station and the surrounding public land as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for other purposes.

The Clerk read as follows

H.R. 3534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the "Piedras Blancas Historic Light Station Outstanding Natural Area Act of 2005".

(b) DEFINITIONS.—For the purposes of this Act, the following definitions apply:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) LIGHT STATION.—The term "Light Station" means Piedras Blancas Light Station.

(3) PUBLIC LANDS.—The term "public lands" has the meaning stated in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1703(e)).

(4) OUTSTANDING NATURAL AREA.—The term "Outstanding Natural Area" means the Piedras Blancas Historic Light Station Outstanding Natural Area established pursuant to section 3.

SEC. 2. FINDINGS.

Congress finds as follows:

(1) The publicly owned Piedras Blancas Light Station has nationally recognized historical structures that should be preserved for present and future generations.

(2) The coastline adjacent to the Light Station is internationally recognized as having significant wildlife and marine habitat that provides critical information to research institutions throughout the world.

(3) The Light Station tells an important story about California's coastal prehistory and history in the context of the surrounding region and communities.

(4) The coastal area surrounding the Light Station was traditionally used by Indian people, including the Chumash and Salinan Indian tribes.

(5) The Light Station is historically associated with the nearby world-famous Hearst Castle (Hearst San Simeon State Historical Monument), now administered by the State of California.

(6) The Light Station represents a model partnership where future management can be successfully accomplished among the Federal Government, the State of California, San Luis Obispo County, local communities, and private groups.

(7) Piedras Blancas Historic Light Station Outstanding Natural Area would make a significant addition to the National Landscape Conservation System administered by the Department of the Interior's Bureau of Land Management.

(8) Statutory protection is needed for the Light Station and its surrounding Federal lands to ensure that it remains a part of our historic, cultural, and natural heritage and to be a source of inspiration for the people of the United States.

SEC. 3. DESIGNATION OF THE PIEDRAS BLANCAS HISTORIC LIGHT STATION OUTSTANDING NATURAL AREA.

(a) IN GENERAL.—In order to protect, conserve, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of certain lands in and around the Piedras Blancas Light Station, in San Luis Obispo County, California, while allowing certain recreational and research activities to continue, there is established, subject to valid existing rights, the Piedras Blancas Historic Light Station Outstanding Natural Area.

(b) MAPS AND LEGAL DESCRIPTIONS.—The boundaries of the Outstanding Natural Area as those shown on the map entitled "Piedras Blancas Historic Light Station: Outstanding Natural Area", dated May 5, 2004, which shall be on file and available for public inspection in the Office of the Director, Bureau of Land Management, United States Department of the Interior, and the State office of the Bureau of Land Management in the State of California.

(c) BASIS OF MANAGEMENT.—The Secretary shall manage the Outstanding Natural Area as part of the National Landscape Conservation System to protect the resources of the area, and shall allow only those uses that further the purposes for the establishment of the Outstanding Natural Area, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable laws.

(d) WITHDRAWAL.—Subject to valid existing rights, and in accordance with the existing withdrawal as set forth in Public Land Order 7501 (Oct. 12, 2001, Vol. 66, No. 198, Federal Register 52149), the Federal lands and interests in lands included within the Outstanding Natural Area are hereby withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the public land mining laws; and

(3) operation of the mineral leasing and geothermal leasing laws and the mineral materials laws.

SEC. 4. MANAGEMENT OF THE PIEDRAS BLANCAS HISTORIC LIGHT STATION OUTSTANDING NATURAL AREA.

(a) IN GENERAL.—The Secretary shall manage the Outstanding Natural Area in a manner that conserves, protects, and enhances the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of that area, including an emphasis on preserving and restoring the Light Station facilities, consistent with the requirements section 3(c).

(b) USES.—Subject to valid existing rights, the Secretary shall only allow such uses of the Outstanding Natural Area as the Secretary finds are likely to further the purposes for which the Outstanding Natural Area is established as set forth in section 3(a).

(c) MANAGEMENT PLAN.—Not later than 3 years after of the date of the enactment of this Act, the Secretary shall complete a comprehensive management plan consistent with the requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) to provide long-term management guidance for the public lands within the Outstanding Natural Area and fulfill the purposes for which it is established, as set forth in section 3(a). The management plan shall be developed in consultation with appropriate Federal, State, and local government agencies, with full public participation, and the contents shall include—

(1) provisions designed to ensure the protection of the resources and values described in section 3(a);

(2) objectives to restore the historic Light Station and ancillary buildings;

(3) an implementation plan for a continuing program of interpretation and public education about the Light Station and its importance to the surrounding community;

(4) a proposal for minimal administrative and public facilities to be developed or improved at a level compatible with achieving the resources objectives for the Outstanding Natural Area as described in subsection (a) and with other proposed management activities to accommodate visitors and researchers to the Outstanding Natural Area; and

(5) cultural resources management strategies for the Outstanding Natural Area, prepared in consultation with appropriate departments of the State of California, with emphasis on the preservation of the resources of the Outstanding Natural Area and the interpretive, education, and long-term scientific uses of the resources, giving priority to the enforcement of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the Outstanding Natural Area.

(d) COOPERATIVE AGREEMENTS.—In order to better implement the management plan and to continue the successful partnerships with the local communities and the Hearst San Simeon State Historical Monument, administered by the California Department of Parks and Recreation, the Secretary may enter into cooperative agreements with the appropriate Federal, State, and local agencies pursuant to section 307(b) of the Federal Land Management Policy and Management Act of 1976 (43 U.S.C. 1737(b)).

(e) RESEARCH ACTIVITIES.—In order to continue the successful partnership with research organizations and agencies and to assist in the development and implementation of the management plan, the Secretary may authorize within the Outstanding Natural Area appropriate research activities for the purposes identified in section 3(a) and pursuant to section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)).

(f) ACQUISITION.—State and privately held lands or interests in lands adjacent to the Outstanding Natural Area and identified as appropriate for acquisition in the management plan may be acquired by the Secretary as part of the Outstanding Natural Area only by—

(1) donation;

(2) exchange with a willing party; or

(3) purchase from a willing seller.

(g) ADDITIONS TO THE OUTSTANDING NATURAL AREA.—Any lands or interest in lands adjacent to the Outstanding Natural Area acquired by the United States after the date of the enactment of this Act shall be added to and administered as part of the Outstanding Natural Area.

(h) OVERFLIGHTS.—Nothing in this Act or the management plan shall be construed to—

(1) restrict or preclude overflights, including low level overflights, military, commercial, and general aviation overflights that can be seen or heard within the Outstanding Natural Area;

(2) restrict or preclude the designation or creation of new units of special use airspace or the establishment of military flight training routes over the Outstanding Natural Area; or

(3) modify regulations governing low-level overflights above the adjacent Monterey Bay National Marine Sanctuary.

(i) LAW ENFORCEMENT ACTIVITIES.—Nothing in this Act shall be construed to preclude or otherwise affect coastal border security operations or other law enforcement activities by the Coast Guard or other agencies within the Department of Homeland Security, the Department of Justice, or any other Federal, State, and local law enforcement agencies within the Outstanding Natural Area.

(j) NATIVE AMERICAN USES AND INTERESTS.—In recognition of the past use of the Outstanding Natural Area by Indians and Indian tribes for traditional cultural and religious purposes, the Secretary shall ensure access to the Outstanding Natural Area by Indians and Indian tribes for such traditional cultural and religious purposes. In implementing this section, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of the Outstanding Natural Area in order to protect the privacy of traditional cultural and religious activities in such areas by the Indian tribe or Indian religious community. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95-341 (42 U.S.C. 1996 et seq.; commonly referred to as the "American Indian Religious Freedom Act").

(k) NO BUFFER ZONES.—The designation of the Outstanding Natural Area is not intended to lead to the creation of protective perimeters or buffer zones around area. The fact that activities outside the Outstanding Natural Area and not consistent with the purposes of this Act can be seen or heard within the Outstanding Natural Area shall not, of itself, preclude such activities or uses up to the boundary of the Outstanding Natural Area.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3534 establishes the Piedras Blancas Light Station Outstanding Natural Area in San Luis Obispo County, California. Federal, State and local officials, as well as private groups, have long sought a way to protect, conserve and enhance the nationally important land in and around the Piedras Blancas Light Station.

This bill would require the lighthouse to be managed as part of the National Landscape Conservation System, and, as such, would protect the historical structures and habitat of the area. I urge the passage of this measure.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Representative LOIS CAPPS, the author of this legislation, has been a tireless advocate for conservation of the stunning natural resources found in her district. H.R. 3534 continues her efforts by protecting and interpreting an historic light station and the incredibly rich natural resources surrounding it. We urge our colleagues to support H.R. 3534.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, lastly, I want to thank my friend, the gentleman from New Mexico (Mr. PEARCE), and my friend, the gentleman from Arizona (Mr. RENZI), for their work today. It has been a pleasure to manage these bills with them this afternoon.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of H.R. 3534, Piedras Blancas Historic Light Station Outstanding Natural Area Act.

First, I want to thank my colleague from California, the chairman of the Resources Committee, Mr. POMBO, the chairman and ranking member of the Subcommittee on Forests and Forest Health, Mr. WALDEN and Mr. TOM UDALL, as well as the ranking member of the full Committee, Mr. RAHALL for expediting the consideration of this legislation and for bringing H.R. 3534 before us today.

H.R. 3534 would designate the Piedras Blancas Historic Light Station—located in my congressional district—as an Outstanding Natural Area within the BLM's National Landscape Conservation System.

The Piedras Blancas Light Station is located on an 18 acre-parcel of BLM administered land along the Pacific Coast in San Luis Obispo County. The property is adjacent to Pacific Coast Highway and the Hearst Castle State Historic Monument, and it looks over a pristine coastal area that includes the southern portion of the Monterey Bay National Marine Sanctuary and California Coastal National Monument.

The Light Station is nationally recognized as an important monitoring point for migrating whales, and is used by the U.S. Geological Survey, the National Marine Fisheries Service and a number of universities and colleges for marine wildlife and plant research.

Finally, the Light Station and the surrounding area are important for tourism. For example, the national historic Light House—built in 1879—is a main destination focal point on the Central Coast, and the peninsula is very popular for viewing sea otters, elephant seals, and sea lions from shore. The elephant seal colony at Piedras Blancas attracts an estimated 400,000 visitors annually.

In 2001, BLM assumed ownership and management of the Light Station from the U.S. Coast Guard. Since then, BLM, state and local agencies, community stakeholders and conservation groups have developed a very successful partnership to preserve the Light Station.

Some of these partners include: the Piedras Blancas Light Station Association; California State Parks; San Luis Obispo County; the cities of Cambria and San Simeon; the California Coastal Conservancy and Coastal Commission; NOAA; and the Hearst Corporation.

As a result of their hard work, the site was re-opened to public tours in 2003—for the first time in 128 years! These partners continue to work together on a series of environmental education, historical restoration and resource protection programs. And I'm confident they will each support and showcase this national designation if enacted.

Mr. Speaker, my legislation tracks the successful model of designating the Oregon Coast's Yaquina Head as an Outstanding Natural Area, which was signed into law in 1980. Yaquina Head was later included in the National Landscape Conservation System.

Like Yaquina Head, the addition of the Piedras Blancas Light Station to the NLCS would be an important step in protecting and preserving this valuable natural and historic resource. It will also focus attention on the restoration of the Light Station and surrounding area, specifically the three on-site National Register properties. And, it will serve as a means to increase public awareness of the Light Station's scientific, cultural and educational values.

Specifically, H.R. 3534 stresses long-term conservation of the Light Station by requiring timely completion of a management plan. The management plan would be developed through a public process and include guidelines for restoration of the National Register of Historic Places buildings, including the Light House; public access; ecological and cultural resource management; and, fostering scientific study and research opportunities.

Mr. Speaker, the Piedras Blancas Light Station is a wonderful resource. It has the potential to serve as a model for future resource management, and therefore would be an appropriate addition to the BLM's National Landscape Conservation System.

Again, I would like to thank the Committee on Resources for supporting this bill to designate Piedras Blancas Historic Light Station as an Outstanding Natural Area, and urge its immediate passage.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I would like to thank the gentlewoman from Guam for her hard work in this body for managing these bills on the floor today.

I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 3534.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the 15 bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES (BATFE) MODERNIZATION AND REFORM ACT OF 2006

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5092) to modernize and reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, as amended.

The Clerk read as follows

H.R. 5092

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE) Modernization and Reform Act of 2006".

SEC. 2. GRADUATED PENALTIES FOR CIVIL VIOLATIONS BY FEDERAL FIREARMS LICENSEES.

(a) IN GENERAL.—Section 923 of title 18, United States Code, is amended by striking subsections (e) and (f) and inserting the following:

"(e)(1)(A) If the Attorney General determines that a licensee under this section has willfully violated any provision of this chapter or any regulation prescribed under this chapter, the Attorney General may—

"(i) if the violation is of a minor nature—

"(I) impose on the licensee a civil money penalty of not more than $1,000 for each such violation, except that the total amount of penalties imposed on a licensee under this subclause for violations arising from a single inspection or examination shall not exceed $5,000; or

"(II) suspend the license for not more than 30 days, and specify the circumstances under which the suspension is to be terminated, if, in the period for which the license is in effect, there have been at least 2 prior occasions on which the licensee has been determined to have violated this chapter; or

"(ii) if the violation is of a serious nature—

"(I) impose on the licensee a civil money penalty of not more than $2,500 for each such violation, except that the total amount of penalties imposed on a licensee under this subclause for a violations arising from a single inspection or examination shall not exceed $15,000;

"(II) suspend the license for not more than 90 days, and specify the circumstances under which the suspension is to be terminated;

"(III) revoke the license; or

"(IV) take the actions described in subclauses (I) and (II), or subclauses (I) and (III).

"(B)(i)(I) In determining the amount of a civil money penalty to impose under subparagraph (A) on a licensee, the nature and severity of the violation involved, the size of the firearms business operated by the licensee, and the prior record of the licensee shall be considered.

"(II) On request of the licensee, the Attorney General may consider the ability of the licensee to pay a civil money penalty, and may allow the licensee to submit documents and information to establish the ability of the licensee to pay. The Attorney General shall not make part of any public record any document or information so submitted, and shall return to the licensee any such document or information.

"(III) The total amount of penalties imposed on a licensee under subparagraph (A) with respect to violations of a minor nature and of a serious nature arising from a single inspection or examination shall not exceed $15,000.

"(ii) For purposes of subparagraph (A), violation of a provision of this chapter with respect to 2 or more firearms during a single transaction shall be considered a single violation of the provision.

"(iii) The Attorney General may defer, or suspend, in whole or in part, the imposition of a civil money penalty on a licensee whose license is suspended under this paragraph.

"(C) For purposes of subparagraph (A):

"(i) A violation of this chapter shall be considered to be of a serious nature if the violation—

"(I) results in or could have resulted in the transfer of a firearm or ammunition to a person prohibited from possessing or receiving the firearm or ammunition under this chapter or under State or local law;

"(II) obstructs or could have obstructed a bona fide criminal investigation or prosecution, or an inspection or examination under this chapter; or

"(III) prevents or could have prevented a licensee from complying with subsection (a)(7), (a)(8), (b)(1), (b)(3), (b)(4), (j), (k), (o), or (p) of section 922, subsection (g)(7) of this section, or subsection (b) or (h) of section 924.

"(ii) A violation of this chapter shall be considered to be of a minor nature if the violation is not of a serious nature.

"(D) The Attorney General may not commence an enforcement action under subparagraph (A) with respect to a violation, after the 5-year period that begins with—

"(i) the date the violation occurred; or

"(ii) if the licensee intentionally obstructed discovery of the violation, the date the violation is discovered.

"(2)(A) Not less than 30 days before the effective date of any penalty imposed on a licensee by reason of a determination made under paragraph (1), the Attorney General shall send the licensee a written notice—

"(i) of the determination, and the grounds on which the determination was made;

"(ii) of the nature of the penalty; and

"(iii) that the licensee may, within 30 days after receipt of the notice, request a hearing to review the determination.

"(B) A hearing to review a determination made under paragraph (1) with respect to a licensee shall not be held unless the licensee requests such a hearing within 30 days after receiving the notice of the determination sent pursuant to subparagraph (A).

"(C) On timely receipt from the licensee of a request for such a review, the Attorney General shall stay the imposition under paragraph (1) of any penalty involved, pending resolution of the review, unless, in the case of a suspension or revocation of a licensee, the Attorney General establishes, at a hearing before an administrative law judge, by clear and convincing evidence, that the continued operation by the licensee of the business poses an immediate and grave threat to public safety.

"(3)(A) Within 90 days after timely receipt from a licensee of a request to review a determination made under paragraph (1) (or at such later time as is agreed to by the Attorney General and the licensee), an administrative law judge shall hold a hearing, at a location convenient to the licensee, to review the determination.

"(B) Not less than 30 days before the hearing, the Attorney General shall deliver to the licensee—

"(i) a document identifying each person whom the Attorney General intends to call as a witness during the hearing;

"(ii) a copy of each document which will be introduced as evidence at the hearing; and

"(iii) copies of all documents on which the determination is based.

"(C) Within 90 days after the hearing, the administrative law judge shall issue a written decision setting forth findings of fact and conclusions of law, and a decision as to whether to affirm, modify, or reverse the determination.

"(D) On request of the licensee, the Attorney General shall stay the effective date of any penalty, suspension, or revocation until there has been a final, nonreviewable judgment with respect to the determination involved, unless, in the case of a suspension or revocation of a licensee, the Attorney General establishes, at a hearing before an administrative law judge, by clear and convincing evidence, that the continued operation by the licensee of the business poses an immediate and grave threat to public safety.

"(E) The action of an administrative law judge under this subsection shall be considered final agency action for all purposes, and may be reviewed only as provided in subsection (f).

"(4) This subsection shall not be interpreted to affect the authority of the Attorney General under section 922(t)(5).

"(f)(1) Within 60 days after a party receives a notice issued under subsection (d)(3) of a decision to deny a license, or a notice issued under subsection (e)(3)(C) of a determination to impose a civil money penalty or to suspend or revoke a license, the party may file a petition with the United States district court for the district in which the party resides or has a principal place of business for a de novo review of the decision or determination.

"(2) In a proceeding conducted under this paragraph, the court shall, on application of a party, consider any evidence submitted by the parties to the proceeding whether or not the evidence was considered at the hearing held under subsection (d)(3) or (e)(3).

"(3) If the court decides that the decision or determination was not authorized, the court shall order the Attorney General to take such action as may be necessary to comply with the judgment of the court.

"(4) If criminal proceedings are instituted against a licensee alleging any violation of this chapter or of a regulation prescribed under this chapter, and the licensee is acquitted of the charges, or the proceedings are terminated, other than upon motion of the Government before trial on the charges, the Attorney General shall be absolutely barred from denying a license under this chapter, suspending or revoking a license granted under this chapter, or imposing a civil money penalty under subsection (e), if the action would be based in whole or in part on the facts which form the basis of the criminal charges.

"(5) The Attorney General may not institute a proceeding to suspend or revoke a license granted under this chapter, or to impose a civil money penalty under subsection (e), more than 1 year after the filing of the indictment or information.".

(b) Conforming Amendment to Procedure Applicable to Denial of Application for License.—Section 923(d) of such title is amended by adding at the end the following:

"(3) If the Attorney General denies an application for a license, an administrative law judge of the Department of Justice shall, on request by the aggrieved party, promptly hold a hearing to review the denial, at a location convenient to the aggrieved party. If, after the hearing, the administrative law judge decides not to reverse the denial, the administrative law judge shall give notice of the final denial decision to the aggrieved party.".

SEC. 3. CONSIDERATION OF FEDERAL FIREARMS LICENSE APPLICATIONS.

(a) In General.—Section 923(d) of title 18, United States Code, as amended by section 2(b) of this Act, is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4) and inserting after paragraph (1) the following:

"(2) The Attorney General shall make a preliminary determination as to whether to approve or deny an application submitted under subsection (a) or (b). If the preliminary determination is to deny the application, the Attorney General shall notify the applicant in writing of the preliminary determination and the reasons for the preliminary determination, and shall afford the applicant an opportunity to supplement the application with additional information and to request a hearing on the application. If the applicant, in a timely manner, requests such a hearing, the Attorney General shall hold the hearing at a location convenient to the applicant, and shall notify the applicant in writing of the time and place of the hearing.".

(b) Conforming Amendment.—Section 923(f) of such title, as amended by section 2(a) of this Act, is amended by striking "(d)(3)" each place it appears and inserting "(d)(4)".

SEC. 4. DEFINITION OF WILLFULLY.

Section 923(e) of title 18, United States Code, as amended by section 2(a) of this Act, is amended by adding at the end the following:

"(5) For purposes of this subsection, the term 'willfully' means, with respect to conduct of a person, that the person knew of a legal duty, and engaged in the conduct knowingly and in intentional disregard of the duty.".

SEC. 5. ESTABLISHMENT OF FORMAL INSPECTION, EXAMINATION, AND INVESTIGATIVE GUIDELINES.

The Attorney General shall establish guidelines for how the Bureau of Alcohol, Tobacco, Firearms, and Explosives is to conduct inspections, examinations, or investigations of possible violations of chapters 40 and 44 of title 18, United States Code.

SEC. 6. REVIEW BY THE INSPECTOR GENERAL OF THE DEPARTMENT OF JUSTICE OF THE GUN SHOW ENFORCEMENT PROGRAM; REPORT.

(a) Review.—The Inspector General of the Department of Justice shall conduct a review of the operations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, for the purpose of assessing the manner in which the Bureau conducts the gun show enforcement program and blanket residency checks of prospective and actual firearms purchasers.

(b) Report.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a written report that contains the findings of the review required by subsection (a), and includes such recommendations as may be appropriate.

SEC. 7. LIMITATIONS ON USE OF FIREARMS PURCHASER INFORMATION.

Section 923(g)(1)(D) of title 18, United States Code, is amended in the last sentence by inserting ", except that information identifying a person who has purchased or received firearms or ammunition and who is not prohibited from doing so may not be so made available or so provided unless the agency involved has certified that the agency will not disclose the information to any entity other than a court, federal, State or local law enforcement agency, or prosecutor" before the period.

SEC. 8. LIQUIDATION OF INVENTORY IN FEDERAL FIREARMS LICENSE EXPIRATION, SURRENDER, OR REVOCATION CASES.

Section 923 of title 18, United States Code, is amended by adding at the end the following:

"(m)(1) Except as provided in paragraph (2), a person whose license issued under this chapter is expired, surrendered, or revoked shall be afforded 60 days from the effective date of the expiration, surrender, or revocation to liquidate the firearms inventory of the person, which time may be extended upon a showing of reasonable cause. During such 60-day period (including any extension of the period), the license involved shall continue to be considered valid.

"(2) Paragraph (1) shall not apply with respect to a person if a United States District Court for the judicial district in which the person resides or in which the principal place of business of the person subject to the license is located finds, by clear and convincing evidence, that the continued operation by the person of the business poses an immediate and grave threat to public safety.".

SEC. 9. OPPORTUNITY TO CURE VIOLATIONS AFTER ACQUISITION OF FIREARMS BUSINESS.

Section 923 of title 18, United States Code, is further amended by adding at the end the following:

"(n) If the Attorney General is made aware that a business licensed under this chapter has transferred to a surviving spouse or child of the licensee, to an executor, administrator, or other legal representative of a deceased licensee; or to a receiver or trustee in bankruptcy, or an assignee for benefit of creditors, and, before the transfer, or on the first inspection or examination by the Attorney General of the records of the licensee after the transfer, the licensee is found to be operating the business in violation of this chapter, the Attorney General—

"(1) shall notify the transferee of the violation by the transferor; and

"(2) shall not presume that the transferee is committing the violation.".

SEC. 10. STANDARDS FOR CRIMINAL VIOLATIONS OF RECORDKEEPING REQUIREMENTS.

Section 922(m) of title 18, United States Code, is amended—

(1) by striking "any false entry" and inserting "a materially false entry";

(2) by striking "appropriate entry" and inserting "a materially significant entry"; and

(3) by striking "properly maintain" and inserting "retain custody of".

SEC. 11. AUTHORITY TO COLLECT INFORMATION ON EXPLOSIVES STORED UNDER STATE LAW; REGULATIONS GOVERNING STORAGE OF EXPLOSIVES MADE APPLICABLE TO STORAGE OF EXPLOSIVES BY AGENCIES OPERATING UNDER STATE LAW.

(a) Authority to Collect Information on Explosives Stored Under State Law.—

(1) In general.—Section 846 of title 18, United States Code, is amended by adding at the end the following:

"(c) Each agency operating under the law of any State or political subdivision thereof that stores or keeps explosive materials shall submit to the Attorney General, at such time as the Attorney General shall prescribe in regulations, a written report that specifies each location at which the agency stores or keeps explosive materials that have been shipped or transported in interstate or foreign commerce, and the types and amounts of such explosive materials that are stored or kept at the location.".

(2) Regulations.—Within 6 months after the date of the enactment of this section, the Attorney General shall prescribe the regulations referred to in section 846(c) of title 18, United States Code.

(b) Regulations Governing Storage of Explosives Made Applicable to Storage of Explosives by Agencies Operating Under State Law.—Subpart K of part 555 of subchapter C of chapter II of title 27, Code of Federal Regulations, shall apply with respect to the storage by agencies operating under the law of any State or political subdivision thereof of explosive materials that have been shipped or transported in interstate or foreign commerce.

SEC. 12. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect at the end of the 180-day period that begins with the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. Sensenbrenner) and the gentleman from Maryland (Mr. Van Hollen) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5092 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5092, the Bureau of Alcohol, Tobacco, Firearms, and Explosives Modernization and Reform Act of 2006. The bill is a bipartisan bill aimed at providing ATF with a full complement of enforcement tools needed to ensure compliance by Federal firearms licensees with Federal regulations.

A series of oversight hearings by the Crime Subcommittee showed that ATF'S existing enforcement authorities actually hinder its ability to enforce our Nation's gun laws and unfairly impact Federal firearms licensees. This legislation provides a comprehensive response to the concerns raised in those hearings.

For too many years, ATF has labored under a restrictive enforcement scheme which forces the ATF to either revoke a license or do nothing at all. This bill would provide ATF with graduated penalties so that licensees will face the possibility of civil penalty suspensions and the ultimate penalty, revocation of the license. No longer will ATF have to try to cajole licensees to comply or threaten them with heavy-handed revocation proceedings. With this measure ATF will be able to seek a penalty that fits the infraction, depending upon the seriousness of the violation.

In addition, the bill replaces the existing adjudicatory system, which consists of former ATF employees who sit as Administrative Law Judges, with a professional and neutral staff of ALJs who will sit and hear enforcement cases. The bill includes deadlines for hearings and decisions so that enforcement will be expedited. The bill also authorizes ATF to shut down licensees who pose a serious harm to the public.

The bill also remedies a significant problem of enforcement. ATF has used its enforcement authority to threaten revocation of licenses against gun dealers who make inadvertent or technical mistakes in their paperwork. The subcommittee has heard testimony on this issue, which revealed that ATF treats virtually all errors in dealers records, no matter how few or how minor, as willful violations.

For example, a witness cited that a licensee received a revocation notice for writing a "Y" or an "N" instead of writing out "yes" or "no" on a firearms transactions form. That does not make sense. Or in a number of transactions, a revocation notice cited the failure of a firearm arms purchaser to identify country of residence, although the purchaser listed county of residence.

Such enforcement activities are not fair to any notion of due process. The bill clarifies that violations must be knowing and intentional violations versus good faith or technical mistakes in recordkeeping.

I urge my colleagues to vote in favor of this bipartisan bill, which will improve ATF's enforcement authorities and fairness and justice of their treatment of gun dealers

Mr. Speaker, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, at the outset, I yield 3½ minutes to the gentleman from Virginia (Mr. SCOTT), even though he is in support of the bill.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 5092. I join with the gentleman from North Carolina, the subcommittee chairman, Mr. COBLE, in developing this bill, which will focus on improving the due process and effectiveness in ATF enforcement of Federal gun laws and regulations.

Currently as many as 98 percent of violations cited by ATF against gun dealers result in nothing more than a letter of reprimand or meeting with ATF officials at their office, backed by some threats of revocation. There are complaints, on the one hand, that the enforcement system treats Federal firearms licensees unfairly by focusing too much on minor technical violations with threats of revocation. So, on the occasional, though rare, occasion, where the gun dealer's license is actually revoked for what is perceived to be a minor violation, it generates perceptions of unfairness and breeds disrespect of the regulatory process.

If a violation is challenged, the system perpetuates a further appearance of unfairness by using ATF employees, responsible to their supervisors, to decide the case. On the other hand, there are complaints that ATF is unable to effectively license the licensees, because the only available sanction is revocation, and licensees note they are unlikely to be revoked for anything more than a serious violation. Therefore, they can be casual with a lesser violation since they are unlikely to receive anything less than a warning.

H.R. 5092 addresses these problems with a system of intermediate sanctions, applied on a graduated basis. For violations the ATF designates as minor, the bill makes available to the ATF fines of up to $1,000, with cumulative fines up to $5,000 per inspection process. After two incidences of minor violations, suspensions up to 30 days are available.

For violations designated as serious, there can be fines up to $2,500 per violation, up to $15,000 per inspection; and in addition to such fines, suspensions up to 90 days or revocation are also available. The ATF will decide by regulation what constitutes a minor violation or a major violation. But anything which actually endangers the public will count as a major violation.

I would also note that, under the bill, any violation that results in or could have resulted in the transfer of a firearm to a prohibited person, or prevents the dealer from complying with gun tracing or anything like that, must be considered a major violation. Therefore, the suggestion that the bill allows for unaccounted-for guns to be treated as a minor violation is not true.

To ensure fairness in the process, the bill revamps the hearing process by requiring that hearings be conducted by Administrative Law Judges.

Mr. Speaker, in summary, for minor violations, virtually all of which are now treated with just a letter of reprimand or warning, the bill provides for substantial fines and treats repeat offenders with suspensions and/or additional fines. For major violations, the vast majority of which also result only in a letter of reprimand or a warning, the bill provides for even more substantial fines, longer suspensions or revocations. That will result in improved, fair and meaningful enforcement of our gun laws.

For that reason, I urge my colleagues to support the bill.

Mr. VAN HOLLEN. Mr. Speaker, this bill says that its purpose is to, and I quote, modernize and reform, unquote, the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

But what it really does, under the guise of so-called modernization and reform, is to make it virtually impossible for Federal law enforcement officers in the ATF to revoke the licenses of those gun dealers who have violated the gun laws. It guts their power to go after the worst offenders.

You don't have to take my word for it. Let me just read to you from the first paragraph of a letter that was sent to Members of Congress on June 30 of this year:

> As former officials of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, we write to urge you to oppose H.R. 5092, the so-called ATF Modernization and Reform Act. Far from modernizing ATF, this legislation would severely undermine the Bureau and protect corrupt gun dealers and gun traffickers. If passed, this bill would make it extremely difficult for ATF to successfully prosecute gun traffickers and dealers who break the law or to revoke dealers' licenses.

□ 1530

They go on to specifically point out that the requirement that the ATF prove that a gun trafficker or corrupt gun dealer not only broke the law, only specifically intended to break the law, would make it virtually impossible for ATF to successfully enforce our Nation's gun laws. That is signed by a number of former members of the ATF, including two of the former directors of ATF.

Let me also quote from David DiBetta, who is an 18-year veteran of the ATF and who is President of the Federal Law Enforcement Officers Association's ATF Division. He said it very simply: "It could be crippling."

Look, people have said when various Members of Congress have proposed new gun safety laws. They have said, just enforce the laws on the books. And we need to enforce the laws on the books. So what is especially troubling is that we are here today not to increase enforcement of the laws on the books but to weaken the ability of Federal law enforcement officers to go after the worst offenders.

I find it somewhat puzzling that we are gathered here in what has been dubbed by some so-called "Security September" to consider a bill that ties the hands of Federal law enforcement officers and gives a break to those few bad apples among the gun dealers who sell mostly to the criminal market. That is what is especially puzzling.

According to the ATF itself, nearly 60 percent of the guns that are sold to the criminal market are sold by just 1 percent of the gun dealers. The vast majority of people who are selling guns in this country are honest, law-abiding citizens. But this bill isn't designed to help them. This bill will help those who are the worst violators.

In a little bit I am going to go into how this impacts my State of Maryland where the ATF has been trying to revoke the license of one of the worst violators. But he ran down here to Capitol Hill to lobby against the ATF officials, and here we are on the floor. His voice seems to have a stronger influence than the voice of so many law enforcement officers who are out here, as well as others.

I will just close this portion with this. This has also been presented to us, this bill, as part of the so-called "American Values Agenda." This bill is part of the American Values Agenda. And I just want to know, Mr. Speaker, since when did protecting the worst violators of the law become part of an American value?

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman from Wisconsin, chairman of the full committee.

Mr. Speaker, this bill has been mischaracterized in many ways since its inception. The distinguished gentleman from Virginia, Mr. BOBBY SCOTT, and I cosponsored this bill. We have attracted 152 cosponsors, including 32 Democrat Members.

I regard this bill, Mr. Speaker, as a streamlined management tool for ATF. It, furthermore, creates a revenue stream. When gun dealers are in fact found guilty of violations, fines may now be imposed, creating an incentive, if for no other reason, to comply with the law at hand.

I have had some calls from gun dealers around the country complaining about the bill because they say it opens the door for them to be the beneficiary of fines to be imposed against them. Well, if they commit violations, I think fines are appropriate and in order.

I think this is a good bill, as evidenced, as I said before, by 152 of our colleagues who obviously believe it is. It establishes graduated penalties for civil violation by Federal firearms licensees, it imposes graduated civil penalties, and it includes fines, suspensions and/or revocation against licensees who violate gun laws. The penalties are graduated based on whether the violation is a serious or a non-serious violation. The nature and the severity of the violation, the size of the firearms business and the prior record for compliance by these dealers are considered in determining the civil penalty imposed.

I think, on balance, it is long overdue. This addresses an issue that should have long ago been addressed. Under the law today, the ATF, in response to a gun dealer having committed a violation, has one of two choices: He either does nothing or he revokes.

By the way, Mr. SCOTT and I conducted at least three hearings on this matter. At one of the hearings, we learned that a purchaser of a firearm in response to an answer, and I don't recall whether it was yes or no, but let's assume for the sake of discussion it was no, the purchaser inserted the initial "N" rather than spelling out no. Well, this was deemed to be a violation. Technically, I guess it was a violation, but it was an accidental, incidental violation. Obviously, there was no willfulness involved, nothing for which the door should be slammed upon a dealer. I think this bill will provide this sort of latitude and enlarge the parameters as the ATF goes about its business of enforcing the laws of our land.

Finally, I don't mean to speak for Mr. SCOTT, but I think neither Mr. SCOTT nor I are interested in hamstringing the ATF. I am pro-ATF, but I know for a fact that in some instances the ATF agents have become heavy-handed, maybe even unruly, particularly in the Virginia situation. So I think this will address that problem.

I find it very interesting, Mr. Speaker, and I have told the chairman this earlier, the silence has been deafening as far as response from the ATF. Gun owners of America, they have not come to me in opposition to this bill.

So I want to thank my good friend from Virginia, Mr. SCOTT, Mr. Vassar and our very able staff on our side, Michael and his assistants. We have put together a good piece of legislation. I urge its passage

Mr. VAN HOLLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the distinguished gentleman from Maryland, who has put so much of his time and intelligence into an examination of H.R. 5092, which is called the "Modernization and Reform Act."

This bill is taken up as the reported incidence of gun violence continues to rise. It is truly unfortunate that some would advance a proposal such as this, because this measure only threatens to make a troubling situation even more problematic.

Earlier this month, the Department of Justice told us that criminal gun violence grew by nearly 50 percent between the years 2004 and 2005. And up until now, what has been the majority's response to this growing epidemic? Well, simply to take up a bill that will only lead to an additional increase in the number of illegal firearms that on a daily basis constantly go on our streets and communities.

The measure before us, ladies and gentlemen, promises to all but eliminate the ATF's current authority to revoke the Federal firearms licenses of corrupt dealers. If enacted, it would make it virtually impossible for ATF to shut down rogue gun dealers by elevating current burden of proof requirements beyond that of any other major industry.

So let us understand: This is not about going after honest firearms dealers, which constitute the majority of those in the trade. It is not about that. This is about giving a break to the rogue dealers.

This is what is a bit disturbing, because we create in this proposal two vague classifications of gun laws: the serious and the non-serious. It allows for license revocation only for serious violations. But it, unfortunately, defines these violations in such a way that enforcement would be extremely rare.

It excludes many violations that are, in fact, quite dangerous, such as when a gun dealer has numerous weapons lost from its inventory with no record of sale. The bill would require Alcohol, Tobacco and Firearms to automatically stay or postpone the imposition of a fine, a suspension or revocation pending completion of an administration hearing, no matter how egregious the violation.

This standard strongly favors the violator and should be changed so that the alleged violator is required to prove the likelihood of the success of his challenge, as is the current practice for most civil proceedings.

Keeping dangerous firearms out of the hands of violent criminals continues to be one of the most pressing concerns of our Nation. I know somebody besides me is going to talk about the newly released data that shows a total of 3,012 children and teens were killed by gunfire in the United States in one year. That roughly comes out to approximately one child every 3 hours, eight children every day, and more than 50 children every week.

This is what we are legislating under a suspension of the rules. I predict that this suspension is in big trouble, because more and more people are listening to the remarks of the gentleman from Maryland, who has made it clear that most of the community that enforces gun laws is against this.

Now, let's look at it globally. American children are more often at risk from firearm-related injuries and fatalities than any other industrialized nation on the planet. Firearms were reportedly used to kill 19 young people in Great Britain, 57 in Germany, 153 in France, and a staggering 5,285 children in the United States.

As a concerned Member of Congress who serves on this committee, we need to do more to protect our children, and not less. To protect our children and adequately address such problems, we must empower the ATF with the necessary tools and resources to properly police unscrupulous firearms dealers. That is what this measure is about. Unfortunately, the proposals contained therein have taken us in the opposite direction.

So I conclude by pointing out why I join in opposition to this measure. Because the International Brotherhood of Police Officers is against this measure, because the International Association of Chiefs of Police is opposed to this measure, because the Major Cities Chiefs of Police is opposed to this measure, and because the Attorney General of California and two former directors of the Bureau are opposed to this measure.

So I urge my colleagues to let common sense prevail and let the interests of our citizens trump the rogue dealers who have a mysterious way of keeping losing weapons in their inventory with no record of sale. We are on to them. We know what it means. Nobody here is that naive.

□ 1545

So here, ladies and gentlemen, is going to be a very important test, and I hope that the majority of those that will vote on this measure will join me in causing a defeat in the suspension of this measure, H.R. 5092.

SEPTEMBER 18, 2006.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: The Major Cities Chiefs write to express our strong opposition to H.R. 5092, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) "Modernization and Reform" Act. This legislation would have a devastating effect on the ability of law enforcement to stem the flow of firearms from lawbreaking gun dealers to violent criminals.

H.R. 5092 would make it virtually impossible for ATF to revoke the licenses of gun dealers who violate federal law. Instead, ATF would be limited to imposing minimal fines and temporary suspensions, but only if it met a new, extraordinary burden of proof that would make even these meager sanctions incredibly rare. If H.R. 5092 is enacted into law, ATF's ability to stop corrupt gun dealers from supplying firearms to the criminal market will be crippled.

For example, H.R. 5092 redefines violations of many of our nation's gun laws as only "minor" violations. License revocation would be prohibited for these so-called "minor" violations, no matter how many times a dealer violated these federal laws or how egregious those violations may be. Included as "minor" violations are what are, in fact, serious violations such as a dealer's failure to account for large numbers of firearms missing from its inventory. A dealer may claim that hundreds or thousands of weapons have been "lost," preventing ATF from completing a trace of any such guns recovered at crime scenes. Missing firearms also frequently indicate "off-the-book" sales to gun traffickers or felons. Yet H.R. 5092 would remove ATF's power to revoke the licenses of these gun dealers, greatly jeopardizing ATF's ability to enforce federal gun laws and our ability to use crime gun traces to protect our communities from illegal guns.

Another dangerous provision of H.R. 5092 would allow gun dealers whose licenses have been revoked for violations of federal law to continue operating for 60 days after revocation. ATF would have no discretion to waive this 60-day sales period, even if it found that a dealer posed a dire threat to public safety. The idea that ATF would be required by law to allow a lawbreaking gun dealer to continue selling guns for 60 days after its license has been revoked simply makes no sense.

It is not hard to see the devastating effect that H.R. 5092 would have on law enforcement around the country. Crime gun data compiled by ATF shows that just 1 percent of our nation's gun dealers supply nearly 60 percent of all crime guns. If ATF is unable to revoke the licenses of corrupt gun dealers, our communities will continue to be flooded with firearms from these irresponsible gun sellers. It is imperative that ATF have the power to stop the flow of guns from, lawbreaking gun dealers to violent criminals in our cities.

We urge you to stand up for law enforcement and oppose H.R. 5092. Thank you.

Sincerely,

HAROLD L. HURTT,
President,
Major Cities Chiefs.

SEPTEMBER 22, 2006.

DEAR MEMBERS OF CONGRESS: As former officials of the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"), we write to urge you to oppose H.R. 5092, the so-called ATF "Modernization and Reform Act," passed by the House Judiciary Committee on September 7, 2006. Far from "modernizing" ATF, this legislation would severely undermine the Bureau and protect corrupt gun dealers. If passed, this bill would make it extremely difficult for ATF to revoke the licenses of gun dealers who break the law.

Federal law already impedes ATF's law enforcement powers by requiring it to meet a heightened burden of proving a "willful" violation of federal law to revoke the licenses of dealers who blatantly break the law. This "willfulness" standard was imposed by Congress in 1986. To meet this standard for license revocations, ATF must show that a dealer was plainly indifferent to known legal obligations, for example, by proving that the dealer repeatedly broke the law. *See, e.g., Willingham Sports, Inc.* v. *ATF*, 415 F.3d 1274, 1276 (11th Cir. 2005). H.R. 5092 would redefine the definition of "willful," overriding court rulings on the meaning of this burden of proof. H.R. 5092 would instead require that ATF prove a lawbreaker's specific mental state and purpose. This requirement that ATF prove that a corrupt gun dealer not only broke the law but also specifically intended to break the law would make it virtually impossible for ATF to revoke federal firearms licenses. There is no reason to protect lawbreakers, at the expense of public safety, by requiring such an extraordinary burden of proof.

H.R. 5092 also redefines most violations of federal gun laws as "minor." It prohibits license revocations for such so-called "minor" violations, no matter how egregious the violations. License revocations would be limited to so-called "serious" violations. The bill excludes from so-called "serious" violations the most common and serious record keeping violations for which ATF is able to produce evidence to revoke the licenses of rogue dealers. Such record keeping violations include the failure to account for weapons missing from inventory, a dangerous practice that may be used by a federally licensed dealer to mask illegal sales or gun trafficking. A dealer may claim that hundreds or thousands of weapons have been "lost," preventing ATF from completing a trace of any such guns recovered at crime scenes. H.R. 5092 would remove ATF's power to revoke the licenses of such gun dealers, greatly jeopardizing ATF's ability to enforce federal gun laws and protect our communities from illegal guns.

H.R. 5092 also grants ATF the ability to impose fines and temporary license suspensions, although it then places such severe impediments on ATF's ability to impose these sanctions as to make them nearly meaningless. For example, it caps damages at $15,000 for all "serious" violations uncovered by an ATF inspection and $5,000 for "minor" violations. Under H.R. 5092, if ATF uncovered 5,000 violations at one inspection because of massive numbers of "lost" guns with no record of sale, it would be limited to a $5,000 cap in fines, or an average of only a meager $1 fine per violation. It also requires stays of fines and temporary license suspensions in most cases, through all administrative hearings and court appeals. This means that an ATF attempt to impose a few thousand dollars in fines or suspend a license for a month could be delayed through years of litigation. It also requires courts to review ATF administrative findings de novo, requiring courts to reconsider a case without giving any weight to the findings of an administrative hearing, and allows a dealer to introduce new evidence in court that was not submitted at the agency hearing. These procedures simply encourage prolonged litigation as a way of delaying fines or license suspension through years of court battles. Instead of these illogical limits and procedures, ATF should be allowed to impose real fines and license suspensions without automatic stays for the most egregious violators.

H.R. 5092 also contains other unreasonable restrictions on ATF that favor lawbreakers. It allows even the most dangerous violators of federal law to continue selling guns for 60 days after they have had their licenses revoked or if their licenses expire. ATF should have the discretion to limit such sales where they pose a risk to the community and the nation's law enforcement officers. The bill also redefines record keeping requirements by making it more difficult to sanction dealers who fail to keep proper records of their firearms. For example, it would end the requirement that dealers keep their records organized according to long-standing regulations, instead requiring them simply to keep "custody" of such records, in any manner or method chosen by the dealer. This would shield rogue dealers by requiring ATF inspections to sort through records kept in disarray, greatly increasing the cost and length of inspections and the likelihood that record keeping violations will not be discovered.

ATF already faces severe constraints in its ability to crack down on gun dealers who violate the law. H.R. 5092 would further jeopardize ATF's ability to enforce the law against these rogue elements. Instead of enacting H.R. 5092, Congress should support legislation that gives ATF the power to impose fines and license suspensions on gun dealers who violate the law without extraordinarily high burdens of proof, automatic stays, and unreasonably low maximum fines.

Stephen Higgins, Director (Ret.) ATF 1982–1993,
Joseph J. Vince, Jr., Chief (Ret), Crime Gun Analysis Branch, ATF,
Gerald Nunziato, Special Agent in Charge (Ret), National Tracing Center, ATF,
Frank Wandell, Special Agent & District Senior Operations Officer (Ret), ATF,
Rex Davis, Director (Ret.) ATF 1966–1978,
William Vizzard, Special Agent in Charge (Ret), ATF,
Julius Wachtel, Resident Agent in Charge (Ret), ATF, Long Beach Field Office,
Gerald C. Benedict, Special Agent in Charge, Louisville District (Ret), ATF.

State of California,
Office of the Attorney General,
Sacramento, CA.

Re: *H.R. 5092.*

Hon. F. James Sensenbrenner, Jr.,
Chairman, House Judiciary Committee, House of Representatives, Washington, DC.

Dear Congressman Sensenbrenner: I am writing to express the strong opposition of the California Department of Justice to H.R. 5092, which is now pending in the United States Congress. If H.R. 5092 were to become law, it would dangerously undermine the regulation of the nation's gun dealers on both the state and federal level.

H.R. 5092 would eviscerate the ability of the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to regulate federally licensed firearms dealers (FFLs). Under H.R. 5092, ATF would only be able to revoke a license when it proved that a dealer "willfully" committed a "serious" violation. Only three types of violations would be classified as "serious" under H.R. 5092. All other firearms and weapon offenses (including the importation, possession or sale of a machine gun; possession of a firearm without a serial number; possession of a bomb, grenade, rocket or missile) would be considered "non-serious."

H.R. 5092's distinction between "serious" and "non-serious" violations would undercut the enforcement of state laws, as well as federal laws. Federal law makes it a felony to sell a firearm in violation of a state law [18 U.S.C. §922(b)(2)]. For example, it is a crime for an FFL to sell a rifle to a California resident that is considered an assault weapon under California law. Under current law, the dealer would be subject not only to criminal prosecution, but also FFL revocation for the offense. Under H.R. 5092, ATF would be unable to revoke a dealer's license for failure to comply with state law because that crime would not be considered a "serious" violation.

Even "serious" violations by firearms dealers would rarely result in license revocation. H.R. 5092 would require that in order to revoke an FFL, ATF would have to prove that the dealer deliberately intended to commit the "serious" violation. Current law allows ATF to revoke a federal firearms license in cases where a dealer "willfully" violates a provision of the Gun Control Act of 1968, or any rule or regulation issued pursuant to the Act. (18 U.S.C. §923(e).) A person commits a willful violation when the person knows of his legal duty, and disregards or is plainly indifferent to that duty. (Perri v. Department of the Treasury, 637 F.2d 1332, 1336 (9th Cir. 1981).)

H.R. 5092 redefines the term "willfully" in a radical manner that conflicts with common sense and legal precedent. While Merriam-Webster's Dictionary of Law defines the term "willful" to mean "not accidental: done deliberately or knowingly and often in conscious violation or disregard of the law, duty, or the rights of others," H.R. 5092 gives it a completely different meaning: "intentionally, purposely, and with the intent to act in violation of a known legal duty."

By redefining a familiar, accepted and well-established term, H.R. 5092 would make it virtually impossible for ATF to shut down rogue gun dealers, even when their violations are numerous, repeated, or linked to crimes involving guns. The standard to prove a "willful" violation is unprecedented in administrative law and more difficult to prove the mental state required in most criminal prosecutions. I am aware of no other federal regulatory agency that is held to such a high standard in its attempt to regulate licensees.

The only sanction for "non-serious" violations under H.R. 5092 would be temporary suspension and fines, even when the violations are numerous and repeated. The fines set by H.R. 5092 appear to be much lower than fines set in administrative schemes for other licensees. Fines can only be assessed by ATF, furthermore, for "willful" violations of "non-serious" provisions.

For these reasons, and many others, H.R. 5092 would directly and negatively affect the State of California. The Firearms Division of California DOJ works closely and collaboratively with ATF to monitor firearms dealers in the state for compliance with state and federal laws. California DOJ inspectors notify ATF when they observe dealers who are in violation of federal law and are likewise notified when ATF agents observe state violations. Our ability to monitor dealers in the state will be compromised if ATF's authority to enforce federal law is weakened.

At a time when it is paramount for law enforcement agencies to work collaboratively to combat the threat of terrorism, it is outrageous that legislation would be proposed to hamper law enforcement cooperation. Without any evidence that ATF has abused its ability to revoke FFLs, it is outrageous to propose gutting that power. In fact, H.R. 5092 undercuts the fundamental rationale for the Gun Control Act of 1968: "to provide support to Federal, State, and local law enforcement officials in their fight against crime and violence." Therefore, I urge you in the strongest terms to reject it.

Sincerely,

Bill Lockyer,
Attorney General.

Law Enforcement Opposition to H.R. 5092, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Modernization and Reform Act

U.S. Congress,
The Capitol,
Washington, DC:

The undersigned law enforcement organizations/association and law enforcement executives represent law enforcement officers who are actively engaged in providing law enforcement, public safety and homeland security services in the United States. We are writing to join with the Major City Chiefs Association to express our strong opposition to H.R. 5092, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) "Modernization and Reform" ACT. This legislation would have a devastating effect on the ability of law enforcement to stem the flow of firearms from lawbreaking gun dealers to violent criminals.

H.R. 5092 would make it virtually impossible for ATF to revoke the licenses of gun dealers who violate federal law. Instead, ATF would be limited to imposing minimal fines and temporary suspensions, but only if it met a new, extraordinary burden of proof that would make even these meager sanctions incredibly rare. If H.R. 5092 is enacted into law, ATF's ability to stop corrupt gun dealers from supplying firearms to the criminal market will be crippled.

For example, H.R. 5092 redefines violations of many of our nation's gun laws as only "minor" violations. License revocation would be prohibited for these so-called "minor" violations, no matter how many times a dealer violated these federal laws or how egregious those violations may be. Included as "minor" violations are what are, in fact, serious violations such as a dealer's failure to account for large numbers of firearms missing from its inventory. A dealer may claim that hundreds or thousands of weapons have been "lost," preventing ATF from completing a trace of any such guns recovered at crime scenes. Missing firearms also frequently indicate "off-the-book" sales to gun traffickers or felons. Yet H.R. 5092 would remove ATF's power to revoke the licenses of these gun dealers, greatly jeopardizing ATF's ability to enforce federal gun laws and our ability to use crime gun traces to protect our communities from illegal guns.

Another dangerous provision of H.R. 5092 would allow gun dealers whose licenses have been revoked for violations of federal law to continue operating for 60 days after revocation. ATF would have no discretion to waive this 60-day sales period, even if it found that a dealer posed a dire threat to public safety. The idea that ATF would be required by law to allow a lawbreaking gun dealer to continue selling guns for 60 days after its license has been revoked simply makes no sense.

It is not hard to see the devastating effect that H.R. 5092 would have on law enforcement around the Country. Crime gun data compiled by ATF shows that just 1 percent of our nation's gun dealers supply nearly 60 percent of all crime guns. If ATF is unable to revoke the licenses of corrupt gun dealers, our communities will continue to be flooded with firearms from these irresponsible gun sellers. It is imperative that ATF have the power to stop the flow of guns from lawbreaking gun dealers to violent criminals in our cities.

We urge you to stand up for law enforcement and oppose H.R. 5092. Thank you.

Major City Chiefs Association.
International Brotherhood of Police Officers.

National Black Police Association.

School Safety Advocacy Council.

National Latino Police Officers Association.

Minnesota Association of Chiefs of Police.

Michigan Association of Chiefs of Police.

Chief R. Gil Kerlikowske, Seattle Police Department, Seattle, WA.

Commissioner Sylvester Johnson, Philadelphia Police Department, Philadelphia, PA.

Chief Scott Knight, Chaska Police Department, Chaska, MN.

Michael J. Chitwood, Superintendent of Police, Upper Darby Township Police Department, Upper Darby, Pa.

Chief Michael J. Carroll, West Goshen Township Police Department, West Chester, Pennsylvania, 4th Vice President, International Association of Chiefs of Police.

Mark L. Whitman, Police Commissioner, York, PA, IACP General Chair, State Associations of Chiefs of Police.

Curtis S. Lavarello, Executive Director, School Safety Advocacy Council, Sarasota, FL.

Mr. VAN HOLLEN. Mr. Speaker, let me thank my colleague from Michigan, the ranking member of the Judiciary Committee, Mr. CONYERS, for his leadership on this and for pointing out the law enforcement agencies that are opposed to this important legislation and in favor of the arguments that we put forth in opposition. And, again, I just cite from David DiBetta, who is the president of Federal Law Enforcement Officers Association ATF division, who said: "This bill would be crippling to their efforts to enforce our gun laws."

INTERNATIONAL BROTHERHOOD OF
POLICE OFFICERS,
Alexandria, VA, September 20, 2006.

U.S. CONGRESS,
Washington, DC.

DEAR REPRESENTATIVE: The International Brotherhood of Police Officers (IBPO), representing federal, state and local police officers around the country, strongly opposes H.R. 5092, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) "Modernization and Reform" Act. This senseless legislation would serve only to cripple law enforcement's ability to track and prevent the flow of illegal guns across the country.

H.R. 5092 diminishes the ATF's ability to revoke, suspend or fine gun dealers by unnecessarily raising the standard of proof required for adverse action from federal investigators against gun dealers who blatantly violate federal law regulating the sale and transfer of guns.

In addition, H.R 5092 reclassifies serious violations of federal gun to lesser or "minor" violations resulting in negligent or criminal dealers being held to a lower standard, and in some cases, giving them a free ride because guns claimed as "lost" from their inventory would be impossible to trace if recovered at a crime scene.

Another shameless provision of H.R. 5092 would allow gun dealers whose licenses have been revoked for violations of federal law to continue operating for 60 days after revocation. The ATF would have to allow these negligent or criminal gun dealers to continue to sell guns for 60 days after issuing a revocation.

The IBPO stands strongly against H.R. 5092 because of its detrimental effects to proven, successful crime fighting tools used by federal agents and local police. A vote for H.R. 5092 in any form is a vote against police officers and it's a vote against the safety of our communities. H.R. 5092 serves no justifiable purpose to law enforcement or legitimate gun owners.

We urge you to vote against this unnecessary and dangerous legislation.

Respectfully,

STEVE LENKART,
Director of Legislative Affairs.

AMERICAN BAR ASSOCIATION,
GOVERNMENTAL AFFAIRS OFFICE,
Washington, DC, September 25, 2006.

DEAR REPRESENTATIVE: We understand that the House of Representatives will soon consider H.R. 5092, the Bureau of Alcohol, Tobacco, Firearms and Explosives ("BATFE") Modernization and Reform Act of 2006. I am writing on behalf of the American Bar Association to express, our opposition to this legislation and to urge you to vote against it.

H.R. 5092 would restructure BATFE revocation powers regarding federal gun dealer licensing and create a new administrative process for review of gun dealer violations of federal law. Foremost among our concerns among the proposed changes to current law contained in H.R. 5092 is that regarding the standard of proof required in civil penalty proceedings brought against defendant gun dealers. H.R. 5092 would amend the current standard of "willful" misconduct to require proof that a defendant in acting willfully acted "intentionally, purposely, and with the intent to act in violation of a known legal duty." This latter standard is exceptionally high for a civil penalty proceeding and has been generally limited only to criminal prosecutions of complex and arcane tax laws. See *Cheek* v. *U.S.*, 498 U.S. 192, 199 (1991). Penalty proceedings in this area of law are currently rare and involve violations of laws that are not complex. We do not believe there is a demonstrable reason to change the current "willful" standard of proof.

We are also concerned with the proposed new regulatory scheme in H.R. 5092 that would creates a range of new non-criminal penalties. H.R. 5092 would replace BATFE revocation of federal licenses in most instances with a new regime of minor fines and temporary license suspensions. Its proposed provisions are particularly troubling in regard to offenses often related to illegal gun trafficking. It would limit fines for violations from a single inspection or examination to minimal amounts no matter how many guns are "missing" from inventory records and unaccounted for. Furthermore, multiple gun sales violations—often incident to illegal gun trafficking—would only result under H.R. 5092 in a maximum fine of $15,000, an amount too modest to deter crime.

We remain concerned that, despite bipartisan efforts to moderate key provisions in H.R. 5092 during its consideration by the Judiciary Committee, H.R. 5092 would unduly weaken BATFE oversight of federal gun dealers. We believe the proposed new standard of proof for penalty proceedings brought against gun dealers and the new administrative regime proposed in H.R. 5092 would make actions against rogue or corrupt gun dealers too difficult and would weaken the agency's oversight role.

For these reasons, we urge you to vote against H.R. 5092.

Sincerely,

ROBERT D. EVANS.

BRADY CAMPAIGN—TO PREVENT GUN VIOLENCE

HOW H.R. 5092 WOULD PROTECT CORRUPT GUN DEALERS AND WEAKEN FEDERAL GUN LAWS

H.R. 5092, the so-called Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) "Modernization and Reform Act," would undermine law enforcement and protect corrupt gun dealers. The bill would make it virtually impossible for ATF to revoke the licenses of gun dealers who violate federal law.

The problem of rogue gun dealers is vividly illustrated by National Rifle Association Board Member Sanford Abrams, operator of Valley Gun shop of Baltimore, Maryland. Valley Gun violated federal law over 900 times, and after nearly a decade of violations, ATF was family able to revoke its firearms license. The U.S. Department of Justice called Valley Gun an "irresponsible gun shop" that has engaged in "dangerous operations" as a "serial violator" of federal gun laws.

Under H.R. 5092, in cases like Abrams' where an irresponsible dealer was serially violating federal gun laws, the burden imposed by the legislation to show "willfulness"—defined in the bill as requiring a specific intent to break the law—would make license revocation nearly impossible. Because the bill imposes the same new definition of "willfulness" for fines and suspensions, those lesser remedies would be unrealistic as well and, in any event, could be delayed through years of legal appeals.

H.R. 5092 CHANGES THE DEFINITION OF A "WILLFUL" VIOLATION OF FEDERAL LAW TO PROTECT CORRUPT GUN DEALERS (SECTION 1)

Federal law currently places severe restraints on ATF's ability to revoke licenses from gun dealers who break the law. Even though ATF inspections often reveal scores of illegal acts by gun dealers, ATF rarely is able to revoke a dealer's federal firearms license. In 2003, ATF inspectors found violations at 1,812 gun dealers, averaging over 80 violations per dealer. Despite this large number of dealers with multiple violations, ATF issued license revocation notices for only 54 dealers that year.

ATF's limited ability to revoke licenses of lawbreaking gun dealers is due, in part, to the overly burdensome requirement that ATF prove a dealer "willfully" violated the law. Courts have defined "willfulness" as requiring proof that the dealer not only broke the law but also knew that his or her conduct was unlawful. Yet H.R. 5092 would make it even more difficult to revoke the licenses of gun dealers who break the law by changing the current legal definition of "willfulness" to require that ATF prove that a lawbreaker not only knew of the requirements of the law and broke the law, but also specifically intended to violate the law. H.R. 5092's requirement that ATF prove a lawbreaker's specific mental state and purpose would present a nearly insurmountable burden. This dangerous provision is contrary to Supreme Court precedent and would cripple ATF's ability to enforce firearms laws.

H.R. 5092 REDEFINES MANY SERIOUS FEDERAL GUN CRIMES TO BE "MINOR" VIOLATIONS AND PROHIBITS DEALER LICENSE REVOCATION FOR THESE CRIMES (SECTION 2)

H.R. 5092 re-classifies federal gun laws as "serious" and "minor," and allows license revocation only for so-called "serious," willful violations. So-called "serious" violations would be rare and would exclude many violations that are extremely dangerous, such as when a dealer has "lost" numerous weapons from its inventory with no record of sale.

Even so-called "minor" violations would be nearly impossible to prove, as these also would require proof of a specific intent to break the law. For example, ATF occasionally revokes licenses of dealers who fail to maintain records for hundreds or thousands of guns. Without proper records, any such guns recovered in crime would be virtually untraceable, severely hindering law enforcement's ability to solve gun crimes. Yet it would be nearly impossible for ATF to prove that a dealer failed to maintain records with the specific intent to break the law, as this bill requires.

H.R. 5092 ALLOWS ATF TO IMPOSE MEAGER FINES AND TEMPORARY LICENSE SUSPENSIONS, BUT ONLY IF IT MEETS A NEARLY INSURMOUNTABLE BURDEN OF PROOF AND ONLY AFTER LENGTHY DELAYS FAVORING LAWBREAKERS (SECTION 2)

H.R. 5092 would allow ATF to impose fines up to $5,000 for so-called "minor" violations of federal law and $15,000 for "serious" violations, but only if ATF proves a dealer specifically intended to violate the law, making it unlikely that ATF could impose any fines at all. This maximum fine applies to all violations uncovered at an inspection, no matter how many occurred. For example, ATF recently revoked the license of Trader Sports, a San Leandro, California gun dealer that supplied hundreds of guns to criminals. ATF found 7,477 firearms unaccounted for and dozens of other violations at Trader Sports, but under H.R. 5092 the maximum possible fine would be $15,000, or an average fine of only a few dollars per violation. In comparison, the Consumer Product Safety Commission can impose fines on sellers of most unsafe consumer products of $8,000 per violation, up to a maximum of $1,825,000.

The bill also allows license suspension of up to 30 days for so-called "minor" violations and 90 days for "serious" violations. The bill would require proof of a specific intent to violate the law in order to suspend a license, however, making it unlikely that ATF could meet this difficult burden. Moreover, suspensions could only be imposed for so-called "minor" violations after a gun dealer violated federal gun laws on two prior occasions.

The bill would require ATF to stay (postpone) a fine, suspension or revocation through administrative hearings and years of possible court appeals, in most cases. It also requires courts to review ATF administrative findings de novo, giving no weight to administrative judges' findings, rendering the administrative process largely meaningless and a waste of resources.

H.R. 5092 ALLOWS GUN DEALERS WHO VIOLATE FEDERAL LAW TO CONTINUE SELLING GUNS EVEN AFTER THEY HAVE HAD THEIR LICENSES REVOKED (SECTION 8)

H.R. 5092 would allow dealers who violate federal gun laws to continue selling guns for 60 days after they have had their license revoked for willful violations of federal gun laws or after their federal firearms license expires, even if they pose a dire threat to public safety. This makes a mockery of license revocation by allowing dealers to evade revocation and continue operating even though they committed federal crimes, and allows dealers to temporarily avoid renewing licenses as currently required by federal law.

H.R. 5092 PROTECTS GUN DEALERS WHO FAIL TO KEEP TRACK OF THEIR GUNS (SECTION 10)

H.R. 5092 redefines federal law to make it more difficult to sanction dealers who fail to keep proper records of their firearms and allows dealers to keep records in disarray. If dealers are not required to properly maintain records, it makes it much more difficult for ATF to determine if firearms are missing or if the dealer is failing to keep proper records of firearm transactions. This provision would allow dealers to attempt to hide missing firearms by maintaining records in disarray, but still in their "custody." For example, a dealer who had been in business for 50 years could simply throw all of its files in a back room, maintaining "custody" of them but making it very difficult for ATF to audit the dealer's records to discover violations.

VIOLENCE POLICY CENTER,
Washington, DC, September 22, 2006.

Hon. JOHN CONYERS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CONYERS: The Violence Policy Center (VPC) urges you to oppose H.R. 5092. This dangerous legislation will only make it harder to crack down on illegal gun trafficking—even as new Department of Justice statistics show a steep increase in gun crime. H.R. 5092 is scheduled for House floor consideration under suspension of the rules on Monday, September 25, 2006.

H.R. 5092 will turn Supreme Court precedent on its head by significantly increasing the burden of proof required to revoke the license of a corrupt gun dealer by changing the definition of "willfulness" as it applies to revocation proceedings. Section 4 of the bill would establish a definition of "willfulness" that would operate as an "ignorance of the law" excuse for corrupt gun dealers.

This major weakening of current law will make it much more difficult to stop illegal gun trafficking since corrupt gun dealers are the number one source of illegally trafficked firearms according to the Bureau of Alcohol, Tobacco, Firearms and Explosives' 2000 report Following the Gun.

The Supreme Court stated in Bryan v. U.S., 534 U.S. 184 (1998) that a "willfulness" standard that excuses ignorance of the law only applies in the context of highly technical tax code and cash reporting violations that present "the danger of ensnaring individuals engaged in apparently innocent conduct." The court found such a heightened standard to be unnecessary and inappropriate in the context of illegal gun trafficking.

Rather than making it easier for corrupt dealers to skirt the law, the focus should be on stopping illegal gun trafficking. The Violence Policy Center urges you to oppose H.R. 5092.

Sincerely,

M. KRISTEN RAND,
Legislative Director.

Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. MCCARTHY) and thank her for her leadership on this very important matter.

Mrs. MCCARTHY. Mr. Speaker, I have to say, in my 10 years in Congress I have never seen a bill with a more misleading name than this legislation. Instead of modernizing or reforming the ATF, it makes it tougher for ATF to crack down on illegal guns. I know the vast majority of gun sellers are honest, and we know that. But why does Congress feel the need to protect the small minority who sell guns illegally?

This legislation ties the hands of the ATF in its dealings with 1 percent, you have heard that figure before, 1 percent. Why aren't we going after that 1 percent? I know the mayor of New York has been trying to go after that 1 percent, because in New York that is where the illegal guns are coming from, this 1 percent, and they are killing our police officers, they are killing our citizens. And you wonder why some of us get so up in arms about this.

We should be giving the ATF the tools to crack down on these illegal guns. The bill relaxes recordkeeping requirements by no longer requiring dealers to properly maintain the records. Not maintaining the records. Again, it was said by my colleague that we should be enforcing the laws on the books. All of us agree on that, and there is not one of us that is trying to take away the right of someone to own a gun. But, again, the NRA comes down here, and we hear on how many people have signed on to this bill. Actually, more than that will be there because they are petrified of the NRA. Why? Because the NRA will organize their members and basically just go after that Member if they dare to vote against them.

But even if the ATF is able to revoke a corrupt unlicensed dealer, this bill gives the dealer 60 days to sell off the remaining inventory. How crazy is that? You know, we hear constantly that we are after DWI drivers all the time. And if a tavern is proven to be selling constantly to underage drivers, they lose their license. They don't have any time to sell off all their liquor. I mean, let's have a little common sense here. I mean, we seem to be going backwards constantly in going forward in trying to protect our police officers and certainly our front liners out there.

Proponents of this bill will tell you that it is to protect honest gun sellers who are unfairly targeted by the ATF. I don't know why the gun dealers aren't standing up and saying let's go after these unscrupulous gun dealers. They are the ones who are giving them the bad name. The current law already protects honest dealers.

In fact, while the ATF regularly uncovers illegal acts of gun dealers, it is very rare that it is able to revoke their license. In fact, and the last we have is from 2003, the ATF found violations at more than 1,800 gun dealers in 2003. The ATF found an average of 80 violations. That is not an overlook, 80 violations, that is someone that is committing a crime at these gun dealers, but only issued license revocation notifications at 54.

The ATF is doing its job. It is looking at who the bad guys are and going after them. It is clear that only the worst violators lose their licenses. Every gun dealer who acknowledges selling a gun to a criminal reflects poorly on the entire gun industry. It is in the best interests of the gun industry that dishonest and negligent sellers are forced to shut their doors. This is a misguided piece of legislation that allows a small minority of corrupt gun sellers to continue to sell guns to criminals without penalties.

You know, we are starting to see crime go up continuously in our small communities, in our cities. We are seeing guns flooding our streets; we see gangs being able to buy guns illegally. Where are they coming from? Where are they coming from? Our police departments are seeing statistics going up constantly, and especially from 2005 to 2006. We have seen more police officers die in the line of duty killed by illegal guns. Why aren't we doing something to crack down on the illegal guns? That is what this country should be doing; that is what this Congress should be doing, and not certainly backing down to the NRA because we have an election coming up. This is juice for all their members. It is crazy.

You know, this debate on gun violence certainly since I have been here has gone backwards and backwards and backwards. We talk about how many people have died every year because of gun violence. A lot of that is accidental deaths, a lot of those are certainly guns that people have in their homes.

No one even talks about the survivors, how it is costing this health care system over $1 billion a year because of gun violence. We can do a better job. We should be doing a better job.

Mr. VAN HOLLEN. Mr. Speaker, I urge opposition to the bill.

Mr. KING of New York. Mr. Speaker, I rise today in opposition to H.R. 5092 the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE).

We have been granted the right to bear arms; however, this right is granted to those who can operate safely and responsibly within the auspices of the law. Those who cannot operate within the law should not be given greater opportunities to obtain weapons. Rather than address this problem, this legislation actually weakens our current law, and makes it easier for dangerous weapons to get into the hands of criminals. Instead of weakening current law, we should be giving law enforcement better tools to combat gun trafficking.

According to a 2000 ATF report, corrupt gun dealers are the number one source of illegal firearm trafficking. With that information, we should be working to impose tighter measures and better law enforcement, so that we can protect innocent Americans who often fall victim to crimes caused by firearm abuse. Instead, H.R. 5092 does just the opposite by sympathizing with the gun dealer and adding obstacles to law enforcement.

Under current law, the ATF can punish gun dealers for illegal gun sales. H.R. 5092 makes punishment more difficult. In addition, this bill would prohibit the ATF from considering large amounts of "lost" firearms as a violation of law. It is this same type of "lost inventory" that armed the DC sniper.

It is important that we give our law enforcement agents the proper tools to end gun trafficking, not make it more difficult. It is unthinkable to me to support any type of legislation that favors the rights of criminals over the protection of our friends and family. Finally, I would like to commend Mayor Mike Bloomberg for his dedication to this issue and his opposition to this legislation. I also oppose H.R. 5092, and I encourage my colleagues to do the same.

Ms. WATSON. Mr. Speaker, I rise in opposition to H.R. 5092. This bill does not protect small businesses. In fact, it victimizes them, and the general public, because it would make it more difficult for the Federal government to shut down the rogue gun dealers who are arming the gangs that plague our neighborhoods.

Mr. Speaker, the vast majority of American gun dealers are legitimate businesspeople. They play by the rules, and deserve to have their government support them rather than harass them. The problem is that H.R. 5092 doesn't protect legitimate gun dealers. In fact, there is absolutely no evidence that legitimate gun dealers are falling victim to an overzealous Federal government.

In reality, H.R. 5092 is a giveaway to those few gun dealers who just can't be bothered to comply with the law. As such, H.R. 5092 doesn't help average, law-abiding gun dealers. Instead, it puts them at a disadvantage to the few bad actors who see dollar signs in the carnage that plagues our neighborhoods.

Most gun dealers know that they have a unique responsibility to make sure their products do not fall into the wrong hands. And so, they put in the extra effort to make sure they keep track of the guns in their inventory. But why should any small businessperson put in the effort to comply with their responsibilities if the Federal government cannot shut down the guy across the street who acts irresponsibly? Why would anyone take the time and expense to do the right thing if they are going to be run out of business by the few bad apples doing the wrong thing?

This is the danger we face if H.R. 5092 becomes law. This law will not protect law-abiding gun dealers. In fact, it will make them victims of the lawbreakers, by tying the hands of the hard-working Federal agents who work to keep illegal guns off our streets. I urge my colleagues to vote "no" on H.R. 5092, and protect small businesspeople and the general public from those few gun dealers who are too irresponsible to comply with the law.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I appreciate this opportunity to explain my concerns with the bill, H.R. 5092. My primary concern with the bill is that it hampers the ability of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATF) to put corrupt gun dealers out of business, and thus help reduce the carnage taking place in many of the Nation's major urban centers.

H.R. 5092 was introduced by Mr. COBLE and Mr. SCOTT as a bipartisan attempt to address enforcement issues raised during ATF oversight hearings conducted by the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security. Specifically, those hearings focused on ATF's Richmond gun show enforcement program and generally on ATF's licensing and revocation authority over Federal Firearms Licensees.

The bill addresses a number of issues relating to ATF's enforcement authority, including authorization of civil penalties (e.g., fines and suspensions); creation of independent Administrative law Judges to hear enforcement cases; definition of serious and non-serious violations; DOJ Inspector General investigation of ATF gun show enforcement program; limitation on ATF authorities; clarification of several enforcement regulations; and, most significantly, modification of the requisite intent for violations.

The bill provides in Sec. 4, entitled "Definition of Willfully," that "willfully" is defined as: "intentionally, purposely, and with the intent to act in violation of a known legal duty. "

My concern with this provision of the bill is that it defines "willfully" to impose a much higher standard of proof upon law enforcement officials than currently. There does not appear to be any compelling reason for increasing the government's evidentiary burden at this time. The definition of willfullness is well-settled in the law and means that defendant knew his conduct was unlawful; not that he knew of the specific statute he is accused of violating or had the specific intent to violate that precise provision.

Mr. Speaker, changing the evidentiary standards governing elements of penal offenses should be done sparingly and with the utmost care. This is particularly true where, as here, we do not have the benefit of the considered views of thoughtful criminal law scholars, experienced prosecutors and police officers with front-line experience, or the Department of Justice.

The redefinition of "willfully" contained in the bill illustrates my concern. As I noted, the bill defines willfully as "intentionally, purposely, and with the intent to act in violation of a known legal duty." This definition, however, has been repeatedly rejected by the Federal courts. *Bryan* v. *U.S.*, 524 U.S. 184 (1998); *U.S.* v. *Andrade*, 135 F.3d 104 (1st Cir. 1998); *U.S.* v. *Allah*, 130 F.3d 33 (2d Cir. 1997); *U.S.* v. *Collins*, 957 F.2d 72 (2d. 1992)

In the Bryan case, the defendant was convicted of willfully dealing in firearms without a Federal license. Specifically, the defendant did not have a Federal firearms license; he used "so-called "straw purchasers" in Ohio to acquired pistols he could not have bought himself; that he knew the straw purchasers made false statements when purchasing the guns; that defendant assured the straw purchasers that he would file off the serial numbers; and that defendant resold the guns on Brooklyn street corners known for drug dealing. Despite this conduct, defendant claimed that he could not be convicted under the Federal firearms laws unless the government proved he knew of the Federal licensing requirement. The Supreme Court rejected this claim, stating:

> "the willfulness requirement . . . does not carve out an exception to the traditional rule that ignorance of the law is no excuse; knowledge that the conduct is unlawful is all that is required." 524 U.S. at 193.

Similarly, in another case, U.S. v. Collins, the Second Circuit rejected the argument that willfully requires proof that defendant had specific knowledge of the Federal firearms license requirements, stating:

> "[T]he element of willfulness not contained in §922(a)(1) was meant to be read

broadly to require only that the government prove that defendant's conduct was knowing and purposeful and that the defendant intended to commit an act which the law forbids." 957 F.2d at 76.

According to the court, the government was not required to prove more than just the defendant's general knowledge that he or she is violating the law." Id. at 75.

Other courts have reached similar conclusions and I list them in my statement. The point, Mr. Speaker, is that the Federal firearms license statute is and has been an important tool for law enforcement to crack down on the illegal trafficking in firearms and the wanton violence this conduct exacerbates. I do not believe that a compelling case has been made on this record to take this tool away from law enforcement. Neither does the American Bar Association nor several former directors of the ATF. Therefore, I would urge my colleagues to vote against the bill.

Mr. VAN HOLLEN. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 5092, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. VAN HOLLEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

AUTHORIZING SALARY ADJUSTMENTS FOR JUSTICES AND JUDGES OF THE UNITED STATES

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5454) to authorize salary adjustments for Justices and judges of the United States for fiscal year 2007.

The Clerk read as follows:

H.R. 5454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF SALARY ADJUSTMENTS FOR FEDERAL JUSTICES AND JUDGES.

Pursuant to section 140 of Public Law 97–72, Justices and judges of the United States are authorized during fiscal year 2007 to receive a salary adjustment in accordance with section 461 of title 28, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 5454 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5454, to provide a cost-of-living adjustment for Federal judges in fiscal year 2007.

In 1975, Congress enacted the Executive Salary Cost of Living Adjustment Act to give judges and Members of Congress and high-ranking executive branch officials automatic COLAs accorded other Federal employees unless rejected by Congress. In 1981, Congress amended the statute by enacting section 140 of Public Law 97–92, which requires specific congressional authorization to grant judges a COLA. The legislation we consider today is substantially similar to other cost-of-living increases for Federal judges approved in previous fiscal years.

Mr. Speaker, I believe in fairness, which is why I introduced this bill to ensure that Federal judges receive a COLA when other civil servants, including Members of Congress, receive theirs. I urge Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to control the remainder of the legislation under suspension.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the legislation. It is a collection of a number of bills, a majority of which have passed favorably through the Subcommittee on Courts with little or no controversy.

There are five titles: the Pay Adjustment for Federal Judges; the Courts and Intellectual Property Legislation; the Jurisdiction of Federal Circuit over Patent Cases; the Diversity Jurisdiction of Federal Courts; and, finally, the Multidistrict Litigation in the Lexecon case before the Supreme Court.

The most important is the pay adjustment for Federal judges, because we provide a cost-of-living pay adjustment for 2007. The Federal judges do not receive such COLAs unless Congress provides specific statutory authorization each year. It is my hope that some day we will make it automatic. Members of the Federal judiciary deserve this raise. We have a number of Federal judges who are forced to turn back their appointment because the salary is inadequate to their basic needs.

We appreciate the hardworking men and women who serve; and to me, this is an important part of the constitutional democracy that we have formed here, and we must do everything to ensure that we attract and retain the highest quality of judges.

Now, these members of the judiciary are called to duty by a sense of honor, and the judges already make far less than most of them could earn in private firms. And while this pay disparity will exist, Congress should at least ensure that judicial pay does not effectively shrink. And so the failure to give judges a COLA would constitute in effect such a reduction in pay.

Title II contains a number of measures. We respond in part to the devastation caused by Hurricane Katrina by permitting the Patent and Trademark Office director to extend deadlines during emergencies.

Section 202 is a resolution honoring the 25th anniversary of the Bayh-Dole Act, and that is Senator Bayh, Sr., who formerly served from the great State of Indiana. And this measure enhanced public and private partnerships for the commercialization of inventions.

Section 203 of the bill requires that each Federal or State court recognize out-of-state notarial acts that meet the following two conditions that are indicated in the measure.

Title III of the bill clarifies the Federal Circuit Court of Appeals has exclusive jurisdiction to hear patent appeals, and that I think is extremely important. The goal of title III is to maintain the integrity of the patent system.

Title IV amends the laws governing diversity jurisdiction. And this is an important and critical area.

And then finally we have the Multidistrict Litigation, which has been passed several times, but never acted on by the other body.

□ 1600

This title would overturn the Supreme Court case called the Lexecon decision. While I have supported this legislation in the past, I have consistently noted several concerns that I hope will be able to be addressed in our discussions that I anticipate with the Senate. I urge my colleagues to support this measure before the House on the suspension calendar.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

I want to clarify the record. The only thing that is in H.R. 5454 is the judges' COLA. I think it is relatively noncontroversial, but it is a housekeeping thing that we have to do before the session adjourns.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CAMPBELL of California). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 5454.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COPYRIGHT ROYALTY JUDGES PROGRAM TECHNICAL CORRECTIONS ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1036) to amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, and for other purposes.

The Clerk read as follows:

Senate amendment:

On page 16, line 4 through 7, strike and insert the following:

SEC. 5. PARTIAL DISTRIBUTION OF ROYALTY FEES.

Section 801(b)(3)(C) of title 17, United States Code, is amended—

(1) by striking all that precedes clause (i) and inserting the following:

"(C) Notwithstanding section 804(b)(8), the Copyright Royalty Judges, at any time after the filing of claims under section 111, 119, or 1007, may, upon motion of one or more of the claimants and after publication in the Federal Register of a request for responses to the motion from interested claimants, make a partial distribution of such fees, if, based upon all responses received during the 30-day period beginning on the date of such publication, the Copyright Royalty Judges conclude that no claimant entitled to receive such fees has stated a reasonable objection to the partial distribution, and all such claimants—"; and

(2) in clause (i), by striking "such" and inserting "the".

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided under subsection (b), this Act and the amendments made by this Act shall be effective as if included in the Copyright Royalty and Distribution Reform Act of 2004.

(b) PARTIAL DISTRIBUTION OF ROYALTY FEES.—Section 5 shall take effect on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1036, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1036, the Copyright Royalty Judges Program Technical Corrections Act. This legislation amends certain technical aspects of the copyright act that were substantively amended by Congress' enactment of the Copyright Royalty and Distribution Reform Act of 2004.

At the outset, it should be noted that H.R. 1036 was considered by the House under suspension of the rules last November and passed by a voice vote. The other body took up the bill in July and amended it to incorporate related noncontroversial language from the text of H.R. 5593, the Royalty Distribution Clarification Act of 2006.

Copyright Royalty Judges are responsible for distributing hundreds of millions of dollars in royalty payments to rightful copyright holders to make partial distributions of any noncontested royalties prior to the end of a distribution proceeding. The purpose of H.R. 5593 and the Senate amendment now before us is to provide the judges the ability to more efficiently administer their fiduciary duties and enable copyright holders whose works are used under the various compulsory licenses contained in title 17 of the United States Code to have greater access to their own funds.

Like the earlier version approved by the House, this iteration of H.R. 1036 makes only noncontroversial changes in the copyright royalty and distribution system.

The enactment of this bill will assist the CRJs and the Library of Congress in administering the copyright royalty and distribution system and help to resolve disputes in a more efficient, predictable, and rational and manner.

I urge my colleagues to support this bill and send it to the President for his signature.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Copyright Royalty Technical Corrections Act is just that. It is a major accomplishment of the Subcommittee on Courts and makes a number of technical corrections.

Two substantive improvements I would bring to the floor's attention at this point:

It clarifies the decisions of the new copyright tribunal will serve as precedent for later decisions, establishes consistency for written statements to the tribunal, and provides for fee waivers for those claiming royalties in excess of $1,000.

The other major substantive change resolves the ambiguity about when partial payments or distributions of royalties to content owners are allowed.

This measure before us would permit Copyright Royalty Judges, upon the motion of a claimant and after publication of a request for responses, to make a partial distribution of cable and satellite royalty fees at any time after the filing of claims for distribution if no eligible claimant has stated a reasonable objection.

I think the committee is in accord with this bill. I urge that Members of the House support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for yielding me this time.

Mr. Speaker, as Chairman SENSENBRENNER just stated, H.R. 1036, the Copyright Royalty Judges Program Technical Corrections Act, amends certain technical aspects of the Copyright Act which itself was amended by the Copyright Royalty and Distribution Reform Act of 2004.

A chief objective of the Copyright Reform Act was to delineate between functions of the Copyright Office and the functions of the newly established Copyright Royalty Judges, or CRJs.

Unfortunately, during the bill enrollment process, the law was written to state that the Librarian of Congress was charged with authorizing the distribution of funds. The language could be subject to an interpretation that Congress wanted the Librarian to retain a role that had clearly been intended to be exercised only by the new CRJs.

The purpose behind this bill is to correct errors such as this and to enable the reform act to operate as Congress originally intended.

In addition, the bill contains a number of other noncontroversial stylistic, technical, clarifying, and conforming changes that have been considered and agreed to by Members on both sides of the aisle.

As Chairman SENSENBRENNER noted, H.R. 1036 has already passed the House of Representatives without objection on November 16, 2005.

The reason the bill has returned is because the other body amended it to include language from H.R. 5593, the Royalty Distribution Clarification Act of 2006, which was a bill I authored and introduced along with Ranking Members CONYERS and BERMAN. The purpose of that bill and the incorporated language is to provide the CRJs with explicit statutory language to distribute, prior to the end of a royalty distribution proceeding, part of the royalty pool when it is established who the rightful claimants are.

Mr. Speaker, I urge Members to support the amended Copyright Royalty Judges Program Technical Corrections Act and send the bill directly to the President for his signature.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1036.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

TRADEMARK DILUTION REVISION ACT OF 2006

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 683) to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Trademark Dilution Revision Act of 2006".

(b) REFERENCES.—Any reference in this Act to the Trademark Act of 1946 shall be a reference to the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 2. DILUTION BY BLURRING; DILUTION BY TARNISHMENT.

Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) DILUTION BY BLURRING; DILUTION BY TARNISHMENT.—

"(1) INJUNCTIVE RELIEF.—Subject to the principles of equity, the owner of a famous mark that is distinctive, inherently or through acquired distinctiveness, shall be entitled to an injunction against another person who, at any time after the owner's mark has become famous, commences use of a mark or trade name in commerce that is likely to cause dilution by blurring or dilution by tarnishment of the famous mark, regardless of the presence or absence of actual or likely confusion, of competition, or of actual economic injury.

"(2) DEFINITIONS.—(A) For purposes of paragraph (1), a mark is famous if it is widely recognized by the general consuming public of the United States as a designation of source of the goods or services of the mark's owner. In determining whether a mark possesses the requisite degree of recognition, the court may consider all relevant factors, including the following:

"(i) The duration, extent, and geographic reach of advertising and publicity of the mark, whether advertised or publicized by the owner or third parties.

"(ii) The amount, volume, and geographic extent of sales of goods or services offered under the mark.

"(iii) The extent of actual recognition of the mark.

"(iv) Whether the mark was registered under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register.

"(B) For purposes of paragraph (1), 'dilution by blurring' is association arising from the similarity between a mark or trade name and a famous mark that impairs the distinctiveness of the famous mark. In determining whether a mark or trade name is likely to cause dilution by blurring, the court may consider all relevant factors, including the following:

"(i) The degree of similarity between the mark or trade name and the famous mark.

"(ii) The degree of inherent or acquired distinctiveness of the famous mark.

"(iii) The extent to which the owner of the famous mark is engaging in substantially exclusive use of the mark.

"(iv) The degree of recognition of the famous mark.

"(v) Whether the user of the mark or trade name intended to create an association with the famous mark.

"(vi) Any actual association between the mark or trade name and the famous mark.

"(C) For purposes of paragraph (1), 'dilution by tarnishment' is association arising from the similarity between a mark or trade name and a famous mark that harms the reputation of the famous mark.

"(3) EXCLUSIONS.—The following shall not be actionable as dilution by blurring or dilution by tarnishment under this subsection:

"(A) Any fair use, including a nominative or descriptive fair use, or facilitation of such fair use, of a famous mark by another person other than as a designation of source for the person's own goods or services, including use in connection with—

"(i) advertising or promotion that permits consumers to compare goods or services; or

"(ii) identifying and parodying, criticizing, or commenting upon the famous mark owner or the goods or services of the famous mark owner.

"(B) All forms of news reporting and news commentary.

"(C) Any noncommercial use of a mark.

"(4) BURDEN OF PROOF.—In a civil action for trade dress dilution under this Act for trade dress not registered on the principal register, the person who asserts trade dress protection has the burden of proving that—

"(A) the claimed trade dress, taken as a whole, is not functional and is famous; and

"(B) if the claimed trade dress includes any mark or marks registered on the principal register, the unregistered matter, taken as a whole, is famous separate and apart from any fame of such registered marks.

"(5) ADDITIONAL REMEDIES.—In an action brought under this subsection, the owner of the famous mark shall be entitled to injunctive relief as set forth in section 34. The owner of the famous mark shall also be entitled to the remedies set forth in sections 35(a) and 36, subject to the discretion of the court and the principles of equity if—

"(A) the mark or trade name that is likely to cause dilution by blurring or dilution by tarnishment was first used in commerce by the person against whom the injunction is sought after the date of enactment of the Trademark Dilution Revision Act of 2006; and

"(B) in a claim arising under this subsection—

"(i) by reason of dilution by blurring, the person against whom the injunction is sought willfully intended to trade on the recognition of the famous mark; or

"(ii) by reason of dilution by tarnishment, the person against whom the injunction is sought willfully intended to harm the reputation of the famous mark.

"(6) OWNERSHIP OF VALID REGISTRATION A COMPLETE BAR TO ACTION.—The ownership by a person of a valid registration under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register under this Act shall be a complete bar to an action against that person, with respect to that mark, that—

"(A)(i) is brought by another person under the common law or a statute of a State; and

"(ii) seeks to prevent dilution by blurring or dilution by tarnishment; or

"(B) asserts any claim of actual or likely damage or harm to the distinctiveness or reputation of a mark, label, or form of advertisement.

"(7) SAVINGS CLAUSE.—Nothing in this subsection shall be construed to impair, modify, or supersede the applicability of the patent laws of the United States."; and

(2) in subsection (d)(1)(B)(i)(IX), by striking "(c)(1) of section 43" and inserting "(c)".

SEC. 3. CONFORMING AMENDMENTS.

(a) MARKS REGISTRABLE ON THE PRINCIPAL REGISTER.—Section 2(f) of the Trademark Act of 1946 (15 U.S.C. 1052(f)) is amended—

(1) by striking the last two sentences; and

(2) by adding at the end the following: "A mark which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), may be refused registration only pursuant to a proceeding brought under section 13. A registration for a mark which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), may be canceled pursuant to a proceeding brought under either section 14 or section 24.".

(b) OPPOSITION.—Section 13(a) of the Trademark Act of 1946 (15 U.S.C. 1063(a)) is amended in the first sentence by striking "as a result of dilution" and inserting "the registration of any mark which would be likely to cause dilution by blurring or dilution by tarnishment".

(c) CANCELLATION.—Section 14 of the Trademark Act of 1946 (15 U.S.C. 1064) is amended, in the matter preceding paragraph (1) by striking ", including as a result of dilution under section 43(c)," and inserting ", including as a result of a likelihood of dilution by blurring or dilution by tarnishment under section 43(c),".

(d) MARKS FOR THE SUPPLEMENTAL REGISTER.—The second sentence of section 24 of the Trademark Act of 1946 (15 U.S.C. 1092) is amended to read as follows:

"Whenever any person believes that such person is or will be damaged by the registration of a mark on the supplemental register—

"(1) for which the effective filing date is after the date on which such person's mark became famous and which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c); or

"(2) on grounds other than dilution by blurring or dilution by tarnishment, such person may at any time, upon payment of the prescribed fee and the filing of a petition stating the ground therefor, apply to the Director to cancel such registration.".

(e) DEFINITIONS.—Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by striking the definition relating to the term "dilution".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 683 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 683, the Trademark Dilution Revision Act of 2006.

The foundation of trademark law is that certain words, images and logos convey meaningful information to the public, including the source, quality and goodwill of a product or service.

Unfortunately, there are those in both commercial and noncommercial settings who would seize upon the popularity of a trademark at the expense of the rightful owner and the public. Dilution refers to conduct that lessens that distinctiveness and value of a mark. This conduct can debase the value of a famous mark and mislead the consuming public.

A 2003 Supreme Court decision, Mosely v. V Secret Catalogue, Inc., compelled the Committee on the Judiciary to review the Federal Trademark Dilution Act. H.R. 683 was drafted based on this review and is intended to clarify what Congress meant when it passed the dilution statute a decade ago. Enactment of this bill will eliminate confusion on key dilution issues that have increased litigation and resulted in uncertainty among the regional circuits.

H.R. 683 provides that the owner of a famous distinctive mark is entitled to an injunction against any person who uses in commerce a mark that is likely to cause dilution by blurring or tarnishment. The bill states that a mark may only be "famous" if it is widely recognized by the general consuming public in the United States. In determining whether a mark is famous, a court is permitted to consider all relevant factors, including the duration, extent, and geographic reach of advertising and publicity of the mark.

Finally, the bill provides that the owner of a famous mark is only entitled to injunctive relief under the bill, unless the defendant acted willfully. In the case of a willful act, the owner may also seek damages, costs, and attorneys' fees as well as destruction of the infringing articles under separate Lanham Act provisions.

Mr. Speaker, the House passed this bill on April 19, 2006, by a roll call vote of 411–8. The other body amended the bill on March 8, 2006, and passed the version before us by unanimous consent. The amendments narrow the application of the dilution statute to trademark dress law; creates a free-speech exclusion for noncommercial use of a mark; and shifts the burden of proof in certain trade-dress actions to the plaintiff. These changes were negotiated with the full participation of interested legislators and stakeholders, including Internet service providers and the American Civil Liberties Union.

I urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support House passage of this measure, H.R. 683, as amended and passed by the Senate. An almost identical version of this bill passed this Congress with a roll call vote of 411–8 and subsequently passed the other Chamber as amended by unanimous consent.

The measure makes a number of changes to the Federal Trademark Dilution Act of 1995. The primary change amends the required standard of proof so that owners of famous trademarks can maintain protection of their trademark before actual harm occurs to the mark.

In addition, the bill clearly codifies the cause of action of dilution by tarnishment in order to prevent harm to a trademark owner's reputation, resulting, for example, from a disparaging usage of a same or similar mark by others.

Finally, this measure narrows the scope of what may be considered a famous mark by elucidating the specific factors necessary to meet the definition of a famous trademark.

There was support, I think it was unanimous for this measure, in the Judiciary Committee. I am happy to urge its favorable vote under the suspension of the rules proceedings today.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Judiciary Committee, for yielding me this time.

Mr. Speaker, trademark law is relevant to the life of every consumer in America. Trademarks give consumers assurance that the goods or services they are buying are the product that the trademark represents.

If a customer has purchased items in the past from a specific company that bears a specific mark or logo, the customer has an impression of that company and the goods or services it produces. So trademark law empowers consumers by giving them information that is often critical to their purchasing decisions.

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Dilution alters the public perception of a trademarked product or service by diminishing its uniqueness over time. The idea of protecting famous trademarks from dilution surfaced in the 1920s. Since then, roughly half of the States have enacted dilution statutes, and Congress passed the Federal Trade Dilution Act nearly a decade ago.

As Chairman SENSENBRENNER noted, the Federal dilution statute is being amended for two main reasons: first, a 2003 Supreme Court decision involving Victoria's Secret ruled that the standard of harm in dilution cases is actual harm. Based on testimony taken at our two hearings, this is contrary to what Congress intended when it passed the dilution statute and is at odds with the concept itself of dilution. Diluting needs to be stopped at the outset. Once it occurs, the goodwill of a mark cannot be restored.

Second, the regional circuits have split as to the meaning of what constitutes a "famous" mark, "distinctiveness," "blurring," and "tarnishment." This bill more clearly defines these terms. This will clarify rights and eliminate unnecessary litigation, an outcome that especially benefits smaller businesses that cannot afford to have a misunderstanding of what is permissible under the Federal dilution statute.

Finally, amendments developed by the subcommittee and the other body will more clearly protect traditional first amendment uses, such as parody and criticism. These amendments provide balance to the law by strengthening traditional fair-use defenses.

In sum, Mr. Speaker, H.R. 683 clarifies a muddied legal landscape and enables the Federal Trademark Dilution Act to operate as Congress intended.

Mr. WU. Mr. Speaker, I rise once again to oppose the Trademark Dilution Revision Act.

Trademark law was originally about consumer protection, ensuring consumers were not confused or harmed by the misuse of a famous trademark. However, with the passage of the Federal Trademark Dilution Act in 1995, the issue of trademark dilution became more an issue of property protection. The purpose of that law was to enable businesses to protect the investment that companies have made in branding their products. Consumer confusion was no longer required to establish "dilution." Not surprisingly, private lawsuits in this area jumped from 2,405 in 1990 to 4,187 in 2000.

For example, Starbucks went after a local coffee shop in my district that was named after its owner, Samantha Buck Lundberg. The coffee shop bore the nickname given to her by her family and friends—Sambuck. Ringling Bros.-Barnum and Bailey Circus sued the State of Utah over Utah's advertising slogan that it had "The Greatest Snow on Earth." To the circus this slogan was an obvious play on the long time identification of the circus as "The Greatest Show on Earth." Microsoft sued to prevent use of the term "Lindows" for the Linux operating system software and website produced by Lindows, Inc., arguing that it was clearly an attempt to play on the Windows designation of its own operating system. Lindows eventually changed the name of the product and website to "Linspire" after losing court cases. Best Western International (the hotel/motel chain) appears to be trying to claim sole right to the word "Best" when it comes to using the word in names of hotels or motels. It has sued both Best Inns and Best Value Inns, contending that those names infringe on its trademark.

In recent years, the Supreme Court addressed these lawsuits in Moseley, et al., DBA Victor's Little Secret v. V Secret Catalogue, Inc., et al., in which Victoria's Secret sued a small business in Kentucky. In its opinion, the Court ruled that companies under the Federal Trademark Dilution Act have to prove that their famous brand is actually being damaged before they can use dilution law to force another person or company to stop using a word, logo, or color.

Since trademark laws have an effect not only on famous companies but also on the many small businesses with legitimate business interests, any antidilution legislation should be very carefully considered so as not to interfere with the rights of small businesses. The goal must be to protect trademarks from subsequent uses that blur, dilute or tarnish that trademark, but it must also be the protection of small business interests from its more powerful corporate counterparts.

Unfortunately, this bill will change trademark law to make it easier for large companies to sue individuals and businesses for trademark dilution, thus potentially creating rights in perpetuity for trademarks. This bill states that no actual harm will have to be proven; large companies will be able arbitrarily to file lawsuits against small businesses and private citizens.

I agree with the Supreme Court in its unanimous decision in Moseley. I think that companies in seeking to impose their trademarks upon the public must show actual harm. If not, we run the risk of trademark owners being able to lock up large portions of our shared language. This open-ended invitation to litigate is especially troubling at a time when even colors and common words can be granted trademark protection.

I urge my colleagues to oppose this bill.

Mr. SMITH of Texas. Mr. Speaker, the fair use exception is of great Importance to ensure that the threat of dilution claims does not chill the exercise of free speech, particularly in expressive works of authorship.

Parody, criticism, and commentary are familiar and important examples of fair use.

Another common example is the appearance of trademarks when products are used in motion pictures as props, "set dressing," and the like.

I also want to clarify that nothing in H.R. 683 is intended to amend, change, or disturb the fair-use defenses available in a claim of trademark infringement under Section 43 or other applicable sections of the Lanham Act.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 683.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 2006

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4772) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges under the United States Constitution have been deprived by final actions of Federal agencies or other government officials or entities acting under color of State law, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4772

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Property Rights Implementation Act of 2006".

SEC. 2. JURISDICTION IN CIVIL RIGHTS CASES CONCERNING REAL PROPERTY.

Section 1343 of title 28, United States Code, is amended by adding at the end the following:

"(c) Whenever a district court exercises jurisdiction under subsection (a) in an action in which the operative facts concern the uses of real property, it shall not abstain from exercising or relinquish its jurisdiction to a State court if the party seeking redress does not allege a violation of a State law, right, or privilege, and no parallel proceeding is pending in State court, at the time the action is filed in the district court, that arises out of the same operative facts as the district court proceeding.

"(d) In an action in which the operative facts concern the uses of real property, the district court shall exercise jurisdiction under subsection (a) even if the party seeking redress does not pursue judicial remedies provided by a State or territory of the United States.

"(e) If the district court has jurisdiction over an action under subsection (a) in which the operative facts concern the uses of real property and which cannot be decided without resolution of an unsettled question of State law, the district court may certify the question of State law to the highest appellate court of that State. After the State appellate court resolves the question so certified, the district court shall proceed with resolving the merits. The district court shall not certify a question of State law under this subsection unless the question of State law—

"(1) is necessary to resolve the merits of the Federal claim of the injured party; and

"(2) is patently unclear.

"(f)(1) Any claim or action brought under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) to redress the deprivation of a property right or privilege secured by the Constitution shall be ripe for adjudication by the district courts upon a final decision rendered by any person acting under color of any statute, ordinance, regulation, custom, or usage, of any State or territory of the United States, which causes actual and concrete injury to the party seeking redress.

"(2) For purposes of this subsection, a final decision exists if—

"(A) any person acting under color of any statute, ordinance, regulation, custom, or usage, of any State or territory of the United States, makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken, without regard to any uses that may be permitted elsewhere; and

"(B) one meaningful application to use the property has been submitted but denied, and the party seeking redress has applied for but is denied one waiver and one appeal, if the applicable statute, ordinance, regulation, custom, or usage provides a mechanism for waiver by or appeal to an administrative agency.

The party seeking redress shall not be required to apply for a waiver or appeal described in subparagraph (B) if such waiver or appeal is unavailable or can not provide the relief requested, or if pursuit of such a mechanism would otherwise be futile.".

SEC. 3. UNITED STATES AS DEFENDANT.

Section 1346 of title 28, United States Code, is amended by adding at the end the following:

"(h)(1) Any claim brought under subsection (a) that is founded upon a property right or privilege secured by the Constitution, but was allegedly infringed or taken by the United States, shall be ripe for adjudication upon a final decision rendered by the United States, which causes actual and concrete injury to the party seeking redress.

"(2) For purposes of this subsection, a final decision exists if—

"(A) the United States makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken, without regard to any uses that may be permitted elsewhere; and

"(B) one meaningful application to use the property has been submitted but denied, and the party seeking redress has applied for but is denied one waiver and one appeal, if the applicable law of the United States provides a mechanism for waiver by or appeal to an administrative agency.

The party seeking redress shall not be required to apply for a waiver or appeal described in subparagraph (B) if such waiver or appeal is unavailable or can not provide the relief requested, or if pursuit of such a mechanism would otherwise be futile.".

SEC. 4. JURISDICTION OF COURT OF FEDERAL CLAIMS.

Section 1491(a) of title 28, United States Code, is amended by adding at the end the following:

"(3) Any claim brought under this subsection founded upon a property right or privilege secured by the Constitution, but allegedly infringed or taken by the United States, shall be ripe for adjudication upon a final decision rendered by the United States, that causes actual and concrete injury to the party seeking redress. For purposes of this paragraph, a final decision exists if—

"(A) the United States makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken, without regard to any uses that may be permitted elsewhere; and

"(B) one meaningful application to use the property has been submitted but denied, and the party seeking redress has applied for but is denied one waiver and one appeal, if the applicable statute, ordinance, regulation, custom, or usage provides a mechanism for waiver by or appeal to an administrative agency.

The party seeking redress shall not be required to apply for a waiver or appeal described in subparagraph (B) if such waiver or appeal is unavailable or can not provide the relief requested, or if pursuit of such a mechanism would otherwise be futile.".

SEC. 5. CLARIFICATION FOR CERTAIN CONSTITUTIONAL PROPERTY RIGHTS CLAIMS.

Section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) is amended by adding at the end the following: "If the party injured seeks to redress the deprivation of a *property right or privilege under this section that is secured by the Constitution by asserting a claim that concerns—*

"(1) an approval to develop real property that is subject to conditions or exactions, then the person acting under color of State law is liable if any such condition or exaction, whether legislative or adjudicatory in nature, including but not limited to the payment of a monetary fee or a dedication of real property from the injured party, is unconstitutional;

"(2) a subdivision of real property pursuant to any statute, ordinance, regulation, custom, or usage of any State or territory, or the District of Columbia, then such a claim shall be decided with reference to each subdivided lot, regardless of ownership, if such a lot is taxed, or is otherwise treated and recognized, as an individual property unit by the State, territory, or the District of Columbia; or

"(3) alleged deprivation of substantive due process, then the action of the person acting under color of State law shall be judged as to whether it is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

For purposes of the preceding sentence, 'State law' includes any law of the District of Columbia or of any territory of the United States.".

SEC. 6. CLARIFICATION FOR CERTAIN CONSTITUTIONAL PROPERTY RIGHTS CLAIMS AGAINST THE UNITED STATES.

(a) District Court Jurisdiction.—Section 1346 of title 28, United States Code, is amended by adding at the end the following:

"(i) If a claim brought under subsection (a) is founded upon a property right or privilege secured by the Constitution that concerns—

"(1) an approval from an executive agency to permit or authorize uses of real property that is subject to conditions or exactions, then the United States is liable if any such condition or exaction, whether legislative or adjudicatory in nature, including but not limited to the payment of a monetary fee or a dedication of real property from the injured party, is unconstitutional;

"(2) a subdivision of real property pursuant to any statute, ordinance, regulation, custom, or usage of any State or territory, or the District of Columbia, then such a claim against an executive agency shall be decided with reference to each subdivided lot, regardless of ownership, if such a lot is taxed, or is otherwise treated and recognized, as an individual property unit by the State or territory, or the District of Columbia, as the case may be; or

"(3) an alleged deprivation of substantive due process, then the United States shall be judged as to whether its action is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

In this subsection, the term 'executive agency' has the meaning given that term in section 105 of title 5.".

(b) Court of Federal Claims Jurisdiction.—Section 1491 of title 28, United States Code, is amended by adding at the end the following:

"(4) If a claim brought under subsection (a) is founded upon a property right or privilege secured by the Constitution that concerns—

"(A) an approval from an executive agency to permit or authorize uses of real property that is subject to conditions or exactions, then the United States is liable if any such condition or exaction, whether legislative or adjudicatory in nature, including but not limited to the payment of a monetary fee or a dedication of real property from the injured party, is unconstitutional;

"(B) a subdivision of real property pursuant to any statute, ordinance, regulation, custom, or usage of any State or territory, or the District of Columbia, then such a claim against an executive agency shall be decided with reference to each subdivided lot, regardless of ownership, if such a lot is taxed, or is otherwise treated and recognized, as an individual property unit by the State, or territory, or the District of Columbia, as the case may be; or

"(C) an alleged deprivation of substantive due process, then the United States shall be judged as to whether its action is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

In this paragraph, the term 'executive agency' has the meaning given that term in section 105 of title 5.".

SEC. 7. DUTY OF NOTICE TO OWNERS.

(a) In General.—Whenever a Federal agency takes an agency action limiting the use of private property that may be affected by the amendments by this Act, the agency shall, not later than 30 days after the agency takes that action, give notice to the owners of that property explaining their rights under such amendments and the procedures for obtaining any compensation that may be due them under such amendments.

(b) Definitions.—For purposes of subsection (a)—

(1) the term "Federal agency" means "agency", as that term is defined in section 552(f) of title 5, United States Code; and

(2) the term "agency action" has the meaning given that term in section 551 of title 5, United States Code.

SEC. 8. SEVERABILITY AND EFFECTIVE DATE.

(a) Severability.—If any provision of this Act or the amendments made by this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act, the amendments made by this Act, or the application thereof to other persons not similarly situated or to other circumstances shall not be affected by such invalidation.

(b) Effective Date.—The amendments made by this Act shall apply to actions commenced on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. Sensenbrenner) and the gentleman from Michigan (Mr. Conyers) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4772, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4772, the Private Property Rights Implementation Act, to help all Americans defend their property rights.

We are all painfully aware of one Supreme Court decision that threatens to deny Americans their constitutionally protected property rights. I refer to the notorious case of Kelo vs. The City of New London, in which the Supreme Court held that a city can take private property from one citizen and give it to a large corporation for "economic development" purposes. I led the charge to correct that terrible decision by introducing H.R. 4128, which passed the House of Representatives by the overwhelming bipartisan margin of 376 38. However, that bill now languishes in the other body despite overwhelming popular support.

Unfortunately, the Supreme Court's recent disregard for constitutionally protected private property is not confined to the Kelo decision. In the case of Williamson County v. Hamilton Bank, which was reaffirmed last term in the case of San Remo Hotel v. City and County of San Francisco, the Supreme Court upheld a set of procedural rules that effectively prohibit property owners from ever getting into Federal court to have their Federal property rights claims heard on the merits. I applaud the gentleman from Ohio (Mr. Chabot) for authoring this vital legislation which will allow property owners to finally have their Federal property rights protected by the Federal courts.

This bipartisan legislation was reported out of the House Judiciary Committee by a voice vote on July 12, and I hope that this bill will receive similar bipartisan support on the floor today.

I urge my colleagues to defend the private property rights of all Americans by supporting this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in disagreement with this bill, the Private Property Rights Implementation Act, just as I have done in the 105th and 106th Congresses. I also call to the attention of the Members of the House that this bill is different from the Kelo Supreme Court decision that dealt with eminent domain, another, to me, unhappy decision which I was not overjoyed about.

But this bill does little more than single out developers and corporations for a special fast track into the Federal court.

In November of last year, I was proud to join with my colleagues on both sides of the aisle to protect property owners from takings in the name of "economic development." Such takings did not constitute public uses and were found to be totally inconsistent with the fifth amendment to our Constitution. But today my friends on the other side of the aisle are arguing that the bill we are taking up today, 4772, is another effort to protect property owners. They say the bill simply makes it easier for property owners to have their day in court, in Federal court, that is.

H.R. 4772 will permit land developers to forum shop between State and Federal courts when they pursue regulatory takings claims against the government. And, unfortunately, instead of advancing our constitutional principles, this bill undermines longstanding interpretations of the fifth amendment. The Supreme Court has ruled on two different occasions, in Williamson County and in San Remo, that landowners must pursue remedies for just compensation from the State in a State court. This bill goes directly against that concept.

The Court has confirmed that a Federal court cannot properly consider a takings claim unless or until a landowner has been denied an adequate remedy. To do otherwise would make cases unconstitutionally ripe for Federal review and also limit a Federal court's ability to abstain from State questions.

Unfortunately, that is exactly what H.R. 4772 will do. It will allow regulatory takings claims into Federal courts prematurely. With the threat of Federal litigation, States and localities will be restricted in their land use decisions. For example, it will be harder for jurisdictions to protect against groundwater contamination or waste dumps or adult bookstores. This is a serious proposition, and once again I think the committee is moving in the wrong direction to bring it to the floor at this time.

Most disturbingly, this bill elevates the rights of property owners over all other categories of persons with constitutional claims. Are the rights of real estate developers more important than the rights of other Americans?

It is simply not true that there is anything special or unique about real property takings that warrants special protections for developers. This is unfortunate legislation which undermines equal justice under law, which, to me, is the very cornerstone of our legal system.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 7 minutes to the author of the bill, the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding.

And I would just point out, before I get out to my main statement, I think to the contrary, rather than elevating private property rights above other constitutional rights, it basically puts them on the same level, the same playing field, right to free speech, right to religion. In the fifth amendment it says a person's property cannot be taken away without due process of law, and all we are doing is putting people's rights relative to property under the same constitutional rights as all the others, which they have not had up to this point.

I introduced H.R. 4772, the Private Property Rights Implementation Act, earlier this year to help Americans defend their constitutionally protected rights. And I want to thank the gentleman from Tennessee (Mr. GORDON) for his leadership in this area and for being the principal Democratic cosponsor. We thank him very much for that.

Most Americans are familiar with one recent decision involving all Americans' property rights, which Chairman SENSENBRENNER referred to earlier, the case of Kelo v. The City of New London, in which the Supreme Court held that the Constitution allows government to take private property from one citizen and give it to businesses. The House of Representatives acted to correct that decision by passing H.R. 4128, under the leadership of Chairman SENSENBRENNER, by a very wide margin, 376–38.

However, the Supreme Court, during its last term, handed down another bad decision that fails to protect the private property rights of all Americans, and correcting that decision through this legislation we will be addressing today should have the same bipartisan support.

Here is the problem: strange as it sounds, under current law property owners are now blocked from raising a Federal fifth amendment takings claim in Federal court. Here is why:

The Supreme Court's 1985 decision in which Williamson County v. Hamilton Bank requires property owners to pursue to the end all available remedies for just compensation in State court before the property owner can file suit in Federal court under the fifth amendment. Then just last year, in the case of San Remo Hotel v. City and County of San Francisco, also referred to by Chairman SENSENBRENNER, the Supreme Court held that once a property owner tries their case in State court, the property owner is prohibited from having their constitutional claim heard in Federal court even though the property owner never wanted to be in the State court with their Federal claim in the first place.

The combination of these two rules means that those with Federal property rights claims are effectively shut out of Federal court on their Federal takings claims, setting them unfairly apart from those asserting any other Federal rights such as those asserting free speech or religious freedom rights, as I mentioned before.

The late Chief Justice Rehnquist commented directly on this unfairness, observing in his concurring opinion in San Remo that "the Williamson County decision all but guarantees that claimants will be unable to utilize the Federal courts to enforce the fifth amendment's just compensation guarantee." The Second Circuit Court of Appeals has also noted that "it is both ironic and unfair if the very procedure that the Supreme Court required property owners to follow before bringing a fifth amendment takings claim, a State court takings action, also precluded them from ever bringing a fifth amendment takings claim" in Federal court.

H.R. 4772, the Private Property Rights Implementation Act, this act, which I introduced along with, again, Congressman GORDON, will correct the unfair legal bind that catches all property owners in what amounts to a catch-22. This bill, which is based on Congress's clear authority to define the jurisdiction of the Federal courts and the appellate jurisdiction of the U.S. Supreme Court, would allow property owners raising Federal takings claims to have their cases decided in Federal court without first pursuing a wasteful and unnecessary litigation detour, and possible dead end, in State court.

H.R. 4772 would also remove another artificial barrier blocking property owners' access to Federal court. The Supreme Court's Williamson County decision also requires that before a case can be brought for review in Federal court, property owners must first obtain a final decision from the State government on what is an acceptable use of their land. This has created an incentive for regulatory agencies to avoid making a final decision at all by stringing out the process and thereby forever denying a property owner access to court. Studies of takings cases in the 1990s indicate that it took property owners nearly a decade of litigation, which most property owners cannot afford, before takings claims were ready to be heard on the merits in any court.

To prevent that unjust result, H.R. 4772 would clarify when a final decision has been achieved and when the case is ready for Federal court review. Under this bill if a land use application is reviewed by the relevant agency and rejected, a waiver is requested and denied, and an administrative appeal is also rejected, then a property owner can bring their Federal constitutional claim in a Federal court.

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The bill would not change the way agencies resolve disputes. Rather, H.R. 4772 simply makes clear the steps the property owner must take to make their case ready for court review.

H.R. 4772 also clarifies the rights of property owners raising certain types of constitutional claims in the following ways:

First, it would clarify that conditions that are imposed upon a property owner before they can receive a development permit must be proportional to the impact that development might have on the surrounding community.

Second, it would clarify that if property units are individually taxed under State law, then the adverse economic impact of a regulation has on a piece of property should be measured by determining how much value the regulating is taking away from the individual lot affected, not the development as a whole.

And, third, the bill would clarify that due process violations involving property rights should be found when the Government has been found to have acted in an arbitrary and capricious manner.

This legislation also applies the same clarifications to cases in which the Federal Government is taking the private property. And I would just note that some of the groups that strongly support this legislation are the home builders, the Realtors, the Chamber of Commerce, the National Federation of Independent Business and the U.S. Farm Bureau.

I would urge my colleagues to join in supporting this bipartisan legislation. I want to again thank Mr. GORDON for his leadership.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the ranking member of the Subcommittee on the Constitution, the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I think we all agree that the Constitution's protection of property rights must be preserved.

Let us be clear. This bill has nothing do with the Kelo decision, though they keep mentioning that. It has nothing to do with eminent domain procedures. Separate issue.

The Constitution provides for just compensation when Government takes property for a public purpose; and when it does it up front, that is eminent domain. On that much there is general agreement.

This bill is something different, something radically and dangerously different. It goes far outside the bounds of the Constitution to reward big developers and polluters whenever local government tries to preserve the quality of life in our communities by controlling the spread of huge landfills or sprawling subdivisions or factory farms or adult bookstores. It does it primarily by making a number of changes to the substance of law. I will not even talk about, I will allude to it, but I am not going to talk in detail about the forum shopping that this brings into Federal court.

By the substantive changes in the law, the bill attempts to accomplish a partial legislative override of the so-called property as a whole rule in takings litigation.

The bill states that taking claims shall be decided with reference to each subdivided lot regardless of ownership, "if such lot is taxed or is otherwise treated and recognized as an individual property unit by State, territory or the District of Columbia."

Regulations, local zoning regulations, wetlands regulations, commonly restrictive elements of some proportion of a property, while allowing development of other portions.

Under the well-established property as a whole rule, courts evaluating tax's claims, that is, evaluating a claim that some regulation is in fact a taking of private property without due process of law and therefore unconstitutional, must consider the impact of the regulation on the owner's entire property.

Courts routinely apply this rule in situations where the property has been subdivided to separate tax lots or otherwise legally subdivided on the grounds that this type of property subdivision is irrelevant to the taking's analysis.

This bill would override this established application of the property as a whole rule. For example, if a developer owned property subdivided into 100 lots, two of which were classified as wetlands, the bill would force taxpayers to pay the developer to prevent the development of those two lots, notwithstanding that he is able to build on 98 percent of the land.

The Constitution and our historic traditions have never guaranteed the ability to build on every square inch of property. This modification of the property as a whole rule would represent a substantial change in takings doctrine and would force taxpayers to pay someone for any reduction in the inability to use any inch of property under any zoning regulation.

So if you own a single family home in a suburb and you do not want to see every inch built right up to your lot line, have your Congressman vote for this bill, if you do want to see that, rather.

If you want to protect the ability of your town council to say we want zoning on half-acre lots, then you cannot support this bill. Because any town council that said you have to have at least a half acre or quarter acre or whatever is saying you cannot build on every inch and the public must pay for that.

The public will never pay for that. It is much too expensive, which means you cannot have any zoning regulations, you cannot have any limitation on density, and you cannot have any environmental regulations to prevent building on wetlands or other environmentally sensitive areas. That is what this bill does.

The bill also provides that in a case alleging a deprivation of substantive due process, the Government actions "shall be judges to whether it is arbitrary, capricious and abuse of discretion or otherwise not in accordance with law."

Prior to the New Deal, prior to 1937, in the so-called Lochner era, the due process clause provided the constitutional basis for a very activist Supreme Court decision striking down a wide variety of regulations: Minimum wage laws are unconstitutional, maximum hour laws are unconstitutional, factory safety laws are unconstitutional. Why? Because it was a violation of substantive due process.

This bill language seeks to revive this Lochner doctrine by promoting the revival of an expansive reading of the due process clause. Since the 1930s, the courts have applied the due process clause with considerable deference toward the elected branch of the government. Republicans talk all the time about activist courts, we do not want them, they say deference to the elected branch of the government, except here.

Reflecting this approach, Justice Samuel Alito, while sitting as a Judge of the Court of Appeals for the 3rd Circuit, rejected a due process challenge to a municipal ordinance on the basis that the Government action violates substantive due process only when it "shocks the conscience."

This bill would replace this relatively deferential, widely accepted standard with a wider standard focusing on whether the Government acted arbitrarily, capriciously or with an abuse of discretion.

In addition, the bill states the Government action should be judged based on whether it is otherwise not in accordance with law. This language would convert every single legal dispute over the application of garden variety zoning regulations, garden variety maximum hour, minimum wage, factory safety, environmental, whatever laws into a constitutional due process issue.

This bill goes so far to destroy the ability of communities to control the spread of huge landfills or of sprawling subdivisions or factory farms or adult bookstores. You want an adult bookstore on every block, and the town council cannot stop it, vote for this bill.

A developer can circumvent local government and normal State court consideration, drag our local governments into Federal Court and demand payment every time our constituents want to preserve their health or quality of life.

The threat of Federal court litigation is real and troubling. One representative of the National Association of Homebuilders said this bill would be a hammer to the head of every local official. Is that what we should be doing? Congress and the Federal Courts will now become a super national zoning board?

Whatever danger to the environment this legislation may pose, it is green in at least one respect. It is an outstanding example of recycling, taking us all back to those memorable days of Newt Gingrich's Contract on America, where even the Republican Congress rejected this kind of legislation in those days.

Later versions of that effort, which have been called kinder and gentler by at least one legal scholar, focused on procedural issues, a euphemism for the kind of forum shopping in this bill.

This bill is much less kind and less gentle. It greatly expands the definition of a taking. It would require the Government to provide compensation in the kinds of cases I spoke of a few minutes ago where the Constitution does not require compensation. It would allow developers to game the system by dividing their lots to squeeze money out of our communities.

Should we have to pay someone off to keep them from poisoning our drinking water? Should we have to pay people off if we want to control suburban sprawl? Is it a taking if we make them pay for some or all of the costs of the new roads, sewer lines, water lines and schools that will be needed when they are done? This bill says "yes".

Should local taxpayers have to pay a developer whenever any conditions are imposed on a developer before allowing them to move forward? This bill says "yes".

My Republican colleagues on the Judiciary Committee often rail against "trail lawyers" who engage in forum shopping. Now this bill, proposed by those same Members, would write forum shopping into the law to benefit one large group against everybody else: large real estate developers against every member of local government and every local constituent who cares about their community.

Let us have no doubt that this is a big developers' bill.

One of the majority's witnesses at the hearing we had on this bill last year was Frank Kottschade, a major local developer. Another was an attorney who made an impassioned plea for small property owners. But it turned out that the bio from his firm's Web site said that he represented such small property owners as Wal-Mart, the Rumpke landfill in a major expansion effort, Home Depot and General Electric. That is who this bill is for.

And let me clear up some confusion. Many Members of this House were outraged by the Supreme Court's Kelo decision, which dealt with the use of eminent domain to promote economic development. This bill, I will repeat, has nothing to do with Kelo, nothing to do with eminent domain. This bill has to do with destroying the ability of our local communities to enforce the zoning regulations, environmental protection, environmental regulation and any kind of limitation on any kind of development.

If that is what you want to do, if you want the Federal Government to come in and be the master of zoning and overrule all local regulations so that local government may as well go out of business, because Congress knows best, and in fact not even Congress, the courts know best, then vote for this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. GORDON), showing that this bill is truly bipartisan.

Mr. GORDON. Mr. Speaker, this legislation fixes an unfairness that too often deprives small and middle class property owners of their rights.

The Constitution prohibits the Government from taking private property without giving due compensation to the owner. Unfortunately, this right is being lost because the property owners are being denied their day in Federal Court. Instead, the Supreme Court forces them to pursue their compensation claims in State courts. It then slams the Federal courthouse door shut to their fifth amendment claims.

This one-two punch adds to the expense of litigating takings cases and thereby prevents small and middle class property owners from asserting their right to use or be fairly compensated for their property. This bill allows them to raise a Federal takings claim without first being detoured through the State courts.

This change made by the bill is fair, and I urge the House to pass H.R. 4772.

Mr. CONYERS. Mr. Speaker, how much time remains on this side?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) has 7 minutes remaining, and the gentleman from Wisconsin (Mr. SENSENBRENNER) has 10 minutes remaining.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me time.

In response to some of the issues raised by the gentleman, my good friend from New York (Mr. NADLER), I would just note a couple of things.

There is nothing in this bill that would prohibit municipalities from taking land to protect health and safety or any government from protecting the environment. However, if the land is so regulated as to deny the owner any use of it, then, yes, the owner needs to be paid just compensation. That is what this bill does.

The fifth amendment does not have an exception for environmental laws, for example. In fact, the best approach would be to purchase the land through eminent domain, for example, rather than trying to pull a fast one and harm the property owner. The basic idea is that the individual property owners should not bear all of the costs of protecting our communities.

A few landowners should not have to sacrifice their own land and economic well-being for the betterment of a town or a city. Rather, the town should give them their just compensation.

To quote the California Supreme Court in Ehrlich, 1977, "the United States Constitution, through the takings clause of the fifth amendment, protects us all from being arbitrarily singled out and subjected to bearing a disproportionate share of the costs."

Communities can enact all of the necessary zoning and land use requirements to protect the public welfare, but they cannot exact or enact unconstitutional regulations.

Environmental groups wrote in their opposition letter to H.R. 4772 that, "developers could use this hammer", and I think the gentleman mentioned this, "developers could use this hammer to side-step land use negotiations and avoid compliance with local laws that protect neighboring property owners and the community at large."

This is simply not true. Reasonable protections will not violate the Constitution. But what these groups are really saying is that environmental regulations should be immune from court review.

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The fifth amendment should apply in all takings cases, and we should not be carving out exceptions when it comes to public health and safety.

Just like in the Kelo legislation we passed, we did not carve out exceptions for the private use of eminent domain because some property is not as desirable to the community at large. All property should be treated the same; and if there is a public health or environmental need to take the land, owners should be compensated for its taking.

The point is that there are limits to what the government can do, even for public health and safety, and that limit is called the Bill of Rights.

This is what we are doing. We are essentially giving private property owners the same rights as other people would have in court if they brought a first amendment claim for free speech or freedom of religion or on whatever else. They are all on the same par and people should be treated fairly.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER), the ranking member of the Subcommittee on the Constitution.

Mr. NADLER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, first of all, we are told that this is a terrible situation because under current law, given Supreme Court decisions, you have to go to State court; you cannot adjudicate your Federal constitutional rights in Federal court. You can always appeal any final court State decision. If you claim that the Supreme Court of Tennessee has violated your Federal constitutional rights, you can always appeal that into the Federal courts. So no one is disputing that. So that is a bogus claim.

Secondly, of course, the bill does not say directly that the local government must pay anybody who is denied any opportunity to do anything; but it has that effect because, for example, the law does not carve out an exception from the fifth amendment. The fifth amendment applies to everything, but the courts have long held that if you have a 100-acre plot of land and 2 acres, let us say, are wetlands that you cannot develop and you can develop 98 of 100 acres, if you look at the property as a whole and there is no taking there.

What this bill says is if they say 2 acres are wetlands and you cannot build on it or after half an acre or 35 square feet, the local government must pay for that; and for that matter if the local government says that you can only build on half acre lots, you cannot fill up every inch, then you are not using every inch of your land, you are prevented, and that is a taking of property.

Basic law always has been understood that as long as you can substantially use your land, not every inch of it, not to the extent, that is not a taking.

This says it is a taking. So if New York City zoning says the you can only build 75 stories, you cannot build 300 stories, under this bill, the local government would have to pay for the value of the 225 stories that you cannot build. This is way beyond takings law, and that destroys all local regulations. That is why this bill should be defeated.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER) who has studied this issue very carefully.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy for permitting me to speak on this bill.

In a prior life, I spent 10 years administering programs like this with the city of Portland. Our community is like many around the country that have, as the gentleman from New York referenced, sophisticated planning and zoning regulations. These are elements that are developed as a result of local community pressure to balance interests.

I find no small amount of irony that some of these friends of ours who think that the courts are not capable of ruling on marriage want to strip away the powers of the Federal court to deal with issues of the Pledge of Allegiance, who all of the sudden want to overrule over a century of development that deals with planning and zoning in this country.

There are appeals that take place each and every day from coast to coast in almost every State of the Union where people have some differences of opinion. There are elaborate mechanisms that deal with local appeals, where there is negotiation that takes place between the development community, the local officials, planning and zoning boards that end up giving something that makes sense for the community, makes sense for the developer, makes sense for the protection of the environment and health and development standards.

Under this legislation, one time if a developer does not get what he or she wants on any meaningful application, whatever that might mean, they can be thrown into the Federal judiciary. I would suggest that there is a reason why the American Planning Association, Defenders of Wildlife, the National Trust for Historic Preservation, Natural Resource Defense Council, the League of Cities, the people who are dealing with how to make communities more livable and to make them work, are opposed to this legislation.

This has, as has been pointed out, nothing to do with Kelo. These are areas where reasonable exercise of the planning mechanisms over 33 States have developed from coast to coast trying to look at the big picture and trying to balance it.

This is a stealth attack on what communities are trying to do to equip people to be able to deal with the consequences of growth and development pressures and what we learn on an ongoing basis about the impacts environmentally and in terms of better ways of being able to accomplish objectives in the development community.

I would respectfully suggest that it is far better to allow this process to work rather than trying to drag the Federal courts into it unnecessarily.

Mr. CONYERS. Mr. Speaker, I yield myself the remainder of the time.

There has been one other mischaracterization made that should be corrected here, because it has been said on the other side more than once that the plaintiff in these kinds of cases is required to stay in the State courts and that we are now moving him up in line with others, but there are many circumstances that require the exhaustion of a State court remedy before you can come into the Federal court.

For example, the termination of parental rights requires an exhaustion of State rights. The detention and violation of the sixth amendment right to counsel requires an exhaustion of the State rights before you move into the Federal court. Confinement for juvenile offenders in violation of the eighth amendment requires the same thing, so does denial of Medicaid benefits in violation of first amendment religious protections.

What we see here is the most incredible use of determining who goes into Federal court and who can go in quickly and easily, and we do not think that developers have done anything to justify that.

So in the name of all the local lawmakers, in the name of those who have any respect for the rights of States in these matters, who respect the traditions that have been well-established in the law for determining how we deal with these claims, we urge a "no" vote on H.R. 4772.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I appreciate this opportunity to explain my concerns with the bill, H.R. 4772, the Private Property Rights Implementation Act of 2005. I oppose the bill because I am concerned that it will weaken local land use, zoning, and environmental laws by encouraging costly and unwarranted "takings" litigation in federal court against local officials.

Mr. Speaker, H.R. 4772 would fundamentally alter the procedures governing regulatory takings litigation. Those procedures are required by the U.S. Constitution and have been repeatedly reaffirmed by the U.S. Supreme Court, as recently as last year. The bill purports to alter these requirements by giving developers, corporate hog farms, adult bookstores, and other takings claimants the ability to bypass local land use procedures and state courts. Indeed, the National Association of Home Builders candidly referred to a prior version of the bill as a "hammer to the head" of local officials. Developers could use this hammer to side-step land use negotiations and avoid compliance with local laws that protect neighboring property owners and the community at large.

In addition, section 5 of the bill purports to dramatically change substantive takings law as articulated by the Supreme Court and other federal courts by redefining the constitutional rules that apply to permit conditions, subdivisions, and claims under the Due Process Clause. The existing rules, developed over many decades, allow courts to strike a fair balance between takings claimants, neighboring property owners, and the public. The proposed rules would tilt the playing field further in favor of corporate developers and other takings claimants, even in the many localities across the country where developers already have an advantage.

As a result, H.R. 4772 would allow big developers and other takings claimants to use the threat of premature federal court litigation as a club to coerce small communities to approve projects that would harm the public. By short-circuiting local land use procedures, H.R. 4772 also would curtail democratic participation in local land use decisions by the very people who could be harmed by those decisions.

The bill also raises serious constitutional issues. The provisions that purport to redefine constitutional violations ignore the fundamental principle established in Marbury v. Madison (1803) that it is "emphatically the province and duty" of the federal courts to interpret the meaning of the Constitution. Moreover, under longstanding precedent, a landowner has no claim against a state or local government under the Fifth Amendment until the claimant first seeks and is denied compensation in state court. Federal courts would continue to dismiss these claims, as well as claims that lack an adequate record where claimants use the bill to side-step local land use procedures. The bill will create more delay and confusion by offering the false hope of an immediate federal forum for those who have not suffered a federal constitutional injury. In short, this bill is a great threat to federalism, our local land use protections, neighboring property owners, and the environment. Therefore, I urge my colleagues to vote against the bill.

Mr. GALLEGLY. Mr. Speaker, I rise today in strong support for H.R. 4772, the Private Property Rights Implementation Act of 2006. I want to thank my colleague from Ohio, Mr.

CHABOT, for agreeing to take the leadership on this legislation.

When I first introduced this legislation in 1997, it was to ensure that property owners in this country have the ability to protect their basic civil and constitutional rights. The fifth amendment of the U.S. Constitution guarantees that no private property shall be taken for a public use without the payment of just compensation. Unfortunately, we have seen an increasing disregard by various levels of government for this fundamental civil right. H.R. 4772 seeks to restore balance to land use decisions by ensuring that Americans have reasonable access to the Federal courts to enforce their Federal constitutional rights.

As a former mayor, I know that local governments must have control over land use decisions. But this bill does not empower Federal judges to decide whether a certain piece of land should be used for a grocery store or for a hair salon. In fact this bill ensures that local governments will continue to have their traditional powers to make and enforce zoning regulations.

However, this bill also ensures that land owners have some certainty in a process that can sometimes be very open-ended. By establishing procedures that both the property owner and the locality must follow, this bill ensures fair and timely land use decisions.

I urge my colleagues to support H.R. 4772 and provide legal protections for land owners that are both rational and effective.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4772, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

PROUD TO BE AN AMERICAN CITIZEN ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5323) to require the Secretary of Homeland Security to provide for ceremonies on or near Independence Day for administering oaths of allegiance to legal immigrants whose applications for naturalization have been approved, as amended.

The Clerk read as follows:

H.R. 5323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Proud to Be an American Citizen Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The United States is a nation of immigrants.

(2) Immigrants strengthen the economic and political ties of the United States with other nations.

(3) Immigrants enhance the Nation's ability to compete in the global market.

(4) Immigrants contribute to the Nation's scientific, literary, artistic, and other cultural resources.

(5) A properly regulated system of legal immigration is in the Nation's interest.

(6) The Naturalization Oath of Allegiance impresses on new United States citizens—

(A) the shared American values of liberty, democracy, and equal opportunity; and

(B) the obligation to respect and abide by the Constitution, including the Bill of Rights.

(8) Naturalization rewards legal immigrants who have abided by all Federal laws and Department of Homeland Security regulations.

(9) Naturalization bestows all the legal rights, privileges, and responsibilities of a United States citizen.

SEC. 3. INDEPENDENCE DAY CEREMONIES FOR OATHS OF ALLEGIANCE.

(a) IN GENERAL.—The Secretary of Homeland Security shall make available funds each fiscal year to the Director of U.S. Citizenship and Immigration Services or to public or private nonprofit entities to support public ceremonies for administering oaths of allegiance under section 337(a) of the Immigration and Nationality Act (8 U.S.C. 1448(a)) to legal immigrants whose applications for naturalization have been approved.

(b) CEREMONIES.—A ceremony conducted with funds under this section—

(1) shall be held on a date that is on or near Independence Day; and

(2) shall include appropriate outreach, ceremonial, and celebratory activities.

(c) SELECTION OF SITES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall select the site for each ceremony conducted with funds under this section.

(2) SELECTION PROCESS.—In selecting a site under paragraph (1), the Secretary of Homeland Security should consider—

(A) the number of naturalization applicants living in proximity to the site; and

(B) the degree of participation in and support for the ceremony by the local community at the site.

(d) AMOUNTS AVAILABLE; USE OF FUNDS.—

(1) AMOUNTS AVAILABLE.—Amounts made available under this section for each ceremony shall not exceed $5,000.

(2) FUNDS.—Funds made available under this section may be used only for the following:

(A) Costs of personnel of U.S. Citizenship and Immigration Services and the Federal judiciary (including travel and overtime expenses).

(B) Site rental, including audio equipment rental.

(C) Logistical requirements, including sanitation.

(D) Costs for printing brochures about the naturalization participants and the naturalization process.

(3) AVAILABILITY OF FUNDS.—Funds that are otherwise available to the Department of Homeland Security to carry out naturalization activities shall be available to carry out this section.

(e) APPLICATION.—No amount may be made available under this section to an entity that is not part of the Department of Homeland Security, for supporting a ceremony described in subsection (b), unless—

(1) the entity submits an application to the Secretary of Homeland Security, in a form and manner specified by the Secretary of Homeland Security; and

(2) the Secretary of Homeland Security approves the application.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5323, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5323, the Proud to Be an American Citizen Act, which enables U.S. Citizenship and Immigration Services or nonprofit entities to conduct naturalization ceremonies on or near Independence Day each year. The legislation gives us an opportunity to underscore the importance and privilege of U.S. citizenship.

This legislation does not authorize new funds, but would provide up to $5,000 for each ceremony organized on Independence Day out of the funds already available to the Department of Homeland Security. The moneys provided under this bill would be sufficient to cover the basics for a ceremony to honor those who have worked hard and met the legal requirements to become United States citizens.

The funds may be used only for the cost of government personnel needed to administer the Oath of Allegiance, facilities rental, brochures, and other logistics. The bill requires any non-government entity seeking to organize a naturalization ceremony to receive approval through the Department of Homeland Security.

The bill allows new Americans to celebrate their naturalization in conjunction with celebrating America on Independence Day. I believe it is important that we support those who want to take the final step toward becoming Americans and those who have legally moved through the immigration system to obtain citizenship.

I urge Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I am happy to rise in support of this legislation because immigration is one of the basic foundations of the Nation, and the contributions of immigrants are too many to be counted.

This legislation recognizes these principles, and in addition, authorizes the Homeland Security Secretary to dispense $5,000 to public and private nonprofit entities to host naturalization ceremonies. This purpose originally was authorized as a part of the 1996 immigration law, and I believe it deserves reauthorization.

I join with the chairman of the committee in urging our colleagues to vote "yes" on the bill

Mr. FARR. Mr. Speaker, as the original sponsor of H.R. 5323, I commend the House for adopting the Proud to Be An American Citizen Act.

I want to thank Chairman SENSENBRENNER and Ranking Member CONYERS of the Judiciary Committee for their support of this bill, as well as Mr. HOBSON of Ohio for his original cosponsorship.

H.R. 5323 provides authorization for Citizenship and Immigration Services (CIS) to support community citizenship ceremonies. A similar provision was enacted into law in the 1996 immigration reform bill, but has since expired.

CIS reports that more than 28,000 new citizens will be sworn in at 133 citizenship ceremonies around the country. These ceremonies are marked by Democrats and Republicans alike. Not only have many of us participated in these ceremonies, but throughout the years, so have President Bush, Madeline Albright, Ronald Reagan, and Arnold Schwarzenegger.

H.R. 5323 recognizes those immigrants who have played by the rules and been through this country's rigorous immigration screening process. Legal immigrants have earned their citizenship after years of waiting, high fees, learning English, and a passing grade on a citizenship test. The culmination of this all is taking the Oath of Citizenship.

Every year in my district around the 4th of July, I host a Citizenship Ceremony. This past year, 120 immigrants from China, Fiji Island, Algeria, Canada and other countries took their Oath, and sang our National Anthem and America the Beautiful in a community wide celebration.

Just this month, CIS and the Department of the Interior's National Park Service announced a partnership to welcome new citizens to the U.S. via national parks. In the last week, citizenship ceremonies have been held at Ellis Island National Park in New York to Yosemite National Park in California.

All of us can look back to our own families and find the first generation immigrants. Let us welcome new citizens as we would have wanted our ancestors to be welcomed.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 5323, the "Proud to be an American Citizen Act," which requires the Secretary of Homeland Security to make funds available to support public naturalization ceremonies that are held on a date that is on or near Independence Day. These funds would be given to the Director of U.S. Citizenship and Immigration Services (USCIS) or to public or private nonprofit entities. The Secretary would select the sites for the ceremonies, approve the entities receiving the funds, and dispense up to, but no more than, $5,000 for each ceremony.

The use of the funds would be limited to the costs of personnel from USCIS and the Federal judiciary, including travel and overtime expenses; site and audio equipment rentals; logistical requirements; and costs for printing brochures about the naturalization participants and the naturalization process.

Naturalization rewards legal immigrants who have played by the rules and abided by all United States laws and USCIS regulations. The naturalization ceremony is not just a formality. Taking the Oath of Allegiance is a critical legal step in becoming a naturalized citizen. The words of the Oath of Allegiance convey the core meaning of becoming an American citizen. These words reflect the shared American values of liberty, democracy, and equal opportunity; and the obligation to abide by the Constitution, including the Bill of Rights.

The Oath of Allegiance should not be taken in an empty room without fanfare, particularly on Independence Day. I urge all members to show their support for those who are proud to become American citizens by voting for H.R. 5323.

Mr. CONYERS. Mr. Speaker, I return the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I do the same.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 5323, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1700

GENERAL SERVICES ADMINISTRATION MODERNIZATION ACT

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to bill (H.R. 2066) to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes.

The Clerk read as follows:

Senate amendments:

Page 2, line 25, strike out "up to five"

Page 10, line 7, strike out "or" and all that follows through the end of line 9, and insert:

"(B) the exceptional difficulty in recruiting or retaining a qualified employee, or

"(C) a temporary emergency hiring need,

Page 10, line 20, strike out "December 31, 2011." and insert: "December 31, 2011.".

Page 10, strike out line 21 and all that follows through page 13, line 8, and insert the following new section and renumber subsequent section:

SEC. 5. DISPOSAL OF FEDERAL SURPLUS PROPERTY TO HISTORIC LIGHT STATIONS.

Section 549(c)(3)(B) of title 40, United States Code, is amended—

(1) in clause (vii), by striking "or" after the semicolon;

(2) in clause (viii), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(ix) a historic light station as defined under section 308(e)(2) of the National Historic Preservation Act (16 U.S.C. 470w–7(e)(2)), including a historic light station conveyed under subsection (b) of that section, notwithstanding the number of hours that the historic light station is open to the public.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2066, the General Services Administration Modernization Act, which was introduced by Armed Services Committee Chairman HUNTER and myself last year. This legislation passed the House last May and was recently passed by the Senate with a handful of modifications which we are here today to accept in order to send the legislation to the President's desk for signature.

This important legislation would authorize a much-needed reorganization and streamlining of the General Services Administration, the Federal agency that is charged with leveraging the Federal Government's buying power to purchase commercial goods and services in a manner that maximizes taxpayer dollars.

Each year, GSA buys products and services from the private sector worth well over $30 billion and resells them to Federal agencies through two different services. The Federal Technology Service, or FTS, uses the Information Technology Fund purchase information technology; and the Federal Supply Service, the FSS, uses the General Supply Fund to purchase commercial goods and services.

This bifurcated system may have made sense when the IT fund was created two decades ago when information technology was in its infancy. Today, however, laptop computers, cell phones and e-mail are as ubiquitous as desks and phones. The business case, for separate systems to handle IT goods and services, no longer exists. In fact, the bifurcated system has become a barrier to coordinated acquisition of management services and the technology needed to support a total solution.

H.R. 2066 would amend GSA's organic stature by enacting structural reform to GSA's current organization in order to consolidate the Federal Supply Service and the Federal Technology Service into a single entity operating out of a unified fund, providing Federal agencies with a one-stop shop to acquire all of their commercial goods and services. This change in statute would provide GSA with the structure it needs to bring it in line with the current commercial marketplace.

The environment in which the Federal Government purchases goods and services has changed dramatically in recent years. H.R. 2066 would remove the old structures that inhibit efficient Federal purchases and solutions that are a mix of products, services and technology. The Federal marketplace should reflect the best of the commercial marketplace, both in the products and service we buy and the way that we buy them.

I would urge my colleagues to accept these amendments and support H.R. 2066.

Mr. Speaker, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

The chairman of the committee, the Government Reform committee, Mr. DAVIS, has covered the bill well. I commend him for his work on this piece of legislation.

I would only add to his description of the bill that it also contains provisions that would give civilian agencies additional tools to maintain their acquisition workforces by allowing agencies to reemploy retirees under certain circumstances. I think it is important that we look for ways in the Federal Government to continue to use the expertise of those who have been in the Federal Government.

The Senate amendments to the bill provide additional protections to make sure that authority is used wisely with respect to rehiring of retirees, but I commend the chairman of the committee for his work on this bill and urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Let me thank my colleague from Maryland for his assistance on this and so many other things that the committee works on. I would urge all members to support the passage of H.R. 2066.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2066.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

2005 DISTRICT OF COLUMBIA OMNIBUS AUTHORIZATION ACT

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3508) to authorize improvements in the operation of the government of the District of Columbia, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "2005 District of Columbia Omnibus Authorization Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GOVERNANCE OF DISTRICT OF COLUMBIA

Subtitle A—General District of Columbia Governance

Sec. 101. Budget flexibility.
Sec. 102. Additional Authority to allocate amounts in Reserve Funds.
Sec. 103. Permitting General Services Administration to obtain space and services on behalf of District of Columbia Public Defender Service.
Sec. 104. Authority to enter into Interstate Insurance Product Regulation Compact.
Sec. 105. Metered taxicabs in the District of Columbia.

Subtitle B—District of Columbia Courts

Sec. 111. Modernization of Office of Register of Wills.
Sec. 112. Increase in cap on rates of pay for nonjudicial employees.
Sec. 113. Clarification of rate for individuals providing services to indigent defendants.
Sec. 114. Authority of Courts to conduct proceedings outside of District of Columbia during emergencies.
Sec. 115. Authority of Court Services and Offender Supervision Agency to use services of volunteers.
Sec. 116. Technical corrections relating to courts.
Sec. 117. Inclusion of court employees in enhanced dental and vision benefit program.

Subtitle C—Other Miscellaneous Technical Corrections

Sec. 121. 2004 District of Columbia Omnibus Authorization Act.
Sec. 122. District of Columbia Appropriations Act, 2005.
Sec. 123. Technical and conforming amendments relating to banks operating under the Code of Law for the District of Columbia.
Sec. 124. District of Columbia Schools fiscal year.
Sec. 125. Gifts to libraries.

TITLE II—INDEPENDENCE OF THE CHIEF FINANCIAL OFFICER

Sec. 201. Promoting independence of Chief Financial Officer.
Sec. 202. Personnel Authority.
Sec. 203. Procurement Authority.
Sec. 204. Fiscal impact statements.

TITLE III—AUTHORIZATION OF CERTAIN GENERAL APPROPRIATIONS PROVISIONS

Sec. 301. Acceptance of gifts by Court Services and Offender Supervision Agency.
Sec. 302. Evaluation process for public school employees.
Sec. 303. Clarification of application of pay provisions of Merit Personnel System to all District employees.
Sec. 304. Criteria for renewing or extending sole source contracts.
Sec. 305. Acceptance of grant amounts not included in annual budget.
Sec. 306. Standards for annual independent audit.
Sec. 307. Use of fines imposed for violation of traffic alcohol laws for enforcement and prosecution of laws.
Sec. 308. Certifications for attorneys in cases brought under Individuals With Disabilities Education Act.

TITLE I—GOVERNANCE OF DISTRICT OF COLUMBIA

Subtitle A—General District of Columbia Governance

SEC. 101. BUDGET FLEXIBILITY.

(a) PERMITTING INCREASE IN AMOUNT APPROPRIATED AS LOCAL FUNDS DURING A FISCAL YEAR.—Subpart 1 of part D of title IV of the District of Columbia Home Rule Act (sec. 1–204.41 et seq., D.C. Official Code) is amended by inserting after section 446 the following new section:

"PERMITTING INCREASE IN AMOUNT APPROPRIATED AS LOCAL FUNDS DURING A FISCAL YEAR

"SEC. 446A. (a) IN GENERAL.—Notwithstanding the fourth sentence of section 446, to account for an unanticipated growth of revenue collections, the amount appropriated as District of Columbia funds under budget approved by Act of Congress as provided in such section may be increased—

"(1) by an aggregate amount of not more than 25 percent, in the case of amounts allocated under the budget as 'Other-Type Funds'; and

"(2) by an aggregate amount of not more than 6 percent, in the case of any other amounts allocated under the budget.

"(b) CONDITIONS.—The District of Columbia may obligate and expend any increase in the amount of funds authorized under this section only in accordance with the following conditions:

"(1) The Chief Financial Officer of the District of Columbia shall certify—

"(A) the increase in revenue; and

"(B) that the use of the amounts is not anticipated to have a negative impact on the long-term financial, fiscal, or economic health of the District.

"(2) The amounts shall be obligated and expended in accordance with laws enacted by the Council of the District of Columbia in support of each such obligation and expenditure, consistent with any other requirements under law.

"(3) The amounts may not be used to fund any agencies of the District government operating under court-ordered receivership.

"(4) The amounts may not be obligated or expended unless the Mayor has notified the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate not fewer than 30 days in advance of the obligation or expenditure.

"(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal years 2006 through 2007.".

(b) Conforming Amendment.—The fourth sentence of section 446 of such Act (sec. 1-204.46, D.C. Official Code) is amended by inserting "section 446A," after "section 445A(b),".

(c) Clerical Amendment.—The table of contents of such Act is amended by inserting after the item relating to section 446 the following new item:

"Sec. 446A. Permitting increase in amount appropriated as local funds during a fiscal year.".

SEC. 102. ADDITIONAL AUTHORITY TO ALLOCATE AMOUNTS IN RESERVE FUNDS.

(a) In General.—Section 450A of the District of Columbia Home Rule Act (sec. 1-204.50A, D.C. Official Code) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) Additional Authority To Allocate Amounts.—

"(1) In general.—Notwithstanding any other provision of this section, in addition to the authority provided under this section to allocate and use amounts from the emergency reserve fund under subsection (a) and the contingency reserve fund under subsection (b), the District of Columbia may allocate amounts from such funds during a fiscal year and use such amounts for cash flow management purposes.

"(2) Limits on amount allocated.—

"(A) Amount of individual allocation.—The amount of an allocation made from the emergency reserve fund or the contingency reserve fund pursuant to the authority of this subsection may not exceed 50 percent of the balance of the fund involved at the time the allocation is made.

"(B) Aggregate amount allocated.—The aggregate amount allocated from the emergency reserve fund or the contingency reserve fund pursuant to the authority of this subsection during a fiscal year may not exceed 50 percent of the balance of the fund involved as of the first day of such fiscal year.

"(3) Replenishment.—If the District of Columbia allocates any amounts from a reserve fund pursuant to the authority of this subsection during a fiscal year, the District shall fully replenish the fund for the amounts allocated not later than the earlier of—

"(A) the expiration of the 9-month period which begins on the date the allocation is made; or

"(B) the last day of the fiscal year.

"(4) Effective date.—This subsection shall apply with respect to fiscal years 2006 through 2007.".

(b) Special Rule for Timing of Replenishment After Subsequent Allocation.—

(1) Emergency reserve fund.—Section 450A(a)(7) of such Act (sec. 1-204.50A(a)(7), D.C. Official Code) is amended—

(A) by striking "(7) Replenishment.—" and inserting the following:

"(7) Replenishment.—

"(A) In general.—The District of Columbia"; and

(B) by adding at the end the following new subparagraph:

"(B) Special rule for replenishment after allocation for cash flow management.—

"(i) In general.—If the District allocates amounts from the emergency reserve fund during a fiscal year for cash flow management purposes pursuant to the authority of subsection (c) and at any time afterwards during the year makes a subsequent allocation from the fund for purposes of this subsection, and if as a result of the subsequent allocation the balance of the fund is reduced to an amount which is less than 50 percent of the balance of the fund as of the first day of the fiscal year, the District shall replenish the fund by such amount as may be required to restore the balance to an amount which is equal to 50 percent of the balance of the fund as of the first day of the fiscal year.

"(ii) Deadline.—The District shall carry out any replenishment required under clause (i) as a result of a subsequent allocation described in such clause not later than the expiration of the 60-day period which begins on the date of the subsequent allocation.".

(2) Contingency reserve fund.—Section 450A(b)(6) of such Act (sec. 1-204.50A(b)(6), D.C. Official Code) is amended—

(A) by striking "(6) Replenishment.—" and inserting the following:

"(6) Replenishment.—

"(A) In general.—The District of Columbia"; and

(B) by adding at the end the following new subparagraph:

"(B) Special rule for replenishment after allocation for cash flow management.—

"(i) In general.—If the District allocates amounts from the contingency reserve fund during a fiscal year for cash flow management purposes pursuant to the authority of subsection (c) and at any time afterwards during the year makes a subsequent allocation from the fund for purposes of this subsection, and if as a result of the subsequent allocation the balance of the fund is reduced to an amount which is less than 50 percent of the balance of the fund as of the first day of the fiscal year, the District shall replenish the fund by such amount as may be required to restore the balance to an amount which is equal to 50 percent of the balance of the fund as of the first day of the fiscal year.

"(ii) Deadline.—The District shall carry out any replenishment required under clause (i) as a result of a subsequent allocation described in such clause not later than the expiration of the 60-day period which begins on the date of the subsequent allocation.".

SEC. 103. PERMITTING GENERAL SERVICES ADMINISTRATION TO OBTAIN SPACE AND SERVICES ON BEHALF OF DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE.

(a) Authority To Obtain Space and Services.—At the request of the Director of the District of Columbia Public Defender Service, the Administrator of General Services may furnish space and services on behalf of the Service (either directly by providing space and services in buildings owned or occupied by the Federal Government or indirectly by entering into leases with non-Federal entities) in the same manner, and under the same terms and conditions, as the Administrator may furnish space and services on behalf of an agency of the Federal Government.

(b) Effective Date.—This section shall apply with respect to fiscal year 2006 and each succeeding fiscal year.

SEC. 104. AUTHORITY TO ENTER INTO INTERSTATE INSURANCE PRODUCT REGULATION COMPACT.

(a) In General.—The District of Columbia is authorized to enter into an interstate compact to establish a joint state commission as an instrumentality of the District of Columbia for the purpose of establishing uniform insurance product regulations among the participating states.

(b) Delegation.—Any insurance product regulation compact that the Council of the District of Columbia authorizes the Mayor to execute on behalf of the District may contain provisions that delegate the requisite power and authority to the joint state commission to achieve the purposes for which the interstate compact is established.

SEC. 105. METERED TAXICABS IN THE DISTRICT OF COLUMBIA.

(a) In General.—Except as provided in subsection (b) and not later than 1 year after the date of enactment of this Act, the District of Columbia shall require all taxicabs licensed in the District of Columbia to charge fares by a metered system.

(b) District of Columbia Opt Out.—The Mayor of the District of Columbia may exempt the District of Columbia from the requirement under subsection (a) by issuing an executive order that specifically states that the District of Columbia opts out of the requirement to implement a metered fare system for taxicabs.

Subtitle B—District of Columbia Courts

SEC. 111. MODERNIZATION OF OFFICE OF REGISTER OF WILLS.

(a) Revision of Duties.—Section 11–2104(b), District of Columbia Official Code, is amended to read as follows:

"(b) In matters over which the Superior Court has probate jurisdiction or powers, the Register of Wills shall—

"(1) make full and fair entries, in separate records, of the proceedings of the court;

"(2) record in electronic or other format all wills proved before the Register of Wills or the court and other matters required by law to be recorded in the court;

"(3) lodge in places of safety designated by the court original papers filed with the Register of Wills;

"(4) make out and issue every summons, process, and order of the court;

"(5) prepare and submit to the Executive Officer of the District of Columbia courts such reports as may be required; and

"(6) in every respect, act under the control and direction of the court.".

(b) Repeal of Penalties.—

(1) In general.—Section 11-2104, District of Columbia Code, is amended—

*(A) in the heading, by striking "; **penalties**"; and*

(B) by striking subsections (d) and (e).

(2) Clerical amendment.—The item relating to section 11–2104 in the table of sections for chapter 21 of title 11, District of Columbia Official Code, is amended by striking "; penalties".

(c) Record of Claims Against Nonresident Decedents.—Section 20–343(d), District of Columbia Official Code, is amended by striking the second sentence and inserting the following: "The Register shall record all such claims and releases.".

SEC. 112. INCREASE IN CAP ON RATES OF PAY FOR NON-JUDICIAL EMPLOYEES.

(a) In General.—The second sentence of section 11-1726(a), District of Columbia Official Code, is amended by striking "pay fixed by administrative action in section 5373" and inserting "maximum pay in section 5382(a)".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

SEC. 113. CLARIFICATION OF RATE FOR INDIVIDUALS PROVIDING SERVICES TO INDIGENT DEFENDANTS.

(a) In General.—Section 11-2605, District of Columbia Official Code, is amended—

(1) by striking subsection (b);

(2) in subsection (c), by inserting after "United States Code," the following: "(or, in the case of investigative services, a fixed rate of $25 per hour)";

(3) in subsection (d), by inserting after "United States Code," the following: "(or, in the case of investigative services, a fixed rate of $25 per hour)"; and

(4) by redesignating subsections (c) and (d) as subsections (b) and (c).

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to services provided on or after the date of the enactment of this Act.

SEC. 114. AUTHORITY OF COURTS TO CONDUCT PROCEEDINGS OUTSIDE OF DISTRICT OF COLUMBIA DURING EMERGENCIES.

(a) DISTRICT OF COLUMBIA COURT OF APPEALS.—

(1) IN GENERAL.—Subchapter I of chapter 7 of title 11, District of Columbia Official Code, is amended by adding at the end the following new section:

"§11–710. Emergency Authority to conduct proceedings outside District of Columbia

"(a) IN GENERAL.—The court may hold special sessions at any place within the United States outside the District of Columbia as the nature of the business may require and upon such notice as the court orders, upon a finding by either the chief judge of the court (or, if the chief judge is absent or disabled, the judge designated under section 11–706(a)) or the Joint Committee on Judicial Administration in the District of Columbia that, because of emergency conditions, no location within the District of Columbia is reasonably available where such special sessions could be held. The court may transact any business at a special session authorized pursuant to this section which it has the authority to transact at a regular session.

"(b) NOTICE REQUIREMENTS.—If the Court of Appeals issues an order exercising its authority under subsection (a), the court—

"(1) through the Joint Committee on Judicial Administration in the District of Columbia, shall send notice of such order, including the reasons for the issuance of such order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives; and

"(2) shall provide reasonable notice to the United States Marshals Service before the commencement of any special session held pursuant to such order.".

(2) CLERICAL AMENDMENT.—The table of contents of chapter 7 of title 11, District of Columbia Official Code, is amended by adding at the end of the items relating to subchapter I the following:

"11–710. Emergency authority to conduct proceedings outside District of Columbia.".

(b) SUPERIOR COURT OF THE DISTRICT OF COLUMBIA.—

(1) IN GENERAL.—Subchapter I of chapter 9 of title 11, District of Columbia Official Code, is amended by adding at the end the following new section:

"§11–911. Emergency Authority to conduct proceedings outside District of Columbia

"(a) IN GENERAL.—The Superior Court may hold special sessions at any place within the United States outside the District of Columbia as the nature of the business may require and upon such notice as the Superior Court orders, upon a finding by either the chief judge of the Superior Court (or, if the chief judge is absent or disabled, the judge designated under section 11–907(a)) or the Joint Committee on Judicial Administration in the District of Columbia that, because of emergency conditions, no location within the District of Columbia is reasonably available where such special sessions could be held.

"(b) BUSINESS TRANSACTED.—The Superior Court may transact any business at a special session outside the District of Columbia authorized pursuant to this section which it has the authority to transact at a regular session, except that a criminal trial may not be conducted at such a special session without the consent of the defendant.

"(c) SUMMONING OF JURORS.—Notwithstanding any other provision of law, in any case in which special sessions are conducted pursuant to this section, the Superior Court may summon jurors—

"(1) in civil proceedings, from any part of the District of Columbia or, if jurors are not readily available from the District of Columbia, the jurisdiction in which it is holding the special session; and

"(2) in criminal trials, from any part of the District of Columbia or, if jurors are not readily available from the District of Columbia and if the defendant so consents, the jurisdiction in which it is holding the special session.

"(d) NOTICE REQUIREMENTS.—If the Superior Court issues an order exercising its authority under subsection (a), the Court—

"(1) through the Joint Committee on Judicial Administration in the District of Columbia, shall send notice of such order, including the reasons for the issuance of such order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives; and

"(2) shall provide reasonable notice to the United States Marshals Service before the commencement of any special session held pursuant to such order.".

(2) CLERICAL AMENDMENT.—The table of contents of chapter 9 of title 11, District of Columbia Official Code, is amended by adding at the end of the items relating to subchapter I the following:

"11–911. Emergency authority to conduct proceedings outside District of Columbia.".

SEC. 115. AUTHORITY OF COURT SERVICES AND OFFENDER SUPERVISION AGENCY TO USE SERVICES OF VOLUNTEERS.

Section 11233 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (sec. 24–133, D.C. Official Code) is amended by adding at the end the following new subsection:

"(g) AUTHORITY TO USE SERVICES OF VOLUNTEERS.—

"(1) IN GENERAL.—The Agency (including any independent entity within the Agency) may accept the services of volunteers and provide for their incidental expenses to carry out any activity of the Agency except policy-making.

"(2) APPLICABILITY OF WORKER'S COMPENSATION RULES TO VOLUNTEERS.—Any volunteer whose services are accepted pursuant to this subsection shall be considered an employee of the United States Government in providing the services for purposes of chapter 81 of title 5, United States Code (relating to compensation for work injuries) and chapter 11 of title 18, United States Code, relating to corruption and conflicts of interest.".

SEC. 116. TECHNICAL CORRECTIONS RELATING TO COURTS.

(a) IN GENERAL.—Section 329 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1345), is amended to read as follows:

"SEC. 329. (a) APPROVAL OF BONDS BY JOINT COMMITTEE ON JUDICIAL ADMINISTRATION.—Section 11–1701(b), District of Columbia Official Code, is amended by striking paragraph (5).

"(b) EXECUTIVE OFFICER.—

"(1) IN GENERAL.—Section 11–1704, District of Columbia Official Code, is amended to read as follows:

'OATH OF EXECUTIVE OFFICER

'SEC. 11–1704.

'The Executive Officer shall take an oath or affirmation for the faithful and impartial discharge of the duties of that office.'.

"(2) CLERICAL AMENDMENT.—The table of sections for chapter 17 of title 11, District of Columbia Official Code, is amended by amending the item relating to section 11–1704 to read as follows:

'11–1704. Oath of Executive Officer.'.

"(c) FISCAL OFFICER.—Section 11–1723, District of Columbia Official Code, is amended—

"(1) by striking '(a)(1)'and inserting '(a)';

"(2) by striking subsection (b); and

"(3) by redesignating paragraphs (2) and (3) of subsection (a) as subsections (b) and (c).

"(d) AUDITOR-MASTER.—Section 11–1724, District of Columbia Official Code, is amended by striking the second and third sentences.

"(e) REGISTER OF WILLS.—

"(1) IN GENERAL.—Section 11–2102, District of Columbia Official Code, is amended—

"(A) in the heading, by striking '**bond;**';

"(B) in subsection (a)(2), by striking 'give bond,'and all that follows through 'seasonably to record' and inserting 'seasonably record'; and

"(C) by striking the third sentence of subsection (a).

"(2) CLERICAL AMENDMENT.—The item relating to section 11–2102 in the table of sections for chapter 21 of title 11, District of Columbia Official Code, is amended by striking 'bond;'.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 17 of title 11, District of Columbia Official Code, is amended by amending the item relating to section 11–1728 to read as follows:

"11–1728. Recruitment and training of personnel; travel.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2005.

SEC. 117. INCLUSION OF COURT EMPLOYEES IN ENHANCED DENTAL AND VISION BENEFIT PROGRAM.

(a) UNITED STATES CODE.—Title 5 of the United States Code is amended—

(1) in section 8951(1) by adding at the end the following: "and an employee of the District of Columbia courts";

(2) in section 8981(1) by adding at the end the following: "and an employee of the District of Columbia courts"; and

(3) in section 9001(1) is amended—

(A) in subparagraph (C), by striking "and";

(B) in subparagraph (D), by striking the period and inserting a semicolon and "and"; and

(C) by adding at the end the following: "(E) an employee of the District of Columbia courts.".

(b) D.C. CODE.—Section 11–1726, District of Columbia Code, is amended—

(1) in subsection (b)(1), by striking subparagraph (F) and inserting the following:

"(F) Chapter 89A (relating to enhanced dental benefits).

"(G) Chapter 89B (relating to enhanced vision benefits).

"(H) Chapter 90 (relating to long-term care insurance)."; and

(2) in subsection (c)(1), by striking subparagraph (D) and inserting the following:

"(D) Chapter 89A (relating to enhanced dental benefits).

"(E) Chapter 89B (relating to enhanced vision benefits).

"(F) Chapter 90 (relating to long-term care insurance).".

Subtitle C—Other Miscellaneous Technical Corrections

SEC. 121. 2004 DISTRICT OF COLUMBIA OMNIBUS AUTHORIZATION ACT.

(a) IN GENERAL.—The first sentence of section 446(a) of the District of Columbia Home Rule Act (sec. 1–204.46(a), D.C. Official Code) is amended by striking "The Council," and all that follows through "from the Mayor," and inserting "The Council, within 56 calendar days after receipt of the budget proposal from the Mayor,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included *in the enactment of the 2004 District of Columbia Omnibus Authorization Act.*

SEC. 122. DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2005.

(a) In General.—Section 450A of the District of Columbia Home Rule Act (sec. 1-204.50A, D.C. Official Code), as amended by section 332 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1346), is amended—

(1) in the heading of subsection (a)(2), by striking "In general" and inserting "Operating expenditures defined"; and

(2) in the heading of subsection (b)(2), by striking "In general" and inserting "Operating expenditures defined".

(b) Effective Date.—The amendments made by subsection (a) shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2005.

SEC. 123. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO BANKS OPERATING UNDER THE CODE OF LAW FOR THE DISTRICT OF COLUMBIA.

(a) Federal Reserve Act.—

(1) The second undesignated paragraph of the first section of the Federal Reserve Act(12 U.S.C. 221) is amended by adding at the end the following: "For purposes of this Act, a State bank includes any bank which is operating under the Code of Law for the District of Columbia.".

(2) The first sentence of the first undesignated paragraph of section 9 of the Federal Reserve Act(12 U.S.C. 321) is amended by striking "incorporated by special law of any State, or" and inserting "incorporated by special law of any State, operating under the Code of Law for the District of Columbia, or".

(b) Bank Conservation Act.—Section 202 of the Bank Conservation Act(12 U.S.C. 202) is amended—

(1) by striking "means (1) any national" and inserting "means any national"; and

(2) by striking ", and (2) any bank or trust company located in the District of Columbia and operating under the supervision of the Comptroller of the Currency".

(c) Depository Institution Deregulation and Monetary Control Act of 1980.—Part C of title VII of the Depository Institution Deregulation and Monetary Control Act of 1980 is amended—

(1) in paragraph (1) of section 731 (12 U.S.C. 216(1)) by striking "and closed banks in the District of Columbia"; and

(2) in paragraph (2) of section 732 (12 U.S.C. 216a(2)) by striking "or closed banks in the District of Columbia".

(d) Federal Deposit Insurance Act.—Section 3(a)(2)(B) of the Federal Deposit Insurance Act(12 U.S.C. 1813(a)(2)(B)) is amended by striking "(except a national bank)".

(e) National Bank Consolidation and Merger Act.—Section 7(1) of the National Bank Consolidation and Merger Act(12 U.S.C. 215b(1)) is amended by striking "(except a national banking association located in the District of Columbia)".

(f) An Act of August 17, 1950.—Section 1(a) of the Act entitled "An Act to provide for the conversion of national banking associations into and their merger or consolidation with State banks, and for other purposes" and approved August 17, 1950 (12 U.S.C. 214(a)) is amended by striking "(except a national banking association)".

(g) Federal Trade Commission Act.—Section 18(f)(2) of the Federal Trade Commission Act(15 U.S.C. 57a(f)(2)) is amended—

(1) in subparagraph (A), by striking ", banks operating under the code of law for the District of Columbia,"; and

(2) in subparagraph (B), by striking "and banks operating under the code of law for the District of Columbia".

SEC. 124. DISTRICT OF COLUMBIA SCHOOLS FISCAL YEAR.

Section 441(b)(2) of the District of Columbia Home Rule Act (section 1–204.41, D.C. Official Code) is amended by striking "shall begin" and inserting "may begin".

SEC. 125. GIFTS TO LIBRARIES.

Section 115(c) of title III of division C of Public Law 108–7 in amended by inserting "and the District of Columbia Public Libraries" before the period.

TITLE II—INDEPENDENCE OF THE CHIEF FINANCIAL OFFICER

SEC. 201. PROMOTING INDEPENDENCE OF CHIEF FINANCIAL OFFICER.

(a) In General.—Section 424 of the District of Columbia Home Rule Act (sec. 1-204.24a et seq., D.C. Official Code) is amended to read as follows:

"CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

"Sec. 424. (a) In General.—

"(1) Establishment.—There is hereby established within the executive branch of the government of the District of Columbia an Office of the Chief Financial Officer of the District of Columbia (hereafter referred to as the 'Office'), which shall be headed by the Chief Financial Officer of the District of Columbia (hereafter referred to as the 'Chief Financial Officer').

"(2) Organizational analysis.—

"(A) Office of budget and planning.—The name of the Office of Budget and Management, established by Commissioner's Order 69–96, issued March 7, 1969, is changed to the Office of Budget and Planning.

"(B) Office of tax and revenue.—The name of the Department of Finance and Revenue, established by Commissioner's Order 69–96, issued March 7, 1969, is changed to the Office of Tax and Revenue.

"(C) Office of finance and treasury.—The name of the Office of Treasurer, established by Mayor's Order 89-244, dated October 23, 1989, is changed to the Office of Finance and Treasury.

"(D) Office of financial operations and systems.—The Office of the Controller, established by Mayor's Order 89-243, dated October 23, 1989, and the Office of Financial Information Services, established by Mayor's Order 89-244, dated October 23, 1989, are consolidated into the Office of Financial Operations and Systems.

"(3) Transfers.—Effective with the appointment of the first Chief Financial Officer under subsection (b), the functions and personnel of the following offices are established as subordinate offices within the Office:

"(A) The Office of Budget and Planning, headed by the Deputy Chief Financial Officer for the Office of Budget and Planning.

"(B) The Office of Tax and Revenue, headed by the Deputy Chief Financial Officer for the Office of Tax and Revenue.

"(C) The Office of Research and Analysis, headed by the Deputy Chief Financial Officer for the Office of Research and Analysis.

"(D) The Office of Financial Operations and Systems, headed by the Deputy Chief Financial Officer for the Office of Financial Operations and Systems.

"(E) The Office of Finance and Treasury, headed by the District of Columbia Treasurer.

"(F) The Lottery and Charitable Games Control Board, established by the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Official Code §3-1301 et seq.).

"(4) Supervisor.—The heads of the offices listed in paragraph (3) of this section shall serve at the pleasure of the Chief Financial Officer.

"(5) Appointment and removal of office employees.—The Chief Financial Officer shall appoint the heads of the subordinate offices designated in paragraph (3), after consultation with the Mayor and the Council. The Chief Financial Officer may remove the heads of the offices designated in paragraph (3), after consultation with the Mayor and the Council.

"(6) Annual budget submission.—The Chief Financial Officer shall prepare and annually submit to the Mayor of the District of Columbia, for inclusion in the annual budget of the District of Columbia government for a fiscal year, annual estimates of the expenditures and appropriations necessary for the year for the operation of the Office and all other District of Columbia accounting, budget, and financial management personnel (including personnel of executive branch independent agencies) that report to the Office pursuant to this Act.

"(b) Appointment of the Chief Financial Officer.—

"(1) Appointment.—

"(A) In general.—The Chief Financial Officer shall be appointed by the Mayor with the advice and consent, by resolution, of the Council. Upon confirmation by the Council, the name of the Chief Financial Officer shall be submitted to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate for a 30-day period of review and comment before the appointment takes effect.

"(B) Special rule for control years.—During a control year, the Chief Financial Officer shall be appointed by the Mayor as follows:

"(i) Prior to the appointment, the Authority may submit recommendations for the appointment to the Mayor.

"(ii) In consultation with the Authority and the Council, the Mayor shall nominate an individual for appointment and notify the Council of the nomination.

"(iii) After the expiration of the 7-day period which begins on the date the Mayor notifies the Council of the nomination under clause (ii), the Mayor shall notify the Authority of the nomination.

"(iv) The nomination shall be effective subject to approval by a majority vote of the Authority.

"(2) Term.—

"(A) In general.—All appointments made after June 30, 2007, shall be for a term of 5 years, except for appointments made for the remainder of unexpired terms. The appointments shall have an anniversary date of July 1.

"(B) Transition.—For purposes of this section, the individual serving as Chief Financial Officer as of the date of enactment of the 2005 District of Columbia Omnibus Authorization Act shall be deemed to have been appointed under this subsection, except that such individual's initial term of office shall begin upon such date and shall end on June 30, 2007.

"(C) Continuance.—Any Chief Financial Officer may continue to serve beyond his term until a successor takes office.

"(D) Vacancies.—Any vacancy in the Office of Chief Financial Officer shall be filled in the same manner as the original appointment under paragraph (1).

"(E) Pay.—The Chief Financial Officer shall be paid at an annual rate equal to the rate of basic pay payable for level I of the Executive Schedule.

"(c) Removal of the Chief Financial Officer.—

"(1) In general.—The Chief Financial Officer may only be removed for cause by the Mayor, subject to the approval of the Council by a resolution approved by not fewer than ⅔ of the members of the Council. After approval of the resolution by the Council, notice of the removal shall be submitted to the Committees on Appropriations of the House of Representatives and

Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate for a 30-day period of review and comment before the removal takes effect.

"(2) SPECIAL RULE FOR CONTROL YEARS.—During a control year, the Chief Financial Officer may be removed for cause by the Authority or by the Mayor with the approval of the Authority.

"(d) DUTIES OF THE CHIEF FINANCIAL OFFICER.—Notwithstanding any provisions of this Act which grant authority to other entities of the District government, the Chief Financial Officer shall have the following duties and shall take such steps as are necessary to perform these duties:

"(1) During a control year, preparing the financial plan and the budget for the use of the Mayor for purposes of subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

"(2) Preparing the budgets of the District of Columbia for the year for the use of the Mayor for purposes of part D and preparing the 5-year financial plan based upon the adopted budget for submission with the District of Columbia budget by the Mayor to Congress.

"(3) During a control year, assuring that all financial information presented by the Mayor is presented in a manner, and is otherwise consistent with, the requirements of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

"(4) Implementing appropriate procedures and instituting such programs, systems, and personnel policies within the Chief Financial Officer's authority, to ensure that budget, accounting, and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis and to ensure that appropriations are not exceeded.

"(5) Preparing and submitting to the Mayor and the Council, with the approval of the Authority during a control year, and making public—

"(A) annual estimates of all revenues of the District of Columbia (without regard to the source of such revenues), including proposed revenues, which shall be binding on the Mayor and the Council for purposes of preparing and submitting the budget of the District government for the year under part D of this title, except that the Mayor and the Council may prepare the budget based on estimates of revenues which are lower than those prepared by the Chief Financial Officer; and

"(B) quarterly re-estimates of the revenues of the District of Columbia during the year.

"(6) Supervising and assuming responsibility for financial transactions to ensure adequate control of revenues and resources.

"(7) Maintaining systems of accounting and internal control designed to provide—

"(A) full disclosure of the financial impact of the activities of the District government;

"(B) adequate financial information needed by the District government for management purposes;

"(C) effective control over, and accountability for, all funds, property, and other assets of the District of Columbia; and

"(D) reliable accounting results to serve as the basis for preparing and supporting agency budget requests and controlling the execution of the budget.

"(8) Submitting to the Council a financial statement of the District government, containing such details and at such times as the Council may specify.

"(9) Supervising and assuming responsibility for the assessment of all property subject to assessment and special assessments within the corporate limits of the District of Columbia for taxation, preparing tax maps, and providing such notice of taxes and special assessments (as may be required by law).

"(10) Supervising and assuming responsibility for the levying and collection of all taxes, special assessments, licensing fees, and other revenues of the District of Columbia (as may be required by law), and receiving all amounts paid to the District of Columbia from any source (including the Authority).

"(11) Maintaining custody of all public funds belonging to or under the control of the District government (or any department or agency of the District government), and depositing all amounts paid in such depositories and under such terms and conditions as may be designated by the Council (or by the Authority during a control year).

"(12) Maintaining custody of all investment and invested funds of the District government or in possession of the District government in a fiduciary capacity, and maintaining the safekeeping of all bonds and notes of the District government and the receipt and delivery of District government bonds and notes for transfer, registration, or exchange.

"(13) Apportioning the total of all appropriations and funds made available during the year for obligation so as to prevent obligation or expenditure in a manner which would result in a deficiency or a need for supplemental appropriations during the year, and (with respect to appropriations and funds available for an indefinite period and all authorizations to create obligations by contract in advance of appropriations) apportioning the total of such appropriations, funds, or authorizations in the most effective and economical manner.

"(14) Certifying all contracts and leases (whether directly or through delegation) prior to execution as to the availability of funds to meet the obligations expected to be incurred by the District government under such contracts and leases during the year.

"(15) Prescribing the forms of receipts, vouchers, bills, and claims to be used by all agencies, offices, and instrumentalities of the District government.

"(16) Certifying and approving prior to payment of all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the District government, and determining the regularity, legality, and correctness of such bills, invoices, payrolls, claims, demands, or charges.

"(17) In coordination with the Inspector General of the District of Columbia, performing internal audits of accounts and operations and records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the departments and agencies of the District government.

"(18) Exercising responsibility for the administration and supervision of the District of Columbia Treasurer.

"(19) Supervising and administering all borrowing programs for the issuance of long-term and short-term indebtedness, as well as other financing-related programs of the District government.

"(20) Administering the cash management program of the District government, including the investment of surplus funds in governmental and non-governmental interest-bearing securities and accounts.

"(21) Administering the centralized District government payroll and retirement systems (other than the retirement system for police officers, fire fighters, and teachers).

"(22) Governing the accounting policies and systems applicable to the District government.

"(23) Preparing appropriate annual, quarterly, and monthly financial reports of the accounting and financial operations of the District government.

"(24) Not later than 120 days after the end of each fiscal year, preparing the complete financial statement and report on the activities of the District government for such fiscal year, for the use of the Mayor under section 448(a)(4).

"(25) Preparing fiscal impact statements on regulations, multiyear contracts, contracts over $1,000,000 and on legislation, as required by section 4a of the General Legislative Procedures Act of 1975.

"(26) Preparing under the direction of the Mayor, who has the specific responsibility for formulating budget policy using Chief Financial Officer technical and human resources, the budget for submission by the Mayor to the Council and to the public and upon final adoption to Congress and to the public.

"(27) Certifying all collective bargaining agreements and nonunion pay proposals prior to submission to the Council for approval as to the availability of funds to meet the obligations expected to be incurred by the District government under such collective bargaining agreements and nonunion pay proposals during the year.

"(e) FUNCTIONS OF TREASURER.—At all times, the Treasurer shall have the following duties:

"(1) Assisting the Chief Financial Officer in reporting revenues received by the District government, including submitting annual and quarterly reports concerning the cash position of the District government not later than 60 days after the last day of the quarter (or year) involved. Each such report shall include the following:

"(A) Comparative reports of revenue and other receipts by source, including tax, nontax, and Federal revenues, grants and reimbursements, capital program loans, and advances. Each source shall be broken down into specific components.

"(B) Statements of the cash flow of the District government for the preceding quarter or year, including receipts, disbursements, net changes in cash inclusive of the beginning balance, cash and investment, and the ending balance, inclusive of cash and investment. Such statements shall reflect the actual, planned, better or worse dollar amounts and the percentage change with respect to the current quarter, year-to-date, and fiscal year.

"(C) Quarterly cash flow forecast for the quarter or year involved, reflecting receipts, disbursements, net change in cash inclusive of the beginning balance, cash and investment, and the ending balance, inclusive of cash and investment with respect to the actual dollar amounts for the quarter or year, and projected dollar amounts for each of the 3 succeeding quarters.

"(D) Monthly reports reflecting a detailed summary analysis of all District of Columbia government investments, including—

"(i) the total of long-term and short-term investments;

"(ii) a detailed summary analysis of investments by type and amount, including purchases, sales (maturities), and interest;

"(iii) an analysis of investment portfolio mix by type and amount, including liquidity, quality/risk of each security, and similar information;

"(iv) an analysis of investment strategy, including near-term strategic plans and projects of investment activity, as well as forecasts of future investment strategies based on anticipated market conditions, and similar information; and

"(v) an analysis of cash utilization, including—

"(I) comparisons of budgeted percentages of total cash to be invested with actual percentages of cash invested and the dollar amounts;

"(II) comparisons of the next return on invested cash expressed in percentages (yield) with comparable market indicators and established District of Columbia government yield objectives; and

"(III) comparisons of estimated dollar return against actual dollar yield.

"(E) Monthly reports reflecting a detailed summary analysis of long-term and short-term borrowings inclusive of debt as authorized by section 603, in the current fiscal year and the amount of debt for each succeeding fiscal year not to exceed 5 years. All such reports shall reflect—

"(i) the amount of debt outstanding by type of instrument;

"(ii) the amount of authorized and unissued debt, including availability of short-term lines of credit, United States Treasury borrowings, and similar information;

"(iii) a maturity schedule of the debt;

"(iv) the rate of interest payable upon the debt; and

"(v) the amount of debt service requirements and related debt service reserves.

"(2) Such other functions assigned to the Chief Financial Officer under subsection (d) as the Chief Financial Officer may delegate.

"(f) DEFINITIONS.—For purposes of this section (and sections 424a and 424b)—

"(1) the term 'Authority' means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995;

"(2) the term 'control year' has the meaning given such term under section 305(4) of such Act; and

"(3) the term 'District government' has the meaning given such term under section 305(5) of such Act.".

(b) CLARIFICATION OF DUTIES OF CHIEF FINANCIAL OFFICER AND MAYOR.—

(1) RELATION TO FINANCIAL DUTIES OF MAYOR.—Section 448(a) of such Act (section 1–204.48(a), D.C. Official Code) is amended by striking "section 603,"and inserting "section 603 and except to the extent provided under section 424(d),".

(2) RELATION TO MAYOR'S DUTIES REGARDING ACCOUNTING SUPERVISION AND CONTROL.—Section 449 of such Act (section 1-204.49, D.C. Official Code) is amended by striking "The Mayor" and inserting "Except to the extent provided under section 424(d), the Mayor".

SEC. 202. PERSONNEL AUTHORITY.

(a) PROVIDING INDEPENDENT PERSONNEL AUTHORITY.—

(1) IN GENERAL.—Part B of title IV of the District of Columbia Home Rule Act is amended by adding at the end the following new section:

"AUTHORITY OF CHIEF FINANCIAL OFFICER OVER PERSONNEL OF OFFICE AND OTHER FINANCIAL PERSONNEL

"SEC. 424. (a) IN GENERAL.—Notwithstanding any provision of law or regulation (including any law or regulation providing for collective bargaining or the enforcement of any collective bargaining agreement), employees of the Office of the Chief Financial Officer of the District of Columbia, including personnel described in subsection (b), shall be appointed by, shall serve at the pleasure of, and shall act under the direction and control of the Chief Financial Officer of the District of Columbia, and shall be considered at-will employees not covered by the District of Columbia Merit Personnel Act of 1978, except that nothing in this section may be construed to prohibit the Chief Financial Officer from entering into a collective bargaining agreement governing such employees and personnel or to prohibit the enforcement of such an agreement as entered into by the Chief Financial Officer.

"(b) PERSONNEL.—The personnel described in this subsection are as follows:

"(1) The General Counsel to the Chief Financial Officer and all other attorneys in the Office of the General Counsel within the Office of the Chief Financial Officer of the District of Columbia, together with all other personnel of the Office.

"(2) All other individuals hired or retained as attorneys by the Chief Financial Officer or any office under the personnel authority of the Chief Financial Officer, each of whom shall act under the direction and control of the General Counsel to the Chief Financial Officer.

"(3) The heads and all personnel of the subordinate offices of the Office (as described in section 424(a)(2) and established as subordinate offices in section 424(a)(3)) and the Chief Financial Officers, Agency Fiscal Officers, and Associate Chief Financial Officers of all District of Columbia executive branch subordinate and independent agencies (in accordance with subsection (c)), together with all other District of Columbia accounting, budget, and financial management personnel (including personnel of executive branch independent agencies, but not including personnel of the legislative or judicial branches of the District government).

"(c) APPOINTMENT OF CERTAIN EXECUTIVE BRANCH AGENCY CHIEF FINANCIAL OFFICERS.—

"(1) IN GENERAL.—The Chief Financial Officers and Associate Chief Financial Officers of all District of Columbia executive branch subordinate and independent agencies (other than those of a subordinate office of the Office) shall be appointed by the Chief Financial Officer, in consultation with the agency head, where applicable. The appointment shall be made from a list of qualified candidates developed by the Chief Financial Officer.

"(2) TRANSITION.—Any executive branch agency Chief Financial Officer appointed prior to the date of enactment of the 2005 District of Columbia Omnibus Authorization Act may continue to serve in that capacity without reappointment.

"(d) INDEPENDENT AUTHORITY OVER LEGAL PERSONNEL.—Title VIII–B of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–608.51 et seq., D.C. Official Code) shall not apply to the Office of the Chief Financial Officer or to attorneys employed by the Office."

(2) CLERICAL AMENDMENT.—The table of contents of part B of title IV of the District of Columbia Home Rule Act is amended by adding at the end the following new item:

"Sec. 424a. Authority of Chief Financial Officer over personnel of Office and other financial personnel.".

(b) CONFORMING AMENDMENT.—Section 862 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–260; D.C. Official Code §1–608.62) is amended by striking paragraph (2).

SEC. 203. PROCUREMENT AUTHORITY.

(a) PROVIDING INDEPENDENT AUTHORITY TO PROCURE GOODS AND SERVICES.—

(1) IN GENERAL.—Part B of title IV of the District of Columbia Home Rule Act, as amended by section 203(a)(1), is further amended by adding at the end the following new section:

"PROCUREMENT AUTHORITY OF THE CHIEF FINANCIAL OFFICER

"SEC. 424b. The Chief Financial Officer shall carry out procurement of goods and services for the Office of the Chief Financial Officer through a procurement office or division which shall operate independently of, and shall not be governed by, the Office of Contracting and Procurement established under the District of Columbia Procurement Practices Act of 1986 or any successor office, except the provisions applicable under such Act to procurement carried out by the Chief Procurement Officer established by section 105 of such Act or any successor office shall apply with respect to the procurement carried out by the Chief Financial Officer's procurement office or division.".

(2) CLERICAL AMENDMENT.—The table of contents of part B of title IV of the District of Columbia Home Rule Act, as amended by section 203(a)(2), is further amended by adding at the end following new item:

"Sec. 424b. Procurement authority of the Chief Financial Officer.".

(b) CONFORMING AMENDMENTS.—

(1) PROCUREMENT PRACTICES ACT.—Section 104 of the District of Columbia Procurement Practices Act of 1985 (sec. 2–301.04, D.C. Official Code) is amended—

(A) in subsection (a), by striking ", and the District of Columbia Financial Responsibility and Management Assistance Authority" and inserting the following: "the District of Columbia Financial Responsibility and Management Assistance Authority, and (to the extent described in section 424b of the District of Columbia Home Rule Act) the Office of the Chief Financial Officer of the District of Columbia"; and

(B) in subsection (c), by striking the second and third sentences.

(2) OTHER CONFORMING AMENDMENT.—Section 132 of the District of Columbia Appropriations Act, 2006 (Public Law 109–115) is hereby repealed.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 6 months after the date of enactment of this Act.

SEC. 204. FISCAL IMPACT STATEMENTS.

The General Legislatice Procedures Act of 1975 (sec. 1–301.45 et seq., D.C. Official Code) is amended by adding at the end the following new section:

"FISCAL IMPACT STATEMENTS

"SEC. 4. (a) BILLS AND RESOLUTIONS.—

"(1) IN GENERAL.—Notwithstanding any other law, except as provided in subsection (c), all permanent bills and resolutions shall be accompanied by a fiscal impact statement before final adoption by the Council.

"(2) CONTENTS.—The fiscal impact statement shall include the estimate of the costs which will be incurred by the District as a result of the enactment of the measure in the current and each of the first four fiscal years for which the act or resolution is in effect, together with a statement of the basis for such estimate.

"(b) APPROPRIATIONS.—Permanent and emergency acts which are accompanied by fiscal impact statements which reflect unbudgeted costs, shall be subject to appropriations prior to becoming effective.

"(c) APPLICABILITY.—Subsection (a) shall not apply to emergency declaration, ceremonial, confirmation, and sense of the Council resolutions.".

TITLE III—AUTHORIZATION OF CERTAIN GENERAL APPROPRIATIONS PROVISIONS

SEC. 301. ACCEPTANCE OF GIFTS BY COURT SERVICES AND OFFENDER SUPERVISION AGENCY.

(a) AUTHORITY TO ACCEPT GIFTS.—Section 11233(b) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (sec. 24–133(b), D.C. Official Code) is amended by adding at the end the following new paragraphs:

"(3) ACCEPTANCE OF GIFTS.—

"(A) AUTHORITY TO ACCEPT GIFTS.—During fiscal years 2006 through 2008, the Director may accept and use gifts in the form of—

"(i) in-kind contributions of space and hospitality to support offender and defendant programs; and

"(ii) equipment and vocational training services to educate and train offenders and defendants.

"(B) Records.—The Director shall keep accurate and detailed records of the acceptance and use of any gifts under subparagraph (A), and shall make such records available for audit and public inspection.

"(4) Reimbursement from District Government.—During fiscal years 2006 through 2008, the Director may accept and use reimbursement from the District government for space and services provided, on a cost reimbursable basis.".

(b) Authority of Public Defender Service To Charge Fees for Event Materials.—Section 307 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 2–1607, D.C. Official Code) is amended by adding at the end the following new subsection:

"(d) During fiscal years 2006 through 2008, the Service may charge fees to cover the costs of materials distributed to attendees of educational events, including conferences, sponsored by the Service. Notwithstanding section 3302 of title 31, United States Code, any amounts received as fees under this subsection shall be credited to the Service and available for use without further appropriation.".

SEC. 302. EVALUATION PROCESS FOR PUBLIC SCHOOL EMPLOYEES.

Title XVII of the District of Columbia Merit Personnel Act of 1978 (sec. 1–617.01 et seq., D.C. Official Code) is amended by adding at the end the following new section:

"SEC. 1718. EVALUATION PROCESS FOR PUBLIC SCHOOL EMPLOYEES.

"Notwithstanding any other provision of law, rule, or regulation, during fiscal year 2006 and each succeeding fiscal year the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.".

SEC. 303. CLARIFICATION OF APPLICATION OF PAY PROVISIONS OF MERIT PERSONNEL SYSTEM TO ALL DISTRICT EMPLOYEES.

(a) District of Columbia Home Rule Act.—The fourth sentence of section 422(3) of the District of Columbia Home Rule Act (sec. 1–204.42(3), D.C. Official Code) is amended by striking "The system may provide" and inserting the following: "The system shall apply with respect to the compensation of employees of the District government during fiscal year 2006 and each succeeding fiscal year, except that the system may provide".

(b) Title 5, United States Code.—Section 5102 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(e) Except as may be specifically provided, this chapter does not apply for pay purposes to any employee of the government of the District of Columbia during fiscal year 2006 or any succeeding fiscal year.".

SEC. 304. CRITERIA FOR RENEWING OR EXTENDING SOLE SOURCE CONTRACTS.

Section 305 of the District of Columbia Procurement Practices Act of 1985 (sec. 2–303.05, D.C. Official Code) is amended by adding at the end the following new subsection:

"(b) During fiscal years 2006 through 2008, a procurement contract awarded through noncompetitive negotiations in accordance with subsection (a) may be renewed or extended only if the Chief Financial Officer of the District of Columbia reviews the contract and certifies that the contract was renewed or extended in accordance with duly promulgated rules and procedures.".

SEC. 305. ACCEPTANCE OF GRANT AMOUNTS NOT INCLUDED IN ANNUAL BUDGET.

(a) Authority To Accept, Obligate, and Expend Amounts.—Subpart 1 of part D of title IV of the District of Columbia Home Rule Act (sec. 1–204.41 et seq., D.C. Official Code), as amended by section 101(a), is amended by inserting after section 446A the following new section:

"Acceptance of Grant Amounts Not Included in Annual Budget

"Sec. 446B. (a) Authority To Accept, Obligate, and Expend Amounts.—Notwithstanding the fourth sentence of section 446, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the budget approved by Act of Congress as provided in such section.

"(b) Conditions.—

"(1) Role of Chief Financial Officer; Approval by Council.—No Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) until—

"(A) the Chief Financial Officer submits to the Council a report setting forth detailed information regarding such grant; and

"(B) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant.

"(2) Deemed Approval by Council.—For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and approved the acceptance, obligation, and expenditure of a grant if—

"(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A); or

"(B) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the acceptance, obligation, or expenditure of the grant within 30 calendar days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A).

"(c) No Obligation or Expenditure Permitted in Anticipation of Receipt or Approval.—No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.

"(d) Adjustments to Annual Budget.—The Chief Financial Officer may adjust the budget for Federal, private, and other grants received by the District government reflected in the amounts provided in the budget approved by Act of Congress under section 446, or approved and received under subsection (b)(2) to reflect a change in the actual amount of the grant.

"(e) Reports.—The Chief Financial Officer shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council and to the Committees on Appropriations of the House of Representatives and Senate not later than 15 days after the end of the quarter covered by the report.

"(f) Effective Date.—This section shall apply with respect to fiscal years 2006 through 2008.".

(b) Conforming Amendment.—The fourth sentence of section 446 of such Act (sec. 1–204.46, D.C. Official Code), as amended by section 101(b), is amended by inserting "section 446B," after "section 446A,".

(c) Clerical Amendment.—The table of contents of such Act, as amended by section 101(c), is amended by inserting after the item relating to section 446A the following new item:

"Sec. 446B. Acceptance of grant amounts not included in annual budget.".

SEC. 306. STANDARDS FOR ANNUAL INDEPENDENT AUDIT.

Section 448 of the District of Columbia Home Rule Act (sec. 1–204.48, D.C. Official Code) is amended—

(1) in subsection (a)(4), by striking the semicolon at the end and inserting the following: ", as audited by the Inspector General of the District of Columbia in accordance with subsection (c) in the case of fiscal years 2006 through 2008;"; and

(2) by adding at the end the following new subsection:

"(c) The financial statement and report for a fiscal year prepared and submitted for purposes of subsection (a)(4) shall be audited by the Inspector General of the District of Columbia (in coordination with the Chief Financial Officer of the District of Columbia) pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985, and shall include as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.".

SEC. 307. USE OF FINES IMPOSED FOR VIOLATION OF TRAFFIC ALCOHOL LAWS FOR ENFORCEMENT AND PROSECUTION OF LAWS.

Section 10(b)(3) of the District of Columbia Traffic Act, 1925 (sec. 50–2201.05(b)(3), D.C. Official Code) is amended to read as follows:

"(3) Notwithstanding any other provision of law, all fines imposed and collected pursuant to this subsection during fiscal year 2006 and each succeeding fiscal year shall be transferred to the General Fund of the District of Columbia, shall be used by the District of Columbia exclusively for the enforcement and prosecution of the District traffic alcohol laws, and shall remain available until expended.".

SEC. 308. CERTIFICATIONS FOR ATTORNEYS IN CASES BROUGHT UNDER INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) Responsibilities of Chief Financial Officer.—Section 424(d) of the District of Columbia Home Rule Act (sec. 1–204.24(d), D.C. Official Code), as amended by section 201(a), is amended by adding at the end the following new paragraph:

"(28) With respect to attorneys in special education cases brought under the Individuals with Disabilities Education Act in the District of Columbia during fiscal year 2006 and each succeeding fiscal year—

"(A) requiring such attorneys to certify in writing that the attorney or representative of the attorney rendered any and all services for which the attorney received an award in such a case, including those received under a settlement agreement or as part of an administrative proceeding, from the District of Columbia;

"(B) requiring such attorneys, as part of the certification under subparagraph (A), to disclose any financial, corporate, legal, membership on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients in any such cases; and

"(C) preparing and submitting quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to such attorneys.".

(b) Investigations by Inspector General.—Section 208(a)(3) of the District of Columbia Procurement Practices Act of 1985 (sec. 2–

302.08(a)(3), D.C. Official Code) is amended by adding at the end the following new subparagraph:

"(J) During fiscal year 2006 and each succeeding fiscal year, conduct investigations to determine the accuracy of certifications made to the Chief Financial Officer of the District of Columbia under section 424(d)(28) of the District of Columbia Home Rule Act of attorneys in special education cases brought under the Individuals with Disabilities Education Act in the District of Columbia.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3508, the District of Columbia Omnibus Authorization Act. H.R. 3508 was introduced in July by Delegate NORTON and myself and was passed by the House on suspension last December. This is the second Congress in a row that we have moved an omnibus authorization bill for the District.

The purpose of this legislation is to provide a process by which Congress works with the District to consider annually or biannually any changes that need to be made to Federal laws governing the District of Columbia.

H.R. 3508 contains many provisions that will help the District manage its operations more effectively. The most significant of these provisions is the permanent authorization of the District of Columbia's Chief Financial Officer. The District's CFO was created by Congress in 1987, but has been provided 1-year extensions through appropriations bills since 2001 when the District of Columbia's Control Board expired.

H.R. 3508 would amend the D.C. Home Rule to provide for a permanent Chief Financial Officer for the District, one that is fully accountable both to the District and to the Congress regarding all financial matters in the Nation's Capital.

H.R. 3508 would also, among other things, allow the District's courts to operate outside of the District in the event of emergencies and provide the Mayor limited budgetary flexibilities under certain circumstances.

I urge my colleagues to support H.R. 3508.

Mr. Speaker, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also rise in support of this legislation, H.R. 3508, and commend Chairman DAVIS and Representative NORTON for working to bring this important bill to the floor today.

In addition to the items that the chairman mentioned, I would just add that it also contains a requirement that all legislation passed by the D.C. Council be accompanied by a fiscal impact statement. It deals with provisions that would revise the pay cap for nonjudicial court employees to make them more consistent with the way Federal court employees are paid and reimbursed in the Federal system.

It also provides additional budget flexibility authorizing the District to continue spending up to 6 percent of its own funds of unappropriated funds throughout the fiscal year without coming to Congress to be a part of the annual supplementations process.

Again, I commend the chairman for his leadership, as well as Ms. NORTON. I urge the adoption of the legislation.

Mr. TOM DAVIS of Virginia. Again, let me thank my colleague from Maryland, who has continued to work with us on these regional issues. I join with him in joining our colleagues to support H.R. 3508.

Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, the District of Columbia Omnibus Authorization Act, a major bill to assist the District of Columbia in carrying out timely and critical operational responsibilities, received final approval as a result of House passage this evening and is on its way to the President for his signature. The DC Omnibus Authorization Act, sponsored by Government Reform Committee Chairman TOM DAVIS and me, includes permanent midyear budget autonomy in a collection of crucial provisions that have been approved or passed by the District, but must come to Congress before becoming law. The most important omnibus authorization provision, long sought by the District since home rule was granted, allows the city to spend local funds without coming back to Congress for approval through the congressional mid-year supplemental appropriations process. We worked hard to convince appropriators to implement this critical change for the first time beginning this year, but the provision in today's bill is needed to authorize mid-year budget autonomy permanently. This is the first structural change in the original Home Rule Act since it was enacted over 30 years ago and brings the city close to obtaining full budget autonomy. It is impossible to overestimate the hardship to this or any city of being unable to carry on normal business and engage in fiscal transactions—from spending local revenue already in the bank for vital city needs to floating baseball stadium bonds—without coming to Congress. Budget autonomy from the congressional supplemental process essentially enacts part of the DC Budget Autonomy Act that Chairman DAVIS and I have introduced to give the District greater freedom from the annual congressional appropriations process that redundantly requires the District's balanced budget to come to the Congress before it becomes effective.

The Omnibus Authorization Act includes many other vital provisions, including one that gives greater city control and use of reserve funds—up to 50 percent—with specific procedures for reimbursement. The District's sound fiscal practices, along with limitations required by Congress, have led to an impressive reserve fund. However, residents watched the neglect of basic services and continued to send their children to dilapidated public school buildings while the District grew an ever larger reserve fund that could not be tapped. As a result of work with appropriators last year, DC already is spending part of its reserves that had been piling up.

Both the House and the Senate approved an omnibus authorization bill earlier this session. However, the House needs to approve the Senate version that added provisions not in the House bill. The new provisions include: a change in the fiscal year that the District of Columbia Public Schools requested; permission for the DC libraries to accept gifts—currently only the Mayor's office can receive them; enhanced dental and vision benefits for court employees; and a requirement that within 1 year of congressional passage, the District must start using a metered system for taxicabs, unless the Mayor signs an executive order opting out. I strongly urge my colleagues to support this bill.

Mr. VAN HOLLEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3508.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CAPTAIN CHRISTOPHER PETTY POST OFFICE BUILDING

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6102) to designate the facility of the United States Postal Service located at 200 Lawyers Road, NW in Vienna, Virginia, as the "Captain Christopher Petty Post Office Building," as amended.

The Clerk read as follows:

H.R. 6102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CAPTAIN CHRISTOPHER P. PETTY AND MAJOR WILLIAM F. HECKER, III POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 200 Lawyers Road, NW in Vienna Virginia, shall be known and designated as the "Captain

Christopher P. Petty and Major William F. Hecker, III Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Captain Christopher P. Petty and Major William F. Hecker, III Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 6102, as amended, a bill to rename the post office in Vienna, Virginia, after two American heroes. Major William Hecker III and Captain Christopher Petty both gave their lives on January 5, 2006, while serving in Iraq.

Captain Petty began his service to our country upon entering his college's ROTC program. He was commissioned in the Army immediately after graduation; and his grandfather, an artillery officer in World War II, pinned his own second lieutenant's bars and insignia on his grandson's chest.

Captain Petty honored both his grandfather and our country with his service and was stationed next to the Iranian border, where he coordinated the artillery for his battalion.

Major William Hecker studied engineering management at West Point and in 2000 went on to earn a master's degree in English from the University of Oregon. He returned to West Point as an assistant English professor for 3 years, and he had plans to continue teaching after his assignment in Iraq. His love of literature was second only to his love of his country.

Following in the footsteps of his father, Major Hecker knew that he wanted to be in the Army since he was in the third grade. He believed in making a difference, and he was looking forward to going to Iraq.

We owe these men and their families a debt of gratitude that can never be repaid. I hope my colleagues will join me in support of H.R. 6102. I ask that we continue to honor these two fallen soldiers and all of our men and women in uniform that serve this great Nation.

Mr. Speaker, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is very important and appropriate that we recognize the sacrifice and service of Captain Petty and Major Hecker in this way.

I urge adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I submit for printing in the CONGRESSIONAL RECORD a letter from Mrs. Hecker, Major Hecker's mother, talking about her thoughts and her son's activities in Iraq.

NOVEMBER 18, 2005.

Hon. JOHN MURTHA,
Johnstown, PA.

DEAR REPRESENTATIVE MURTHA: I am the wife of a retired Army officer who served this great country of ours for twenty-eight years, including two tours of duty in Vietnam. I am also the mother of two sons, both of whom chose to serve in our Armed Forces. Our older son is a Major in the 4th Infantry Division and will be departing for a year's tour of duty in Iraq in just a little over a week. Our younger son is a 1LT in the Marine Corps currently stationed in Okinawa as a C-130 pilot. He could be detailed to Iraq as well.

I respect your service to country, as well as your right to speak your mind about the situation in Iraq. But I, too, have a right to an opinion and to make my voice known. Although I rarely if ever write a political letter, your recent statements have moved me to do so! I believe your comments about Iraq have harmed our chances for success, and will only serve to embolden the terrorists and encourage them to continue with their violence, hoping that it will hasten our retreat. Not only that, I believe it would be immoral to abandon the fledgling Iraqi government before they are ready to provide for their own security.

I have faith in our military leaders and believe that they are taking the necessary steps to train the Iraqi forces, and provide for our eventual withdrawal. I also have faith in our executive branch that they are taking the necessary steps to help the new Iraqi government get a democratic style government in place * * * and to give them at least a chance of success. Although mistakes were made in the execution of the war and its aftermath, the goal itself is worthy. And in spite of all the negativity that we are constantly bombarded with, I believe that there have been some remarkable successes!

Although my son would surely prefer to stay home with his wife and four young children, he is both a soldier and a scholar. He understands that we are in a vital long-term struggle against a dangerous ideology, and he is willing to make the necessary sacrifices to defeat it. It is a difficult struggle that will require patience and fortitude, both on and off the battlefield. If we lose our will here at home, it makes the task for our soldiers all the more difficult. I believe your comments were irresponsible and are contributing to the loss of national will. If they were made to obtain political advantages, I would find that abhorrent and unworthy of a former Marine.

Please know that our soldiers are heroes, not victims. They are making great sacrifices on our behalf. They need to be supported and appreciated until their mission is over. I suggest you reconsider your comments and the effect they have on our soldiers and their families.

Sincerely,

NANCY HECKER.

Mr. WOLF. Mr. Speaker, I rise today in support of H.R. 6102, to name a post office in northern Virginia in honor of Captain Christopher P. Petty and Major William F. Hecker, III, both of whom were killed in Iraq on January 5, 2006, when an explosive detonated near their Humvee in Najav, Iraq.

Both Captain Petty and Major Hecker attended high school in northern Virginia. Now we commemorate their service to America by naming the post office building at 200 Lawyers Road, NW in Vienna, Virginia, in their honor. There is no greater gift a person can give than his or her life to save the lives of others. I cannot imagine the grief of the parents, wives and children of these two courageous men and we honor their memory today in this way to help ensure that their sacrifice will not be forgotten.

This post office will stand as a reminder of the perils faced daily by the thousands of Americans who serve in our armed forces overseas and whose devotion to duty places them in harm's way. My thoughts and prayers remain with the families and friends of Captain Petty and Major Hecker.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 6102, as amended.

The question was taken.

The SPEAKER. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TOM DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CURT GOWDY POST OFFICE BUILDING

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5224) to designate the facility of the United States Postal Service located at 350 Uinta Drive in Green River, Wyoming, as the ''Curt Gowdy Post Office Building''.

The Clerk read as follows:

H.R. 5224

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CURT GOWDY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 350 Uinta Drive in Green River, Wyoming, shall be known and designated as the "Curt Gowdy Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Curt Gowdy Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Virginia (Mr. VAN HOLLEN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5224 would designate the Post Office building in Green River, Wyoming, as the Curt Gowdy Post Office Building. Nicknamed "The Cowboy," sports fans across the country in the 1960s and 1970s turned to hear Gowdy's commentary on baseball, football, and college basketball games. He was the number one announcer at NBC Sports during the pre-cable television era; and he was known for his objective, laid-back style. In fact, one of his most career-defining moments came almost 46 years ago today, when he called the Ted Williams' final at-bat in the major leagues.

I urge all Members to join me in honoring the life and contributions of Curt Gowdy by supporting the passage of H.R. 5224.

Mr. Speaker, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

I urge my colleagues to support this resolution. It is appropriate we recognize Curt Gowdy in this way. We know he was the voice of the Red Sox, as well as the announcer on many other sports events.

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Mr. Speaker, I urge adoption of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, let me join in the moment of remembrance of Curt Gowdy. I had a chance at Christmastime to spend the evening with Curt and his family in Palm Beach. I have known the Gowdy family for many, many years. As some know, he was the voice of the Red Sox. My godfather, Jimmy Piersall, played for the Red Sox back in the fifties.

When the Red Sox won the World Series, I asked the White House if I could bring a few guests, one being Jimmy Piersall, the other Dom DiMaggio, both constituents from Florida, and, of course, Curt Gowdy. Curt's wife, Jerre, called me the day of the White House celebration and said Curt wasn't doing well, but he would have loved to join in the honor of greeting the Red Sox at the White House.

From a personal aside, I had many, many years to interact with Curt Gowdy. He was a phenomenal man, a humble, humble, wonderful, generous man. The Boy Scouts of America, I could name numerous charities where Mr. Gowdy went out of his way not only to lend his beautiful voice, but his integrity and his name, which was known universally.

It is just an incredible honor that you all have chosen his wonderful State of Wyoming, which was something we discussed on one of his last nights on Earth. We discussed Wyoming, fly fishing and games gone by and his struggles at that time with leukemia. His doctor happened to be there that night.

Curt never lost his enthusiasm or zest for life. Even in the days before he was to pass this godly Earth, he never lost his love of this country, his love of our Nation, his love of the pastime of baseball, and to the very end, love and devotion to his family. I salute Mr. Gowdy and appreciate the recognition he is being provided today.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida for his eloquent remarks. Curt Gowdy will always be a part of my sports memories as a youth. I think this is a fitting tribute, and I urge my colleagues to adopt it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 5224.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONGRATULATING AND COMMENDING THE PROFESSIONAL GOLFERS' ASSOCIATION

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 471) congratulating the Professional Golfers' Association of America on its 90th anniversary and commending the members of the Professional Golfers' Association of America and the PGA Foundation for the charitable contributions they provide to the United States.

The Clerk read as follows:

H. CON. RES. 471

Whereas The Professional Golfers' Association of America (The PGA of America) was founded in 1916 by a group of amateur and professional golfers in New York City, led by department store magnate Rodman Wanamaker, with a mission to promote interest in the game of golf, elevate standards of the golf professional's vocation, hold meetings and tournaments for the benefit of members, assist deserving unemployed members to obtain positions, and establish a benevolent relief fund for deserving members;

Whereas during World War I The PGA of America began its tradition of serving the military by purchasing and maintaining an ambulance throughout the war for the American Red Cross and encouraging employers of members to hold open positions for its members serving in the United States Armed Forces;

Whereas The PGA of America has continued its tradition of serving the military by partnering with the National Amputee Golf Association to offer golf programs for wounded military service members that include free golf instruction, free use of golf equipment, and free golf;

Whereas in 1954 The PGA of America created a charitable foundation, The PGA Foundation, as a public philanthropic foundation to provide resources and professional expertise to make golf accessible in the community by offering free golf programs for youth, the disabled, and the underserved;

Whereas The PGA of America and its PGA Foundation offer such programs as Play Golf America Days for youths involving free instruction, skills competition, and equipment demonstration; golf programs for inner city youths in Louisville, Kentucky, and Detroit, Michigan, that combine golf, education enrichment and life skills preparation to prepare youths for employment and college; and professional golf instruction and funding for the First Tee golf program for youths;

Whereas The PGA of America partners with Special Olympics International to make golf an official Special Olympics sport and supports the Special Olympics golf competition at the National Special Olympics and the World Games Special Olympics;

Whereas The PGA of America in partnership with eighteen four-year college and universities has created an accredited major for students to receive degrees in Professional Golf Management and The PGA of America awards scholarships to ensure women and minorities have the opportunity to obtain Professional Golf Management degrees and membership in The PGA of America;

Whereas The PGA of America conducts more than 30 tournaments for its members and apprentices, including the Ryder Cup, PGA Championship, PGA Grand Slam of Golf, and Senior PGA Championship, and conducts charitable programs related to these tournaments where the tournaments are held;

Whereas The PGA of America has hosted and sponsored for nine years the PGA Minority Collegiate Golf Championship to provide opportunities for students at predominately minority colleges and universities to participate in collegiate golf championships, career awareness programs, and employment recruiting;

Whereas The PGA of America is dedicated to providing educational opportunities at the PGA Education Center for PGA members and apprentice professionals and The PGA of America also provides information to the public at the adjacent PGA Historical Center, which celebrates the growth of golf in the United States and honors PGA members who have made significant contributions to the game of golf;

Whereas The PGA of America is the world's largest working sporting organization with a mission of growing the game of golf and making it accessible;

Whereas The PGA of America is a not-for-profit professional association which has a membership of approximately 28,000 golf professionals who promote the game of golf and make golf a better game; and

Whereas The PGA of America, its members, and the golf industry annually contribute approximately $62.2 billion to the economy of the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) congratulates The Professional Golfers' Association of America (The PGA of America) on its 90th anniversary;

(2) commends The PGA of America and its members for their contributions to the game of golf and their efforts to make golf accessible; and

(3) applauds The PGA of America and its members for their contributions to employment and economic growth in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, founded in 1916, the PGA is a not-for-profit organization comprised of more than 28,000 men and women. These members commit themselves daily to promoting the game of golf. They stand by their mission to make the game accessible to everyone, and they contribute generously to charitable organizations across the Nation.

I would hope all Members will come together to support H. Con. Res. 471 as introduced by my distinguished colleague from the State of Florida.

Mr. Speaker, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also urge my colleagues to support this resolution, where we recognize the PGA of America's efforts to spread the game of golf and also for the PGA's many charitable works and their efforts to expand and include more people in the game of golf, both through their work with the Special Olympics, as well as their reaching out to people who have served our country in the Armed Forces overseas.

Also I would like to note that they have served our troops through programs such as their partnership with the National Amputee Golf Association, which offers golfing activities for wounded soldiers. These are just a few of the many programs that have been offered by PGA of America and the PGA Foundation. I urge adoption of the resolution.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the author of this resolution, the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, let me thank the chairman and ranking member for bringing the resolution to the floor. I rise today in strong support of H. Con. Res. 471, a bill congratulating the Professional Golfers Association of America on its 90th anniversary and commending the members of the Professional Golfers' Association of America and the PGA Foundation for the charitable and economic contributions they provide all across our Nation.

As you may know, the PGA is a nonprofit professional organization with a membership of 28,000 golf professionals. The PGA is best known for conducting tournaments, such as the Ryder Cup, which was just played this last weekend, PGA championships, the PGA Grand Slam of Golf, and the Senior PGA.

However, it does much more. In 1954, the PGA created a charitable foundation to help provide the resources and professional expertise to make golf accessible to the community by offering free golf programs for youth, the disabled and underserved. In fact, many of my colleagues participated recently in the Breakfast for the First Tee. We were joined by golfing legend Jack Nicholas, where they talked about providing for children in all walks of life a chance to play golf, learn the sport and become successful.

The PGA and PGA Foundation strive to serve the community in a number of ways. For example, they offer Play Golf America Days for youths involving free instruction, skill competition and equipment demonstration. They partner with Special Olympics International to make golf an official Special Olympics sport, and with the National Amputee Golf Association to offer golf programs for wounded military servicemembers.

The PGA of America hosts and sponsor the PGA Minority Collegiate Golf Championship to provide opportunities for students at predominantly minority colleges and universities to participate in collegiate golf championships, career awareness programs, and employment recruiting.

In addition to the charitable contributions, the golfing industry adds $62.2 billion to our economy and employs tens of thousands of people across the country. In my district alone, the PGA Village, the largest PGA facility in the country, employs over 300 people. Their national headquarters is located in Palm Beach Gardens, Florida, the district of my friend Clay Shaw.

I want to thank chairman TOM DAVIS, Mr. WAXMAN and Mr. CLYBURN, who is cosponsor of the resolution from South Carolina, who knows well and spoke with me the other day about the vital importance of golf in South Carolina, for their efforts in moving this resolution so quickly to the floor.

Mr. Speaker, again I want to congratulate the PGA on its 90th anniversary and thank all of its members for making such a difference in people's lives all around the country.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague for introducing this resolution. I think I also ought to note that PGA President Tim Finchem has done wonders for this organization in terms of bringing this back into the inner city, bringing golf to those with disabilities and communicating with us here on Capitol Hill about the kinds of things they are doing.

I would urge my colleagues to support this resolution.

Mr. BACA. Mr. Speaker, I rise today in support of H. Con. Res. 471 and extend my congratulations and appreciation to the Professional Golfers' Association of America for 90 years of continued excellence.

Today, the Professional Golfers' Association is the largest working sports organization in the world.

The PGA of America was first formed in 1916 by department store magnate Rodman Wanamaker and a group of 35 professional and amateur golfers. The organization's objectives were to promote interest in the game, elevate the standards of the golf professional's vocation, protect the mutual interest of its members, hold meetings and tournaments for the benefit of members, assist deserving unemployed members to obtain positions and to establish a benevolent relief fund for deserving members. These goals are still very much intact.

The PGA has also been able to grow interest in the game, protect its members, and even provide assistance to America in its times of need. For example, after the outbreak of World War I, the PGA of America purchased and maintained an ambulance to be used by the American Red Cross. The PGA of America did this again after the outbreak of World War II.

In 1954, the PGA of America formed the PGA Foundation, a public philanthropic foundation dedicated to growing interest in the game while enhancing the quality of life for all people, especially underrepresented people.

More recently, the PGA of America has contributed a great deal to the United States in providing relief following September 11th and Hurricane Katrina. The PGA of America donated $500,000 to match Ryder Cup donations for September 11th relief funds and raised $1.3 million for Hurricane Katrina Relief Funds.

The PGA of America has not only provided monetary contributions but has also offered different programs such as the Urban Youth Golf Program in Louisville. The PGA Foundation provides resources and funding for local PGA professionals to conduct golf lessons for more than 300 urban youth. This program offers free participation and possible scholarships to attend the University of Louisville.

The PGA of America has forged partnerships with other organizations such as Special Olympics International to make golf accessible as an official game in the Special Olympics and has created educational programs such as "Golf in Schools" which teaches students in elementary through high school about golf as well as such important topics as diet, nutrition, physical fitness and the importance of having a positive mental outlook.

Again, Mr. Speaker, I express my support for H. Con. Res. 471. Let us honor the PGA of America for its dedication to its members, its philanthropic work, and its service to the game that so many of us love.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I also commend Mr. FOLEY for his leadership on this issue, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 471.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF PANCREATIC CANCER AWARENESS MONTH

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 745) supporting the goals and ideals of Pancreatic Cancer Awareness Month.

The Clerk read as follows:

H. RES. 745

Whereas over 33,730 people will be diagnosed with pancreatic cancer this year in the United States;

Whereas the mortality rate for pancreatic cancer is 99 percent, the highest of any cancer;

Whereas pancreatic cancer is the 4th most common cause of cancer death in the United States;

Whereas there are no early detection methods and minimal treatment options for pancreatic cancer;

Whereas when symptoms of pancreatic cancer generally present themselves, it is too late for an optimistic prognosis, and the average survival rate of those diagnosed with metastasis disease is only 3 to 6 months;

Whereas pancreatic cancer does not discriminate by age, gender, or race, and only 4 percent of patients survive beyond 5 years;

Whereas the Pancreatic Cancer Action Network (PanCAN), the first national patient advocacy organization serving the pancreatic cancer community, focuses its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and

Whereas the Pancreatic Cancer Action Network has requested that the Congress designate November as Pancreatic Cancer Awareness Month in order to educate communities across the Nation about pancreatic cancer and the need for research funding, early detection methods, effective treatments, and prevention programs: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of Pancreatic Cancer Awareness Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 745, introduced by the gentleman from Pennsylvania (Mr. PLATTS), would support the goals and the ideals of Pancreatic Cancer Awareness Month.

Cancer of the pancreas is known to be one of the most devastating and deadly forms of cancer. It is the fourth most common cause of death by cancer in the United States and recent studies have shown that of the estimated 23,000 cases annually, 23 percent will live less than a year. With no early detection methods and minimal treatment options, this resolution seeks to provide elevated awareness on the risks associated with pancreatic cancer, as well as the need for research funding and greater treatment options.

Mr. Speaker, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for thousands of Americans, a doctor's diagnosis of pancreatic cancer is a devastating occasion that can send patients and their families into a whirlwind of depression and despair. Every year, more than 33,000 Americans are diagnosed with pancreatic cancer, and even more startling is the fact that the overwhelming majority of those patients will die of pancreatic cancer. Only about 4 percent are currently expected to live beyond 5 years. As Mr. DAVIS said, pancreatic cancer is the fourth most common cause of cancer death in the United States.

After years of research, we are not significantly closer to understanding what causes pancreatic cancer. Most cancers are caused by environmental, dietary or lifestyle factors, and most pancreatic cancer is believed to be no different. However, the specific link between the onset of pancreatic cancer and any one or a combination of these extraneous factors has yet to be determined. A significant body of research is developing around a possible hereditary link in pancreatic cancer, but even the results of these studies have shown that only 5 to 10 percent of cases have genetic links.

Although awareness of cancer's prevalence in the United States improves and medical advances in the field abound, pancreatic cancer has largely been absent from the list of major success stories. Surgical procedures may have increased the survival chances of some with the disease, but there has been little momentum in advancing diagnostics or nonsurgical oncological treatments beyond palliative care.

Mr. Speaker, I think this is an important piece of legislation that draws attention to this devastating disease. We need to make people more aware of it. We also need to make sure that the National Institutes of Health has the resources necessary to continue to work toward finding cures and treatments for pancreatic cancer, all cancers, and so many other devastating diseases that hurt and strike families across our country every year.

I urge adoption of this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. PLATTS. Mr. Speaker, I strongly support House Resolution 745. This resolution will help to increase awareness about a horrible disease: pancreatic cancer.

Few Americans may understand that pancreatic cancer is a horrific killer. This year alone, over 33,000 people will be diagnosed with this disease. Because there are no early detection tools for this cancer, 99 percent of those diagnosed will lose their lives.

Many Americans are not aware that pancreatic cancer has the highest mortality rate of all cancers; most patients only survive three to six months after diagnosis. This is why it is a moral imperative for Congress to work to increase awareness of this deadly cancer.

Currently, the Pancreatic Cancer Action Network (known as "PanCAN") is the only national advocacy organization available for pancreatic cancer patients and their families and friends. I became aware of PanCAN through a constituent of mine, Bob Hammen, who lost his wife to this terrible disease. PanCAN provides patient support and professional education about this disease, while coordinating advocacy programs to focus national attention on finding a cure for pancreatic cancer.

PanCAN regards each November as Pancreatic Cancer Awareness Month. With the passage of H. Res. 745, Congress will be supporting PanCAN's efforts to raise awareness about pancreatic cancer so that scientific advancements can lead to some early detection programs and effective treatments.

Mr. Speaker, because all of our fellow citizens have family, friends and neighbors who are regrettably vulnerable to this dreaded disease, I urge support from my distinguished colleagues for this resolution here today.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 745.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HARRY J. PARRISH POST OFFICE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2690) to designate the facility of the United States Postal Service located at 8801 Sudley Road in Manassas, Virginia, as the "Harry J. Parish Post Office".

The Clerk read as follows:

S. 2690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HARRY J. PARRISH POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 8801 Sudley Road, Manassas, Virginia, shall be known and designated as the "Harry J. Parrish Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Harry J. Parrish Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

☐ 1730

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Harry Parrish was a dedicated servant to both his State, his city, and his country. In 1942, he joined the Army Air Force where he began his pilot training, and he went on to become a decorated World War II pilot.

He was the mayor of Manassas for 18 years and later became an active member of the Virginia General Assembly where he rose to be chairman of the finance committee in the House of Delegates.

In 2002, as one of the few World War II veterans in the general assembly, he was integral in securing Virginia's $334,000 contribution to the National World War II Memorial. It is with gratitude for his public service and for all that he has done for his community and the Commonwealth that I ask Members to join me in naming the Manassas, Virginia Post Office after Harry J. Parrish.

And I would just add that this was a man who knew no partisan bounds. He literally was an individual from the community with broad bipartisan support in all of his elections, but always put his State, his Commonwealth, his city, and his county first in his legislative actions. It was a privilege to know Harry Parrish, and I hope my colleagues will join me in supporting this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

I want to join with the gentleman from Virginia in urging our colleagues to support this resolution. I think it is a fitting way to recognize the distinguished public service of Harry Parrish.

Mr. Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I understand Mr. WOLF is on his way over. Mr. Harry Parrish was a constituent of my friend FRANK WOLF's as well, and served very ably with Frank working on a number of State and local and national issues together, bringing transportation out to that section of Prince William County, working on financial arrangements, and for the overall good of the community. So I would at this point, I think, reserve the balance of my time.

Could I ask the Chair how much time is remaining on our side.

The SPEAKER pro tempore (Mr. CAMPBELL of California). The gentleman from Virginia has 16 minutes, the gentleman from Maryland has 17 minutes remaining.

Mr. VAN HOLLEN. Mr. Speaker, I don't know if it is appropriate just by unanimous consent to keep going with the other resolutions until Mr. WOLF arrives and set this aside momentarily?

The SPEAKER pro tempore. The gentleman from Virginia could withdraw the pending motion.

Mr. TOM DAVIS of Virginia. Without objection, I would withdraw at this point and will resubmit this in just a minute, and we could move on with our next piece of legislation.

Mr. VAN HOLLEN. I have no objection, Mr. Speaker.

The SPEAKER pro tempore. The motion may be withdrawn as a matter of right before action thereon and is withdrawn.

ALICE R. BRUSICH POST OFFICE BUILDING

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1275) to designate the facility of the United States Postal Service located at 7172 North Tongass Highway, Ward Cove, Alaska, as the "Alice R. Brusich Post Office Building".

The Clerk read as follows:

S. 1275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALICE R. BRUSICH POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 7172 North Tongass Highway, in Ward Cove, Alaska, shall be known and designated as the "Alice R. Brusich Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Alice R. Brusich Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. DAVIS) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Alice Brusich began her 31-year career with the postal service in 1954 as an assistant postmaster. Just 2 years later, she became postmaster where she was a strong advocate of improving and maintaining the postal service in Alaska. Mrs. Brusich was also a founding member of the Alaska Chapter 51 of the National Association of Postmasters in the United States.

Even after her retirement in 1985, Alice remained an active supporter of the postal service; and for this reason, I support naming the post office in Ward Cove, Alaska in her honor.

Mr. Speaker, I reserve the balance of our time.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

I urge my colleagues to support this resolution. I think it is fitting that we honor the service of Alice Brusich to the postal service by naming this post office in her honor.

Mr. Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the Senate bill, S. 1275.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

DOROTHY AND CONNIE HIBBS POST OFFICE BUILDING

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1323) to designate the facility of the United States Postal Service located on Lindbald Avenue, Girdwood, Alaska, as the "Dorothy and Connie Hibbs Post Office Building".

The Clerk read as follows:

S. 1323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONNIE HIBBS OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located on Lindbald Avenue, in Girdwood, Alaska, shall be known and designated as the "Dorothy and Connie Hibbs Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dorothy and Connie Hibbs Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore (Mr. ADERHOLT). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Dorothy and Connie Hibbs were a mother and daughter pair who each served as postmaster for over 20 years of their lives. Between the two, there was only a 3-year span between 1954 and 2005 when one of them was not working in this capacity.

The town of Girdwood, Alaska, would like to thank Dorothy and Connie for such a unique contribution to their community by naming the Lindbald Avenue Post Office after them. The Senate has addressed this bill. We support this bill. And I hope all Members will join us today in doing so.

Mr. Speaker, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

I want to join the chairman of the Government Reform Committee in recommending that our colleagues support this legislation to name this post office in honor of Dorothy and Connie Hibbs for their service.

Mr. Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the Senate bill, S. 1323.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL MYOSITIS AWARENESS DAY

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 974) supporting the goals and ideals of National Myositis Awareness Day.

The Clerk read as follows:

H. RES. 974

Whereas an estimated 30,000 to 50,000 people are affected by myositis in the United States, many of whom remain undiagnosed or misdiagnosed;

Whereas myositis is a general term used to describe swelling of the muscles, but the effects of the inflammatory myopathies (often referred to as "myositis") are much more severe than just inflammation;

Whereas myositis patients suffer from their immune systems attacking their body's own normal, healthy tissue, resulting in inflammation or swelling;

Whereas inflammatory myopathies are thought to be autoimmune diseases, such that the body's immune system, which normally fights infections and viruses, does not stop fighting once the infection or virus is gone;

Whereas myositis can cause muscle weakness, and patients often live in chronic pain and have long-term health problems that lead to permanent disability;

Whereas myositis is difficult to diagnose and treatment is often delayed, resulting in unnecessary suffering;

Whereas many patients with treatable forms of myositis often have severe long-term disabilities because of failure to diagnose and/or treat the disease correctly;

Whereas some myositis patients will die at a much earlier age than they would have if they had received the proper care, particularly for the children who have permanent scarring and deformities due to failure to treat properly;

Whereas The Myositis Association, the national patient advocacy organization serving the myositis patient community, focuses its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for myositis;

Whereas a National Myositis Awareness Day would educate communities across the Nation about myositis and the need for research funding, accurate diagnosis, and effective treatments; and

Whereas it would be appropriate to observe September 21, 2006, as National Myositis Awareness Day: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of a National Myositis Awareness Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 974, introduced by the gentleman from New York (Mr. ISRAEL), would support the goals and ideals of National Myositis Awareness Day.

Myositis is a general term used to describe swelling of the muscles. It is listed as a rare disease by the National Institutes of Health's Office of Rare Diseases. Many people, however, are affected by the condition each year. It is estimated there are between 30,000 and 50,000 cases in the United States alone.

This resolution will help to raise awareness to medical professionals, elected officials, policymakers, and communities about myositis.

Mr. Speaker, I urge our colleagues to adopt this.

Mr. Speaker, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

I want to congratulate our colleague, Mr. ISRAEL, from New York for introducing this important resolution and drawing attention to this very, very important issue.

With that, I yield him such time as he may consume.

Mr. ISRAEL. Mr. Speaker, I thank my friend from Maryland, and I thank Chairman DAVIS for his cooperation on this very important bill. I also want to thank Ranking Member WAXMAN for considering this resolution, and also Representative FOXX for her leadership.

Mr. Speaker, this resolution supports the goals and ideals of a National Myositis Awareness Day. I was first introduced to the myositis community through my work to improve Medicare access to intravenous immune globulin, or IVIG. The myositis community is one of many patient groups that rely on IVIG. However, since there are several forms of myositis that affect different people in different ways, the disease is often misunderstood and cannot be treated with a single remedy. This is one of many reasons that it is important that we pass this resolution.

As the chairman said, each year an estimated 30,000 to 50,000 Americans are affected by myositis, a general term used to describe swelling of the muscles. Myositis patients suffer from their immune systems attacking their body's own normal tissue, resulting in inflammation or swelling. The disease can cause muscle weakness, and patients often live in chronic pain and have long-term health problems that can lead to permanent disabilities.

Myositis affects individuals of all ages and can come in many different forms. Many patients with treatable forms of myositis often have severe long-term disabilities because of failure to diagnose and treat the disease. In addition, the effects of inflammatory myopathies are much more severe than just inflammation. They are thought to be autoimmune diseases such as that the body's immune system, which normally fights infections and viruses, does not stop fighting once the infection or virus is gone.

Mr. Speaker, because myositis varies so much from patient to patient, no single existing treatment works for everyone. Myositis can be treated with steroids, various medicines and intravenous immune globulin.

The Myositis Association is the national patient advocacy organization serving the myositis community and has designated September 21 as Myositis Awareness Day. Myositis advocates traveled to Capitol Hill last Thursday in an effort to educate the public and Congress on the need for more research funding, accurate diagnosis, and effective treatments for this disease. This resolution thanks them for their work and dedicates the United States Congress to continuing the research for treatments.

Mr. VAN HOLLEN. Mr. Speaker, let me just again commend Mr. ISRAEL of New York for his leadership on this issue and bringing attention to the disease myositis.

Again, as he said, it is important as we raise national awareness about these diseases that we also provide the resources necessary to the NIH and other researchers who are doing important work to find cures and treatments for these diseases. It is absolutely essential that we invest as a Nation in that very important effort and provide them with the resources they need.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I have no further speakers. But I want to commend the gentleman from New York for bringing this resolution to our attention. When we saw it, we moved it very, very quickly. This is important, and we appreciate his leadership, and also my friend from Maryland.

Mr. Speaker, I yield back the balance of my time and urge my colleagues to support the resolution.

Mr. VAN HOLLEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 974.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HARRY J. PARRISH POST OFFICE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2690) to designate the facility of the United States Postal Service located at 8801 Sudley Road in Manassas, Virginia, as the "Harry J. Parrish Post Office".

(For text of S. 2690, see prior proceedings of the House of today.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I think I have been heard on this, but I did want to give Representative WOLF an opportunity to speak on this. As I stated earlier, Delegate Parrish, and it was Mayor before that, fighter pilot in World War II, was a friend of ours, but he was a friend of the greater community of Northern Virginia and the Commonwealth of Virginia.

□ 1745

Mr. WOLF. Mr. Speaker, I rise today in strong support of S. 2690, legislation to designate a United States Postal Service facility in Manassas, Virginia, as the Harry J. Parrish Post Office.

I want to particularly thank the gentleman from Virginia (Mr. TOM DAVIS) for his work to bring this legislation to the floor. I am pleased to be a sponsor of the House companion bill to the Senate measure introduced by Virginia Senator GEORGE ALLEN.

Harry Parrish serve over 50 years in elected office. He was elected to the town council of Manassas, Virginia, in 1951, and held that position until 1963 when he was elected mayor. He served in that capacity until 1981.

During his 12 years as town councilman and 18 years as mayor, he guided the transformation of Manassas from a small Virginia town to a thriving, lively suburb.

Mr. Parrish became a delegate in the Virginia General Assembly in 1982 and was elected to 13 terms in the Virginia House of Delegates, including serving as chairman of the Finance Committee starting in 2000. At the time of his passing in March at the age of 84, he was the oldest serving member of the House of Delegates.

As a member of the House of Delegates, he was known for conducting himself in a bipartisan manner, putting Virginia first. At Harry's funeral, current Governor Kaine was there, a Democrat; former Governor Warner, a Democrat. It was a bipartisan group. If only this body could become like that, whereby there could be a bipartisanship that we saw with Harry Parrish.

I was proud to call Harry my friend. He was a true Virginia gentleman in the truest sense of the word.

His public service started in the U.S. Air Force, where he was a decorated World War II pilot. As part of the British Royal Air Force during WWII, he flew C–47s over the Himalayas, delivering supplies, weapons and other cargo from India to China. He received the Distinguished Flying Cross and the Air Medal for his valiant efforts. He served as an Air Force reservist in the Korean and Vietnam wars before retiring as colonel.

He was chairman of the board of his family business, Manassas Ice and Fuel Company.

Naming the post office on Sudley Road in Manassas in his honor and memory is an appropriate reminder to the people of Manassas of Harry's dedication to public service. I urge a unanimous vote for the legislation, and I thank the gentleman from Virginia (Mr. TOM DAVIS) for allowing me to have this opportunity to be here at this time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I would commend Mr. WOLF for recognizing the service of Harry Parrish in this way. I assure him strong bipartisan support, and I have enjoyed working with him on both sides of the Potomac River on issues of importance to both jurisdictions.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the Senate bill, S. 2690.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

MORRIS K. "MO" UDALL POST OFFICE BUILDING

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5857) to designate the facility of the United States Postal Service located at 1501 South Cherrybell Avenue in Tucson, Arizona, as the "Morris K. 'Mo' Udall Post Office Building".

The Clerk read as follows:

H.R. 5857

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MORRIS K. "MO" UDALL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1501 South Cherrybell Avenue in Tucson, Arizona, shall be known and designated as the "Morris K. 'Mo' Udall Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Morris K. 'Mo' Udall Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5857, introduced by the gentleman from Arizona (Mr. GRIJALVA), would designate the facility of the U.S. Postal Service located at 1501 South Cherrybell Avenue in Tucson, Arizona, as the "Morris K. 'Mo' Udall Post Office Building."

Mo Udall represented Arizona's Second District from 1961 to 1991 and died of Parkinson's disease in 1998. He is one of the first environmentalists to serve in this body. He was a leader, and when we look back at the history of Congress in the latter part of the 20th century, he was one of the giants.

This is a fitting remembrance for him. I remember reading his book, "Too Funny to Be President," and still being able to use some of the stories in the book which he said in his foreword we could do. He has been an inspiration to a lot of us, maintaining his sense of humor even during hard-charging debate, and he was beloved by Members on both sides of the aisle.

I thank the gentleman for introducing this renaming, and I am proud to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as Mr. DAVIS said, Mo Udall was a beloved figure in this country and this Congress. He was a great American, a great Member of Congress. He dedicated himself to preserving our great natural resources and open spaces in this country, protecting our environment, and he had a very quick wit which I think brought smiles to both sides of the aisle, even for those who were sometimes the target of that wit.

I want to commend my colleague, the gentleman from Arizona (Mr. GRIJALVA), for deciding to introduce this resolution to recognize the wonderful national contributions of Mo Udall.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Speaker, let me thank the gentleman from Maryland (Mr. VAN HOLLEN) for yielding me this time; and, to the chairman, thank you very much for the support of this acknowledgment of Morris K. Udall.

I had the great privilege, growing up in the southern part of Arizona, to grow up at a time when we had a congressman that had a stature and an ability to communicate to people that was unsurpassed. That legacy needs to be commemorated.

He served in this House for 14 consecutive terms, from 1961 to 1991, until Parkinson's disease called him from service. He graduated from the University of Arizona, got his law degree from the University of Arizona.

During his tenure, he stood for a lot of things. He established some standards on the environment and the protection of our natural resources that we continue to talk about, admire, and try to replicate as we do legislation: the Alaska National Interest Lands Conservation Act of 1980, the Surface Mining and Reclamation Act of 1977, the Arizona Wilderness Act of 1984, the American Heritage Trust Act, Strip Mining Reclamation Act, and the list goes on and on.

In addition to that, Mo not only had an affinity for but a great belief and love for the Native American communities in Arizona. He introduced many bills to protect their natural resources, protect their sovereignty, and protect the rights of Native Americans. For that, he is part of the legacy.

Someone asked me, why a post office? Mo has many accolades that he has received. He was chairman of the Post Office and Civil Service Committee, as it was known then. It was a committee given to him because he won in a special election and there were no committees available, and Mo made the most of it. He served 30 years on that committee; and what he did was he created an independent post office, a post office with employees protected by the Civil Service, a post office that understood the concept of universal service, and a post office that set a standard of professionalism, independence, and took away the cronyism and the corruption that was occurring at the time. That was a legacy. So, as I looked around, what can we commemorate for Mo, the post office became an obvious thing.

In Arizona, we inherited Mo Udall's great legacy; and that is a legacy of commitment, tolerance, a love for natural resources, a genuine love and tolerance for people, and a sense that we can do better, that we can reform ourselves, we can reform this country. He leaves that legacy. Those are not shoes you fill, they are merely paths you follow.

I want to thank both the chairman and my colleague, Mr. VAN HOLLEN, for support of this legislation.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I thank the gentleman from Arizona for introducing this. As quickly as we saw it, we wanted to move this to the floor. This is a fitting tribute to one of the premier legislators in the House over the last 50 years. I urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I urge my colleagues to support this bill as well, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 5857.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DR. LEONARD PRICE STAVISKY POST OFFICE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5923) to designate the facility of the United States Postal Service located at 29-50 Union Street in Flushing, New York, as the "Dr. Leonard Price Stavisky Post Office".

The Clerk read as follows:

H.R. 5923

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DR. LEONARD PRICE STAVISKY POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 29-50 Union Street in Flushing, New York, shall be known and designated as the "Dr. Leonard Price Stavisky Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dr. Leonard Price Stavisky Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5923, introduced by the gentleman from New York (Mr. ACKERMAN), designates the facility of the United States Postal Service located at 29-50 Union Street in Flushing, New York, as the Dr. Leonard Price Stavisky Post Office.

Dr. Stavisky, a member of the New York State Senate, represented Flushing, Queens, from 1965 until his death in 1999. He served with distinction during those years, and I hope my colleagues will join us in supporting this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also urge our colleagues to support this resolution. I want to commend the gentleman from New York (Mr. ACKERMAN), our colleague, for introducing this resolution and recognizing the service of Dr. Stavisky in this way.

Mr. Speaker, I yield to him the balance of my time.

Mr. ACKERMAN. Mr. Speaker, I rise today in support of H.R. 5923, a bill that would designate the United States Postal Service facility located at 29-50 Union Street in Flushing, New York, as the Dr. Leonard Price Stavisky Post Office. It is more than fitting that a Federal facility be named after Leonard in a community that he so ably represented for so many years; and I note for the record that the bill is cosponsored by every Member of the New York State delegation, both sides of the aisle.

Leonard was born in the Bronx and graduated from City College of New York in 1945. He continued his studies by earning a Master of Arts degree from Columbia University in 1946. He capped off his education with a doctorate in American History from Columbia in 1958.

Leonard had a long and illustrious first career in academia, spending more than 30 years working and teaching at Colombia University, the State University of New York, the City University of New York, Colgate University, Long Island University, and Virginia Polytechnic Institute and State University. He taught history and political science and worked at the administration level as well.

Until 1990, Leonard was an adjunct professor of political science at Columbia's School of International and Public Affairs. His extensive background in education enabled him to be a strong and effective advocate and expert on education issues during his legislative career.

Leonard earned his political stripes while serving on the New York City Council from 1954 to 1960. He was elected to the New York State Assembly in 1966, served as chairman of the Education Committee for more than 8 years. As chairman of the committee, he became an outspoken and passionate advocate of State support for public education.

In 1975, Leonard sponsored the legislation that prevented severe budget cuts in New York City's public schools in the wake of the city's severe financial crisis.

Leonard became my successor in the New York State Senate; and there he continued his fervent support of public education, including pushing for fiscal autonomy for the State University of New York.

At the national level, Leonard served as a commissioner on the Education Commission of the States and was chairman of the Education and Labor Committee of the National Conference of State Legislatures.

□ 1800

In these capacities he was a tireless advocate for States on educational issues involving the Federal Government and school districts across the Nation.

Mr. Speaker, most of all, Leonard passionately represented Flushing, New York, in the Borough of Queens during his time in the New York State assembly and senate until his untimely death in 1999. He was active in all phases of community affairs, especially in Flushing. He served on the boards of directors of the Bay Community Volunteer Ambulance Corp., the Latimer Gardens Community Center, the Bland Houses Community Center, the Dwarf-Giraffe Boys League, the Flushing Boys Club, and the North Flushing Senior Center.

In addition, he worked closely with the Mitchell-Linden Civic Association on numerous local issues. The members of this association have sought to honor Senator Stavisky by renaming the post office in their community after him. Dr. Stavisky could have comfortably stayed on in the academic field his entire career. Rather, he chose to selflessly participate in the political process in order to effectuate the policies he thought necessary to further public education.

I would like to note, Mr. Speaker, that Leonard's wife, Toby, is carrying on Leonard's work, elected in her own right as the senator from New York's 16th State senate district, succeeding Leonard after his passing. Toby is the first woman elected to the State senate from Queens County. Leonard and Toby's son, Evan, is a prominent political consultant in New York.

Mr. Speaker, Leonard Price Stavisky's life of hard work, perseverance, and selflessness brought integrity and dignity to public office. It is appropriate to pay tribute to his memory by renaming this post office in Flushing, Queens in his honor. I sincerely hope the whole House will join us in commemorating his decades of service to the people of Queens and to the city and State of New York, and I urge all to support H.R. 5923.

Mr. CROWLEY. Mr. Speaker, it is with great honor and respect that I rise today to pay tribute to my late colleague and dear friend, Leonard Stavisky, and to pledge my support for the renaming of a post office in Queens on his behalf. I wish to thank the dean of the Queens County Delegation and Senator Leonard Stavisky's predecessor in Albany, Congressman GARY L. ACKERMAN for bringing this fitting tribute to our attention today.

Leonard Stavisky was a giant in Queens County politics. I had the pleasure of getting to know Leonard during our time shared in Albany. I served in the State Assembly and Leonard was a senior Member of the State Senate. Leonard was a lifelong New Yorker who was deeply committed to leaving his community better than he had found it. Passionately devoted to all issues impacting his native Queens, Leonard worked particularly hard to ensure that all individuals had access to a quality education. He served admirably as Chairman of the State Assembly Education Committee and as Ranking Member of the Senate Higher Education Committee. Leonard also strived to personally reach the lives of New York City students in his role as administrator at Queensborough Community College and at his alma mater, City College. It is perhaps this quality, his deep and honest care for the welfare of all individuals, which we will remember most about Leonard and mourn deepest.

After Leonard's passing, his widow, Toby Ann Stavisky, was elected to the State Senate to replace him. Senator Toby Stavisky was the first woman elected to the State Senate from Queens County and continues to serve as a strong advocate for working families in the footsteps of her late husband. I am proud that she continues his fight in Albany. I also wish to recognize Leonard and Toby's son, Evan, who worked on his father's campaign and helped elect his mother to the State Senate. He is a successful communications consultant today.

I wholeheartedly support the renaming of the post office in Flushing as the Dr. Leonard Price Stavisky Post Office not only as a tribute to Leonard's career but as a memory of our friendship and his lasting impact on Queens. I congratulate his family on this memorial.

Mr. ACKERMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 5923.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

URGING THE PRESIDENT TO APPOINT A PRESIDENTIAL SPECIAL ENVOY FOR SUDAN

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 992) urging the President to appoint a Presidential Special Envoy for Sudan, as amended.

The Clerk read as follows:

H. RES. 992

Whereas in July 2004, the United States House of Representatives and Senate declared that the atrocities in the Darfur region of Sudan constitute genocide, and the Bush administration reached the same conclusion in September 2004, when then Secretary of State Colin Powell stated that "the evidence leads us to the conclusion that genocide has occurred and may still be occurring in Darfur";

Whereas an estimated 300,000 to 400,000 people have been killed by the Government of Sudan and its Janjaweed allies since the crisis began in 2003, more than 2,000,000 people have been displaced from their homes, and more than 250,000 people from Darfur remain in refugee camps in Chad;

Whereas some rebel factions, which have targeted civilians in the Darfur region, have intensified their attacks even after the signing of the Darfur Peace Agreement in May 2006;

Whereas the United Nations Under-Secretary General for Humanitarian Affairs, Jan Egeland, in late August 2006 stated that "[i]nsecurity is at its highest level since 2004, access at its lowest levels since that date, and we may well be on the brink of a return to all-out war";

Whereas despite the signing of the Darfur Peace Agreement in May 2006, violence against civilians, peacekeepers, and humanitarian workers continues unabated; and an estimated 12 humanitarian workers have been killed in Darfur, including a nurse in September 2006;

Whereas in August 2006, the Government of Sudan began to deploy thousands of government troops for a major offensive in Darfur, once again threatening a major humanitarian catastrophe and risking the safety and security of millions of civilians;

Whereas according to the Government of Sudan's plan, in a document submitted to the United Nations Secretary–General Kofi Annan, the Government of Sudan plans to deploy approximately 26,500 additional troops and 7,050 additional police to Darfur;

Whereas the objectives of this deployment are "to deal with the threats posed by the activities of groups that have rejected the Darfur Peace Agreement and to gain control over the security situation and achieve stability in Darfur";

Whereas the United Nations Security Council passed a resolution expanding the mandate of the United Nations Mission in Sudan (UNMIS) for the additional deployment of 17,300 peacekeeping troops and 3,300 civilian police personnel as well as 16 formed police units to Darfur;

Whereas President Omar Bashir of Sudan has rejected the deployment of a United Nations peacekeeping force to Darfur, even as First Vice President Salva Kiir has publicly stated his support for the deployment of a United Nations peacekeeping mission to Darfur;

Whereas implementation of the Comprehensive Peace Agreement (CPA) between the Government of Sudan and the Sudan People's Liberation Movement (SPLM) is slow, raising serious concern about the commitment of the Government of Sudan to fulfill its responsibilities;

Whereas in July 2005, although the Abyei Boundary Commission, established to define and demarcate the area of the nine Ngok Dinka chiefdoms, finished its work and submitted its report to President Bashir, the President has yet to implement the conclusions of the Commission, as called for in the Comprehensive Peace Agreement;

Whereas the reconstruction and development of Southern Sudan and other marginalized areas remains a major challenge, while the return of refugees and displaced people to their homes in Darfur will require major financial commitments and the establishment of a secure and safe environment throughout Darfur;

Whereas in order to tackle these many and difficult challenges, the appointment of a Presidential Special Envoy for Sudan with a robust mandate and access to, and support of, senior Administration officials, including the President, is crucial;

Whereas Members of Congress, leading foreign policy experts, and many nongovernmental organizations have called repeatedly for the appointment of a Presidential Envoy for Sudan to effectively represent the United States Government in heading off a further escalation of genocide in Darfur;

Whereas United States Government officials have diligently pursued peace agreements to end the North-South conflict and the Darfur conflict and the United States Government has provided more than $2 billion in assistance to help the suffering people of Sudan; and

Whereas during a speech before the United Nations General Assembly on September 19, 2006, President George W. Bush announced the appointment of Andrew Natsios to serve as Presidential Special Envoy for Sudan: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the many years of tireless efforts of United States officials who have helped secure the Comprehensive Peace Agreement and the Darfur Peace Agreement;

(2) strongly supports the appointment of an adequately staffed Presidential Special Envoy for Sudan with a robust mandate to develop and coordinate United States policy toward Sudan with regular access to senior Administration officials; and

(3) strongly urges the mandate of the Presidential Special Envoy for Sudan to include—

(A) deterring a further escalation of violence and humanitarian disaster in the Darfur region of Sudan while ensuring civilians are adequately protected and the Darfur Peace Agreement is fully implemented;

(B) facilitating the development of an international peacekeeping mission to Darfur with a mandate to protect civilians and humanitarian workers;

(C) ensuring implementation of the Comprehensive Peace Agreement, which ended the 21-year civil war in Southern Sudan, Nuba, Southern Blue Nile, and Abyei and helping secure a just peace in Eastern Sudan;

(D) coordination of reconstruction and development work in Southern Sudan and other marginalized areas;

(E) coordination and monitoring of the return of refugees and displaced people to their homes in Darfur and southern Sudan;

(F) securing and consolidating peace in Northern Uganda by working closely with the Government of South Sudan and the Government of Uganda;

(G) coordination of efforts to ensure implementation of the transformation of the Sudan People's Liberation Army (SPLA) into a professional armed force;

(H) work toward achieving a peaceful, stable, and democratic Sudan by ensuring that free and fair elections are held, as called for in the Comprehensive Peace Agreement, by coordinating and implementing programs necessary to achieve these objectives; and

(I) coordination of efforts to work toward achieving accountability for the crimes committed in Darfur by working closely with relevant individuals and entities engaged in this area.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the challenges we face today in Sudan are perhaps among the most difficult of our time. The interminable war between Khartoum and the rebels in the south claimed the lives of over 2 million people and was punctuated by brutalities that strain our credulity. The United States poured hundreds of millions of dollars into humanitarian relief for Sudan, but never bothered to effectively engage in a high-level effort to resolve the conflict until 2001 when President Bush appointed Senator John Danforth to serve as a Special Envoy to Sudan.

With Senator Danforth's leadership, the Comprehensive Peace Agreement for Sudan was signed in January of 2005, presenting a historic opportunity for peace, economic development, and democratic aspirations in southern Sudan. Unfortunately, implementation of the peace agreement has been slow and many difficult challenges lie ahead.

While the international community focused on resolving the war in the south, a genocidal campaign was unleashed by the government of Sudan in the Darfur region of western Sudan. As many as 400,000 people have died since 2004, and more than 2 million others have been forced from their homes. Once again, the U.S. Government provided millions of dollars to meet the immediate humanitarian needs of those most affected by the conflict, including more than $150 million to support the deployment and operations of the African Union peacekeepers in Darfur. This time, however, the U.S. immediately engaged at the highest levels to seek a resolution to the conflict.

Two years of intense negotiations, with significant engagement by President Bush himself, finally yielded a peace agreement between the Government of Sudan and the largest rebel faction in Darfur, the SLA, in May of this year. Unfortunately, the agreement has not held and the Sudanese Government has launched military operations against its own civilian population in Darfur.

Mr. Speaker, the United States has significant human rights and security interests at stake in Sudan. Recall that in 1996 the Sudanese Government made Osama bin Laden available to American law enforcement officials, a point that Salah Gosh reiterated to me with a great deal of sarcasm when I met with him 14 months ago in Khartoum. That offer, as we know, was refused.

We cannot afford to repeat those mistakes of the past. The United States needs a rational, well coordinated policy towards Sudan that puts an end to the violence and terrorism and human rights abuses at the core of our relationship. It is in this context that I welcome, and we welcome as a body, the President's appointment of Andrew Natsios to serve as the Presidential Envoy for Sudan.

The resolution before us today, authored by our good friend and colleague, Chairman FRANK WOLF, H. Res. 992, strongly supports the appointment of the Special Envoy for Sudan and suggests a roadmap for the formation of a comprehensive responsible policy towards Sudan.

It states that the Special Envoy's mandate should include all efforts to consolidate peace throughout Sudan, including by ensuring full implementation of the Darfur Peace Agreement and the Comprehensive Peace Agreement. The mandate should also include helping to secure a just and equitable peace in eastern Sudan, supporting reconstruction efforts and the return of displaced persons to the Darfur and southern Sudan and addressing the inextricably linked conflict in northern Uganda.

In essence what will be the Special Envoy's responsibility to ensure that we do not repeat the mistakes of the past by focusing solely on the crisis in Darfur at the expense of solidifying the north-south peace accord and resolving the conflict in the east; by allowing the potential for peace in southern Sudan to blind us to the grave human rights tragedies continuing to unfold in Darfur; and by allowing the government of Sudan's reported cooperation in the war on terror to outweigh human rights concerns in the region. They must be paramount. And also to allow those same human rights concerns to compromise our ability to protect our own citizens.

Again, this is a good resolution. I would note parenthetically that originally it called for the creation, this resolution by Mr. WOLF, of a Special Envoy. Thankfully, events have overcome the resolution and now we are congratulating the administration for doing just that, creating a Special Envoy for Sudan.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution. I would first like to commend my good friend from Virginia, Congressman FRANK WOLF, who serves with me as co-chair of the Congressional Human Rights Caucus, for introducing this most important measure. I also want to congratulate former USAID Administrator Andrew Natsios on his recent appointment as Presidential Special Envoy responsible for addressing the crisis in Darfur and for coordinating our policies towards Sudan.

Mr. Natsios brings a remarkable lifetime of experience to this very challenging task. Throughout his career, he has faced many humanitarian and disaster situations, and he has performed brilliantly. The crisis in Darfur will require aggressive diplomacy for which Mr. Natsios is well suited.

Mr. Speaker, 2 years ago this Congress found the atrocities taking place in Darfur were genocide. We thought that this declaration would trigger an outpouring of diplomatic efforts worldwide to rescue the victims of Khartoum's methodical madness. Rather than welcoming our clear-cut declaration, many around the world continued to wring their hands. Some even indulged in a specious debate as to whether the tragedy in Darfur was even a genocide. For too many the term "genocide" created the specter of accountability, which few individual leaders and fewer governments and institutions were willing to contemplate.

This same paralysis struck the international community, including our own government, in 1994, when the Rwandan genocide unfolded before us with lightning speed, 1 million people massacred in 100 days. In the aftermath of the genocide in Rwanda, leaders uttered the familiar phrase "never again," never again would the world stand by and allow genocide to take place while we stood by and did nothing about it.

But for 3 years, Mr. Speaker, genocide has been unfolding in Darfur, and the international community has been excruciatingly slow to act.

Mr. Speaker, this Congress and the American people have not given up. Today we are voting on three separate measures that address the crisis in Darfur, including the one before us at the moment. The genocide must stop. Lives must be saved. The people of Darfur must be made whole again and a permanent and just peace must come to Darfur.

Mr. Speaker, I support this resolution because sustained and intensive diplomatic efforts at the highest levels are needed. The Special Envoy must not only engage the parties to the conflict in Darfur. He also will need to galvanize the international community to bring lasting peace to Darfur.

I strongly support this resolution and urge all of my colleagues to do so as well.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Virginia, Chairman FRANK WOLF, author of the resolution.

(Mr. WOLF asked and was given permission to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I stand in strong support of H. Res. 992, supporting the appointment of a Presidential Special Envoy; also, H. Res. 723, calling for the President to take immediate steps to improve the security situation in Darfur; and H.R. 3127, the Darfur Peace and Accountability Act.

I want to commend and personally thank Chairman HYDE, Mr. LANTOS, Mr. PAYNE, and Mr. SMITH of New Jersey and their staffs for all the efforts that have gone into this.

Last week at the United Nations, the President renewed our country's commitment to finding peace in Sudan by appointing Andrew Natsios as a Presidential Special Envoy for Sudan. Andrew has a big task ahead of him, but I am confident he goes into this position with the respect of the administration and determination to see peace in Sudan and somebody who understands the issue having been there on numerous occasions. We all support him in this endeavor.

The people of Sudan, north, south, Darfur, all of Sudan, have suffered for too long. What is needed now is immediate action. The women and children are counting on us to end their nightmare. No human should ever have to live through and endure what these people are living through. I have seen through my own eyes during my latest trip to Sudan just 2 years ago the suffering people of Darfur. I visited five refugee camps, all sprawling tent cities jam-packed with thousands of displaced families. Also having visited Sudan in other cases, I have seen the suffering that went on in the north-south issue, people in the south and in the north.

So as Mr. SMITH said, this does not only deal with Darfur but also is to make sure that the north-south peace agreement continues to stay alive.

I watched the barbarous Janjaweed militiamen, who are carrying out these attacks, sitting astride camels and horses just a short distance from where young and old sought what they had hoped would be a safe harbor.

In the face of genocide, the international community has been paralyzed to act. The United States Government has led this effort in trying to bring peace in Sudan. Heroes like Roger Winter and others have dedicated their careers to the people of Sudan and should be commended.

But, unfortunately, all of the diplomatic efforts that have been made over the last 3 years have failed to bring peace in Darfur. As we stand here, bombers are taking off, Antonov bombers, strafing villages. Soviet Hind helicopters fly in and attack the villages. Women and children are fleeing for their lives. The Janjaweed militia has continued to rape and kill, wiping out generations of people in Darfur. It is unacceptable, and the world must act.

All three of these measures make it a priority to end the genocide and work to bring a lasting peace for the people of Sudan.

I want to again commend the House for the strong stand. I want to commend Mr. HYDE, who has been a champion on these issues for so many, many times, in a bipartisan effort. I also want to thank Mr. LANTOS. Every time one of these issues comes down on the floor, it is LANTOS who is sitting over there.

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And, lastly, I want to thank my good friend, Mr. SMITH, who, quite frankly, on these issues of human rights and religious freedom over the 26 years that I have served with him, he has done more I think than perhaps any other person that has ever served in this institution from the very, very beginning. But it is always HYDE, LANTOS, SMITH. It is almost like a baseball game and the three.

And, also, I also want to thank DON PAYNE. DON PAYNE has been faithful, loyal, always there, always speaking out, always there. Has been there, I do not how many times, but also I want to thank Mr. PAYNE, and there are so many other Members.

But these four, HYDE, LANTOS, PAYNE and SMITH, have been the ones that have really made a tremendous difference. And others again, I stipulate, care about this thing deeply. But it just seems that every time there is a human rights issue on the floor, they are the people that are down there.

So I urge that we pass this thing with a majority vote and send a message to the government of Khartoum.

Mr. LANTOS. Mr. Speaker, I want to thank my friend from Virginia for his most generous comments, and I yield 3 minutes to the ranking member of the Africa Subcommittee, the gentleman from New Jersey (Mr. PAYNE), my good friend and distinguished colleague, who is our leader on issues relating to Africa.

Mr. PAYNE. Mr. Speaker, I rise in strong support of H.R. 3127, the Darfur Peace and Accountability Act, a bill which I have worked on for more than a year with many others. I am glad to see it come to the floor again for final passage.

Let me just say that the bills that are being discussed today, H.R. 3127, the Darfur Peace and Accountability Act of 2006; H.R. 723, calling for the President to take immediate steps to help improve the security in Darfur; and H. Res. 992, urging the President to appoint special envoys for Sudan; really speaks out that we are sick and tired of being sick and tired.

We continue to say to Khartoum that they must stop the genocide. It will not be tolerated. President Bashir, the National Congress party officials, Janjaweed commanders and murderers, and others responsible for genocide must be held accountable and will be brought to justice. This bill is just the first step.

I want to thank Chairman HYDE for working with our Democratic members of the Subcommittee on Africa, Global Human Rights and International Operations.

I also would like to repeat what Congressman WOLF said, that Congressman LANTOS has been a steadfast leader on issues of genocide. And as he being a genocide survivor, a Holocaust survivor, we know of his strong passion for this issue, and so we really appreciate his leadership.

There are key provisions in this legislation, Section 7 and Section 8. We want to first say that a peaceful resolution must happen in Darfur, and the Comprehensive Peace Agreement we think is a step towards that to happen.

Section 8 of the legislation exempts the south and the three marginalized areas, deals with a number of issues that have been summarized in the bill.

But let me just conclude by saying that there was an additional provision in the original bill, though, that I just would like to mention briefly, of Congresswoman BARBARA LEE, which dealt with States having the ability to withhold pension funds from businesses that are operating in Sudan.

Unfortunately, this was removed by the Senate. We hope to see this legislation, this language put back in, because we believe that States should have the right to divest from companies doing business, international companies doing business in Darfur; and we will continue to work towards that end.

And so, Mr. Speaker, I thank the leadership for moving this bill forward.

Mr. SMITH of New Jersey. Mr. Speaker, I reserve the balance of our time.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE), always a strong voice on human rights.

Ms. LEE. Mr. Speaker, let me thank the gentleman from California, our ranking member, for yielding and for your leadership. I also want to thank Chairman SMITH. I want to thank Mr. PAYNE for your leadership and for helping to get this bill this far.

This is a good step in a direction that I hope will ultimately stop the slaughter, stop the genocide, protect the people of Darfur and allow the people of Darfur to go home.

Over 2 million people have been displaced. We hear upwards of 450,000 people have been killed. This is a horrific genocide. We need the world community to say no, and we need to make sure that the young people who have been working and organizing throughout the country and raising their voices saying "not on our watch" that this is not on our watch and that we on our watch allow for the genocide to end.

You do remember very clearly that over a million people were killed in Rwanda. And what we did, unfortunately, was sit back and say later that we were sorry. This should not ever happen again. Not on our watch will it happen again.

So I think even with the difficulties we have had with the language remaining with regard to not preempting States in their divestment movements, this is, again, a good first start.

I just want Members in this body to know, especially, that we are coming back on divestment, because it makes no sense to allow companies with holdings in the Sudan to continue to do this type of business. Pension funds should not have blood in their banks, and that is exactly what has happened.

The people in the United States of America do not want genocide to take place with their money. That is what is taking place. And so we need to allow the wishes and the desires of people throughout the country, including in New Jersey, and today California signed its divestment legislation. Illinois, there are many States that are moving forward.

So we are going to come back with our divestment legislation so that this Federal law will not preempt it.

So thank you again, Mr. LANTOS and Mr. SMITH.

Mr. Speaker, I would like to thank Chairman CHRIS SMITH and Ranking Member DON PAYNE for their hard work on H.R. 3127, the Darfur Peace and Accountability Act but have concerns on versions emerging from the other body.

We all agree that the systematic displacement, torture and slaughter of millions in Darfur must be stopped.

However, the legislation before us today is not the same bipartisan bill that received almost unanimous support in the House of Representatives in April of this year—and then awaited consideration in the other body for nearly 6 months.

Mr. Speaker, the original H.R. 3127 legislation that the House approved contained all the steps necessary to bring about peace and justice for the victims in Darfur and criminal penalties and financial sanctions against those who perpetrated the genocide.

H.R. 3127 still contains many strong provisions including: immediately mobilizing support to expand the African Union mission, blocking assets and restricting travel of any individual the President determines is responsible for acts of genocide, war crimes, or crimes against humanity in the Darfur region; and offering U.S. support for the International Criminal Court's efforts to prosecute those responsible for acts of genocide in Darfur.

However, Mr. Speaker, this bill falls short on the issue of divestment.

The bill that came out of the House International Relations Committee and passed by the House included an amendment I authored on divestment.

In particular, the language that was included in the House-passed bill provides pre-emptive protections for states and universities who are mounting divestment campaigns throughout our Nation.

States and localities, and colleges and universities across the Nation have passed legislation mandating divestment of State funds from companies that conduct business in Sudan.

Mr. Speaker, divestment works.

The lessons from South Africa taught us that divestment is an effective tool—and clearly it's time we hit Khartoum where they'll feel it most, in their pocket books.

We should not provide cover to businesses whose profits maintain Khartoum's systematic torture, rape, murder and displacement of millions.

And moreover, I am profoundly disappointed at my colleagues in the other body.

By removing this key provision, they are sending a message to states and universities nation-wide that stopping divestment is ultimately more import than stopping the genocide.

Without the Lee Section 11 Divestment language a message is also going out to Khartoum and the companies that have been sheltered by the removal of this language—the message is "With a wink and an eye your profits are more important than the Darfur people.

I will support this bill. But, Mr. Speaker, I will also continue to fight to ensure preemption protections for states and communities and other bodies pursuing divestment strategies.

That is why I introduced H.R. 6140, a bill that bars Federal contracts with firms doing business with Sudan but also protects states' ability to divest their pension funds from such companies.

Mr. Speaker we have a moral responsibility to use every tool at our disposal to stop the genocide. And divestment is a powerful tool and should have been part of the legislation we are considering today.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from California. There is certainly no doubt in your leadership on these issues.

The chairman, Chairman SMITH, and the members of the International Relations Committee, Members of this Congress, this is time for robust action. Frankly, it is time for rolling up the sleeves and the heavy lifting.

Mr. Speaker, I want to congratulate the distinguished gentleman from New Jersey for his persistence on passing the accountability bill and the declaration of genocide. It has been a long journey. We passed it. We are back again. But the people of Darfur cannot take any more bumps in the road, the constant pain of the violence and abuse against women and children and men, the constant moving, the increasing number of refugees, the violence against refugees, the Janjaweed and others.

The government is continuing to play the blame game. It is vital that the envoy have a robust mandate and be able to energize the negotiations that are going on or that are not going on. The President of Sudan has to be addressed and has to be admonished, and then we need NATO to be able to ensure that there is security and that they are much involved in pushing the Sudan.

We need Egypt, we need Jordan, we need Algeria, we need Libya to encourage the president of Sudan to stand down. It is extremely important that we are reminded of the necessary humanitarian aid that is vital in the cause of saving lives.

We need to save lives. Chad cannot take any more of a burden than what it already has. And having been to the camps in Chad, spoken to women who would not look you in the face because they had been raped over and over again, Mr. Speaker, this is a monumental crisis. We must not leave this place, the Senate must not leave the place, the President must not let this Congress go out without signing legislation so that the protection of those who are now under attack can be ensured.

I hope that the presidential envoy will have the robust mandate to push the United Nations and the African Union and the United Nations peacekeepers to ensure peace in the region. I ask for support of these initiatives.

Mr. Speaker, I rise today in strong support of H. Res. 992, which urges the President to appoint a Presidential Special Envoy for Sudan.

The appointment of a Presidential Special Envoy for Sudan with a robust mandate and access to, and support of, senior administration officials, including the President, is crucial. Just a few months ago, we passed the Emergency Supplemental Act, which included $250,000 to appoint this special envoy. It is imperative that the President move rapidly to appoint this envoy, that envoy has now been appointed and his mandate must be vigorous and unyielding for peace and security in Darfur.

The genocidal regime in Sudan has left 2.5 million people displaced and at least 400,000 people dead in Darfur. Due to increasing violence, 15,000 innocent civilians continue to die each month. Genocide cannot continue on our watch; the United States must move towards effective action against this most terrible crime. The United Nations Secretary General has described the situation in Darfur as "little short of hell on earth." Expert John Prendergast calls it "Rwanda in slow motion."

The United States Congress and administration are on record as declaring that the atrocities being committed in Darfur, Sudan are genocide.

Until the security situation vastly improves, the people of Sudan will experience increasingly long-term adversity. Civilians can't plan on stability in the future. They can't grow crops, or raise livestock, if there is a likelihood—not a chance, a likelihood—that roving government-sponsored militias will beat, rape, or kill them if they wander outside the protection of makeshift camps. And these government-sponsored criminals burn fields the people have managed to grow, and steal or slaughter the livestock the people have managed to keep.

Over 400,000 people have died in the Darfur conflict since 2003, with 3.5 million people driven into hunger, and another 2.5 million displaced due to violence. Imagine if the entire city of Las Vegas had perished at the hands of government-sponsored bandits, the population of Los Angeles was starving, and both the cities of Houston and Atlanta had all relocated due to conflict. The upheaval of the South after Hurricane Katrina is our closest reference to understanding the devastation Sudan is experiencing, and yet the scale in Sudan is overwhelming. We should all be quaking with anger.

Human rights are not for any government to give and take—they are inherent, self-evident, and vital, as our founding fathers understood so well. We should not be complacent when such rights are violated or refused—we must use what power we have to ensure that people are free to live and thrive safely.

We must work to deter any escalation of violence, and provide unwavering assistance to diffuse the current strife. I commend the tireless efforts of United States officials who have helped secure the Comprehensive Peace Agreement and the Darfur Peace Agreement. And yet there is much to be done, the welfare of a nation lies within our hands.

Our role is clear, and we must do what we can to alleviate the desperation of the civilians caught in the mayhem in Sudan. I urge my colleagues to support this measure.

Mr. RANGEL. Mr. Speaker, I rise in support of H.R. 3127, H. Res. 723 and H. Res. 992 and to call your attention to the rapidly deteriorating situation in Darfur. I join the sponsors of these bills in an effort to express our support of urgent action by the U.S. Government to intervene to stop the genocide which is now occurring. Since the conflict began in 2003 hundreds of thousands of people have died. Nearly 2,000,000 people have been internally displaced, more than 3,000,000 people are dependant on international assistance to survive, and nearly 220,000 refugees are seeking protection in neighboring Chad. And although the U.N. has deployed nearly 13,000 humanitarian aid workers, the support offered to the region is not enough. In spite of the presence of African Union Mission in Sudan (AIMS) forces, the Sudanese government as well as militia men persists in flagrantly ignoring terms outlined in peace agreements resulting in continued genocidal violence and crimes against humanity. As reported by the International Commission of Inquiry on Darfur "the extensive destruction and displacement have resulted in a loss of livelihood and the means of survival for countless women, men and children." Each day hundreds of innocent civilians are killed, raped, and forced to flee their homes. The world is failing Darfur. The United States is failing Darfur.

Despite continued talk of the United States' commitment to liberate people from tyrannical dictators, spread democracy around the world, and fighting terrorism; we continue to tacitly permit the isolation, displacement, and murder of thousands of people throughout the region. We cannot continue to bear silent witness to the massacres. We must act now.

How long will we allow a government which permits attacks and killings of so many of its citizens to refuse aid? How long will we watch as humanitarian aid workers are killed in the line of duty? How long will we continue to talk about genocide without responding? During a subcommittee on Africa, Global Human Rights and International Operations House International Relations Committee testimony, Roger P. Winter, former special representative on Sudan of the Deputy Secretary of State asserted "Sudan's National Congress Party is controlled by an intellectually-capable, radically committed, conspiratorial and compassionless nucleus of individuals, long referred to as the National Islamic Front (NIF)." Substantiating the fact that the Sudanese government is responsible for perpetuating the atrocities occurring throughout the Sudan, especially in Darfur, Mr. Winter's comments also underscore the necessity for both the United Nations and the United States to step up to the plate.

Let us be clear. The situation is getting worse and it will continue to worsen should we stand idle. In violation of previous agreements, aerial bombings of villages using helicopter gunships have begun. Twelve humanitarian aid workers have been killed in the last two months and 25 humanitarian aid vehicles have been hijacked. The Sudanese government is still opposing a U.N. force, and has been threatening to throw out the AU if they transition into a U.N. force, and members of the Sudanese armed forces are disguising themselves and their vehicles to look like those of the AU. Something must be done to stop these atrocities.

There are several steps that can be taken to begin to address some of the egregious wrongs occurring throughout Sudan, particularly in Darfur. We must work both collectively with other governments as well as independently to enforce the provisions outlined in H.R. 3127, the Darfur Peace and Accountability Act including: reinforcing the deployment and operations of an expanded AU peace keeping force; restricting travel of individuals and associates directly responsible for acts of genocide, war crimes, or crimes against humanity in Sudan; and withholding, from the Sudanese government, profits from and/or related to oil and oil related ventures. Immediate deployment of U.N. peacekeeping forces in accordance with U.N. SC Res 1706, and implementation of all previously passed U.N. SC resolutions such as a No Fly Zone and disarming the Janjaweed militia is needed.

In accordance with H. Res. 723 we must take steps toward improving the security situation in Darfur particularly with regard to protecting civilian life. It is of critical importance that we immediately implement an interim civilian protection force that is both well trained and adequately equipped to protect civilians remaining in Darfur as well as those seeking refuge in Chad. In light of a report by Human Rights Watch we must ensure that cross-border raids initiated by Sudanese government forces and Janjaweed militias are countered by stalwart peacekeeping forces backed by stronger mandates. Similarly, appropriations must be made to support the implementation of these forces as well as to fund the missions of both AMIS and NATO in Darfur.

We must also push for allies and other nations including China, India, Malaysia and Russia to extend their support for the Sudanese government. Echoing the sentiments of H. Res. 992 we must employ a special envoy to facilitate the development of an international peacekeeping force and ensuring the implementation of the Comprehensive Peace Agreement among other essential tasks.

Moreover, we must encourage local authorities to exercise their legal right and moral obligation to exercise discretion in how they invest their money. Divesting is one of the many ways that we can send the clear message that we will no longer stand by while hundreds of thousands of innocent people suffer. Lastly, we must ensure that the recently established presidential envoy has a solid, strong mandate, adequate support, and clear channels of communication with the President.

We cannot ignore the great responsibility resting upon our shoulders as a world leader. The people of Darfur can no longer afford to wait. We must hold true to our promises and to our convictions. We must stand up for humanity where human rights are being trampled, thousands are facing death.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong support of H.R. 3127, the Darfur Peace and Accountability Act, H. Res. 723, which calls on President Bush to take immediate steps to help improve the security situation in Darfur, and H. Res. 992, which urges the President to appoint a Presidential Special Envoy for Sudan. I am proud to be a cosponsor of all three bills.

Congress must act now to address what I believe to be the most disastrous humanitarian situation on the planet. We must make it an immediate priority—not just a legislative priority but a priority of conscience—to protect the lives of the men, women, and children who are suffering every day in Darfur, and in refugee camps just over the Sudanese border in Chad.

The situation in Darfur has become exceedingly dire. In direct violation of the Darfur Peace Agreement (DPA) and numerous UN Security Council resolutions, the Sudanese government has begun to deploy some 26,000 troops to the Darfur region. This has coincided with a sharp increase in attacks on civilians and humanitarian aid workers, renewed aerial bombardment, and the all but complete deterioration of the fragile DPA. The Congress must use every tool at our disposal to end the horror that continues in Darfur.

The American people want us to act. From coast to coast, we have seen massive demonstrations on behalf of peace in Darfur. American Jewish groups, faith groups of all denominations, the Save Darfur Coalition and others are far beyond this Congress in their awareness and attention to this critical situation. We must honor their hard work by passing H.R. 3127, H. Res. 723, and H. Res. 992 today.

I was one of several members of Congress who worked to have the situation in Darfur officially classified a "genocide" by the United States Congress. I visited Darfur and I have seen the situation with my own eyes. I carry my experience in Darfur with me every day.

The people of Darfur have suffered for far too long. After each genocide of the last century, Rwanda being the most recent, we vowed "never again." Yet, we have become witness to another genocide. The time to act is now.

I encourage all of my colleagues to support H.R. 3127, H. Res. 723, and H. Res. 992.

Mr. LANGEVIN. Mr. Speaker, I rise today in support of H.R. 3127, the Sudan Darfur Peace and Accountability Act of 2006, which passed Congress on September 25, and H. Res. 992, which calls for the appointment of a presidential special envoy for Sudan and passed the House on September 26. H.R. 3127 addresses the ongoing violence and humanitarian disaster in the Darfur region by directing the president to impose sanctions on the Government of Sudan as well as freeze the assets of anyone responsible for acts of genocide, war crimes, or crimes against humanity in Sudan.

H.R. 3127 also supports the United Nations and NATO to send a civilian protection force to assist the African Union Mission in Sudan. This is especially important since the Sudanese Government is currently refusing to allow U.N. troops into Sudan, which threatens a recent peace agreement and could lead to further violence. I am disappointed, however, that an earlier provision in H.R. 3127 that would have allowed States to make a decision to divest from Sudan was not included in the final version.

This conflict has resonated with people all over the world who want this travesty to end. It is a shame that we have not learned from our mistakes in the past regarding genocide, but it is not too late to change the situation in Sudan. We must not stand by as the situation deteriorates in Darfur. It is our duty to end this human suffering, and I will continue to work to stop this conflict and promote peace in Sudan.

Mr. HOLT. Mr. Speaker, I rise today in strong support of the decisive actions taken this week by the U.S. Congress to address the ongoing genocide and worsening humanitarian crisis in Darfur.

I am pleased that the House of Representatives has again passed H.R. 3127, The Darfur Peace and Accountability Act of 2006. The House originally considered this bill on April 5, 2006, but it took the Senate more than five months to pass it, finally doing so on September 21st. This important bill would block the assets and deny visas and entry to any individual (or family member) responsible for acts of genocide, war crimes, or crimes against humanity in Sudan. H.R. 3127 authorizes support for the African Union peacekeeping mission in Darfur. It prohibits U.S. assistance to a country in violation of U.N. Security Council embargo on military assistance to Sudan. It also urges a Security Council resolution supporting expanding the African Union peacekeeping mission. I look forward to the President signing this important measure into law.

The House has also considered and agreed to H. Res. 723 and H. Res. 992, both of which I am proud to cosponsor. These resolutions call on President Bush to take decisive action to respond to the ongoing crisis in the Sudan. In June, I joined with many of my colleagues to call on President Bush to appoint a Presidential Special Envoy for Sudan. Appointing a Special Envoy would demonstrate to the international community that the United States remains engaged and committed at the highest level to bring peace to Darfur. In his address to the United Nations last week, President Bush announced his appointment of former United States Agency for International Development Administrator Andrew Natsios as Special Envoy. I welcome and applaud this move and remain hopeful that this high-level official will be able to bring the resources and focus of the U.S. Government to bear on this crisis.

As I have said before, for too long the world community turned its back to the ongoing genocide in the Sudan. But the actions of students, religious leaders, and concerned citizens in the United States and around the globe raised awareness about the horrors occurring in Darfur. I want to thank all who shared with me their concern about Darfur in town hall meetings, letters, phone calls, and e-mails over the last three years.

Today, the Congress is answering their calls for action. Passing these bills is an important step to ending the genocide and beginning to hold those who are guilty accountable—but it cannot be our only step. Our commitment to end this conflict and to the people of the region must not begin and end today. We must remain focused and dedicated to ending the genocide and healing the wounds of a prolonged civil war. Justice must be served on those who perpetrated these heinous immoral crimes and we must help rebuild and restore the lives of the people who, through the grace of God, survive this hellish civil war.

After the systematic genocide of the Holocaust, we said never again. After the horrors of Rwanda and the Kosovo we committed ourselves to preventing genocide before it surfaced elsewhere. Sadly, we are to adding Darfur to this list. It is long past time for the United Nations to become involved in Sudan. The U.N. needs to deploy a robust and sizable international mission to end the genocide and then work to bring peace to the Sudan. President Bush was right last week to suggest that it may be time to override the objections of the Sudanese government in order to send international peacekeepers into Darfur. After his speech to the U.N., Bush said, "[T]here's genocide taking place in Sudan. . . . Now is the time for the U.N. to act."

I call on the President to continue to push for action on this issue with world leaders, internationalize the response, and advocate in the United Nations to end the genocide in Darfur. I pray that the suffering will soon end, and that we will not soon forget our brothers and sisters in Africa.

Mr. LANTOS. Mr. Speaker, we have no additional requests for time, and we yield back the balance of our time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of our time as well.

The SPEAKER pro tempore (Mr. FEENEY). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 992, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CORRECTING ENROLLMENT OF H.R. 3127, DARFUR PEACE AND ACCOUNTABILITY ACT OF 2006

Mr. SMITH of New Jersey. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 480) to correct the enrollment of the bill H.R. 3127, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 480

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H.R. 3127, an Act to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes, the Clerk of the House of Representatives is hereby authorized and directed to make the following corrections in section 8(c)(1) of the bill:

(1) Strike "to support" and insert "and to support".

(2) Strike "and to implement" and insert "or to implement".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 5059, proceeding de novo;

H.R. 5062, proceeding de novo;

H.R. 6102, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining votes in this series will be 5-minute votes.

Postponed votes on H.R. 5092, H.R. 4772, and H. Res. 992 will be taken tomorrow.

NEW HAMPSHIRE WILDERNESS ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5059.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 5059.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SANDERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 223, nays 167, not voting 42, as follows:

[Roll No. 471]

YEAS—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carnahan
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Crenshaw
Culberson
Cummings
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Grijalva
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McKinney
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Oberstar
Osborne
Otter
Pearce
Pence
Petri
Pitts
Platts
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—167

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boyd
Brady (PA)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Frank (MA)
Gordon
Green, Al
Green, Gene
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Poe
Pomeroy
Price (NC)
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—42

Andrews
Beauprez
Bishop (NY)
Boucher
Boustany
Brown (OH)
Brown, Corrine
Burton (IN)
Case
Castle
Cubin
Davis (FL)
Davis (IL)
DeGette
Evans
Ford
Gibbons
Gillmor
Green (WI)
Gutierrez
Harris
Hinojosa
Istook
Jefferson
Jenkins
Kilpatrick (MI)
King (NY)
Kirk
Matheson
Meehan
Millender-McDonald
Neal (MA)
Ney
Nussle
Oxley
Peterson (PA)
Pickering
Reynolds
Sanchez, Loretta
Strickland
Taylor (NC)
Weldon (PA)

☐ 1900

Messrs. HIGGINS, POMEROY, BACA, Ms. ESHOO, Messrs. ORTIZ, DICKS, RYAN of Ohio, MELANCON, Ms. BERKLEY, Mr. FARR, Mr. LARSEN of Washington, Ms. SOLIS, Messrs. COOPER, MEEK of Florida, BUTTERFIELD, CUELLAR, Ms. SCHWARTZ of Pennsylvania, and Mr. ROSS changed their vote from "yea" to "nay."

Mr. BOSWELL changed his vote from "nay" to "yea."

So (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

NEW HAMPSHIRE WILDERNESS ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5062.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 5062.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

RECORDED VOTE

Mr. SANDERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 169, not voting 43, as follows:

[Roll No. 472]

AYES—220

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode

Goodlatte
Granger
Graves
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kind
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McKinney
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Oberstar
Osborne
Otter
Pearce
Pence
Petri
Pitts
Platts
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—169

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boyd
Brady (PA)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Frank (MA)
Gordon
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
King (IA)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Poe
Pomeroy
Price (NC)
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—43

Andrews
Beauprez
Bishop (NY)
Boucher
Boustany
Brown (OH)
Brown, Corrine
Burton (IN)
Case
Castle
Cubin
Davis (FL)
Davis (IL)
DeGette
Evans
Ford
Gibbons
Gillmor
Green (WI)
Gutierrez
Harris
Hinojosa
Istook
Jefferson
Jenkins
Kilpatrick (MI)
King (NY)
Kirk
Matheson
Meehan
Millender-McDonald
Neal (MA)
Ney
Nussle
Oxley
Peterson (PA)
Pickering
Reynolds
Sanchez, Loretta
Strickland
Taylor (NC)
Thomas
Weldon (PA)

□ 1908

So (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

CAPTAIN CHRISTOPHER PETTY POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 6102, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 6102, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 383, nays 1, not voting 48, as follows:

[Roll No. 473]

YEAS—383

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson
Carter
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp

Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Fattah

NOT VOTING—48

Andrews
Bachus
Beauprez
Bishop (NY)
Boucher
Boustany
Brown (OH)
Brown, Corrine
Burton (IN)
Carnahan
Case
Castle
Cubin
Davis (FL)
Davis (IL)
DeGette
Evans
Ford
Gibbons
Gillmor
Green (WI)
Gutierrez
Harris
Hinojosa
Istook
Jefferson
Jenkins
Kilpatrick (MI)
King (NY)
Kirk
Matheson
McKinney
Meehan
Millender-McDonald
Neal (MA)
Ney
Nussle
Oxley
Pascrell
Peterson (PA)
Pickering
Radanovich
Reynolds
Sanchez, Loretta
Smith (TX)
Strickland
Taylor (NC)
Weldon (PA)

□ 1916

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A Bill to designate the facility of the United States Postal Service located at 200 Lawyers Road, NW in Vienna, Virginia, as the 'Captain Christopher P. Petty and Major William F. Hecker, III Post Office Building'."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, personal reasons require me to remain in the district, and I am unable to be present for legislative business scheduled for today, Monday, September 25, 2006. Had I been present, I would have voted "aye" on H.R. 5059, the New Hampshire Wilderness Act of 2006 (rollcall No. 471); "aye" on H.R. 5062, the New Hampshire Wilderness Act of 2006 (rollcall No. 472); and "aye" on H.R. 6102, designating the Captain Christopher Petty Post Office Building in Vienna, VA (rollcall No. 473).

PERSONAL EXPLANATION

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Monday, September 25, 2006. As a result, I was not recorded for rollcall votes 471, 472, and 473. Had I been present, I would have voted "aye" on rollcall 471, 472, and 473.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, I was regrettably unable to be on the House Floor for rollcall vote 471—passage of H.R. 5059—New Hampshire Wilderness Act of 2006; rollcall vote 472—passage of H.R. 5062—New Hampshire Wilderness Act of 2006; rollcall vote 473—passage of H.R. 6102—Captain Christopher Petty Post Office Building Designation Act. Had I been present I would have voted "yea" for rollcall vote 471, "aye" for rollcall vote 472, and "yea" for rollcall vote 473.

CONFERENCE REPORT ON H.R. 5631, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

Mr. YOUNG of Florida submitted the following conference report and statement on the bill (H.R. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes:

CONFERENCE REPORT (H. REPT. 109–676)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5631) "making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $25,911,349,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $19,049,454,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $7,932,749,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $20,285,871,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,043,170,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,551,838,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $498,686,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,259,620,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,751,971,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,067,752,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $22,397,581,000: Provided, That of funds made available under this heading, $2,000,000 shall be available for Fort Baker, in accordance with the terms and conditions as provided under the heading "Operation and Maintenance, Army", in Public Law 107–117.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $6,129,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $29,751,721,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $3,338,296,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $28,774,928,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $19,948,799,000: Provided, That not more than $25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: Provided further, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided further, That of the funds made available under this heading, $5,000,000 is available for contractor support to coordinate a wind test demonstration project on an Air Force installation using wind turbines manufactured in the United States that are new to the United States market and to execute the renewable energy purchasing plan: Provided further, That of the funds provided under this heading, not less than $26,837,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,957,888,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,223,628,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $199,032,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,563,751,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $4,323,783,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $4,831,185,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $11,721,000, of which not to exceed $5,000 may be used for official representation purposes.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2557, and 2561 of title 10, United States Code), $63,204,000, to remain available until September 30, 2008.

FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $372,128,000, to remain available until September 30, 2009: Provided, That of the amounts provided under this heading, $15,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for *transport ahd storage of nuclear warheads in the Russian Far East.*

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $3,502,483,000, to remain available for obligation until September 30, 2009: Provided, That $19,200,000 of the funds provided in this paragraph are available only for the purpose of acquiring one HH–60L medical evacuation variant Blackhawk helicopter only for the Army Reserve.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,278,967,000, to remain available for obligation until September 30, 2009.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,906,368,000, to remain available for obligation until September 30, 2009.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,719,879,000, to remain available for obligation until September 30, 2009.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of 3 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $7,004,914,000, to remain available for obligation until September 30, 2009.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $10,393,316,000, to remain available for obligation until September 30, 2009.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $2,573,820,000, to remain available for obligation until September 30, 2009.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $767,314,000, to remain available for obligation until September 30, 2009.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP), $791,893,000;
NSSN, $1,775,472,000;
NSSN (AP), $676,582,000;
CVN Refuelings, $954,495,000;
CVN Refuelings (AP), $117,139,000;
SSBN Submarine Refuelings, $189,022,000;
SSBN Submarine Refuelings (AP), $37,154,000;
DDG–1000 Program, $2,568,111,000;
DDG–51 Destroyer, $355,849,000;
Littoral Combat Ship, $520,670,000;
LPD–17 (AP), $297,492,000;
LHA–R, $1,135,917,000;
Special Purpose Craft, $2,900,000;
T–AGS Oceanographic Survey Ship, $117,000,000;
LCAC Service Life Extension Program, $110,692,000;
Prior year shipbuilding costs, $512,849,000;
Service Craft, $45,245,000; and

For outfitting, post delivery, conversions, and first destination transportation, $370,643,000.

In all: $10,579,125,000, to remain available for obligation until September 30, 2011: Provided, That additional obligations may be incurred after September 30, 2011, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of 10 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $4,927,676,000, to remain available for obligation until September 30, 2009.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $891,571,000, to remain available for obligation until September 30, 2009.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $11,643,356,000, to remain available for obligation until September 30, 2009.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $3,914,703,000, to remain available for obligation until September 30, 2009.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,054,302,000, to remain available for obligation until September 30, 2009.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $15,493,486,000, to remain available for obligation until September 30, 2009.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 5 vehicles required for physical security of personnel, notwithstanding prior limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $2,903,292,000, to remain available for obligation until September 30, 2009.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $290,000,000, to remain available for obligation until September 30, 2009: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $63,184,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $11,054,958,000, to remain available for obligation until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,673,894,000, to remain available for obligation until September 30, 2008: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $24,516,276,000, to remain available for obligation until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $21,291,056,000, to remain available for obligation until September 30, 2008.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $185,420,000, to remain available for obligation until September 30, 2008.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,345,998,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,071,932,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

PENTAGON RESERVATION MAINTENANCE REVOLVING FUND

For the Pentagon Reservation Maintenance Revolving Fund, $18,500,000, to remain available until September 30, 2011.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,277,304,000, of which $1,046,290,000 shall be for Operation and maintenance; $231,014,000 shall be for Research, development, test and evaluation, of which $215,944,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program, to remain available until September 30, 2008; and no less than $111,283,000 shall be for the Chemical Stockpile Emergency Preparedness Program, of which $41,074,000 shall be for activities on military installations and of which $70,209,000, to remain available until September

30, 2008, shall be to assist State and local governments.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $977,632,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $216,297,000, of which $214,897,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,400,000, to remain available until September 30, 2009, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $256,400,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $621,611,000, of which $36,268,000 for the Advanced Research and Development Committee shall remain available until September 30, 2008: Provided, That of the funds appropriated under this heading, $39,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2009 and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2008: Provided further, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2007: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section: Provided further, That no obligation of funds may be made pursuant to section 1206 of Public Law 109–163 (or any successor provision) unless the Secretary of Defense has notified the congressional defense committees prior to any such obligation.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: Provided further, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

C–17 Globemaster; F–22A; MH–60R Helicopters; MH–60R Helicopter mission equipment; and V–22 Osprey.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2007, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2008 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2008 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2008.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8012. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this section applies only to active components of the Army.

SEC. 8013. (a) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b) EXCEPTIONS.—

(1) The Department of Defense, without regard to subsection (a) of this section or subsections (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) TREATMENT OF CONVERSION.—The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8014. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8015. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8016. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8017. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8018. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code: Provided further, That, during the current fiscal year and hereafter, businesses certified as 8(a) by the Small Business Administration pursuant to section 8(a)(15) of Public Law 85–536, as amended, shall have the same status as other *program participants under section 602 of Public Law 100-656, 102 Stat. 3825 (Business Opportunity Development Reform Act of 1988) for purposes of contracting with agencies of the Department of Defense.*

SEC. 8019. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8020. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8021. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8022. (a) Of the funds made available in this Act, not less than $35,975,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $25,087,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $10,193,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) $695,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8023. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2007 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2007, not more than 5,517 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,060 staff years may be funded for the defense studies and analysis FFRDCs: Provided further, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2008 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $53,200,000.

SEC. 8024. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8025. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8026. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8027. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2007. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8028. Notwithstanding any other provision of law, funds available during the current fiscal year and hereafter for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

SEC. 8029. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8030. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8031. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8032. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during *the current fiscal year to appropriations made to the Department of Defense for procurement.*

(b) The fiscal year 2008 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2008 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2008 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8033. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2008: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2008.

SEC. 8034. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8035. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8036. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8037. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8038. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

SEC. 8039. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" to make grants and supplement other Federal funds in accordance with the guidance provided in the Joint Explanatory Statement of the Committee of Conference to accompany the conference report on the bill H.R. 5631.

(RESCISSIONS)

SEC. 8040. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

Shipbuilding and Conversion, Navy, 2005/2009, $11,245,000;

Aircraft Procurement, Air Force, 2005/2007, $108,000,000;

Other Procurement, Army, 2006/2008, $120,200,000;

Aircraft Procurement, Navy, 2006/2008, $76,700,000;

Aircraft Procurement, Air Force, 2006/2008, $141,100,000;

Missile Procurement, Air Force, 2006/2008, $142,000,000;

Research, Development, Test and Evaluation, Army, 2006/2007, $21,600,000;

Research, Development, Test and Evaluation, Navy, 2006/2007, $35,798,000;

Research, Development, Test and Evaluation, Air Force, 2006/2007, $92,800,000;

Research, Development, Test and Evaluation, Defense-Wide, 2006/2007, $120,700,000.

SEC. 8041. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8042. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8043. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8044. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8045. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8046. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8047. None of the funds in this Act may be used to purchase any supercomputer which is *not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.*

Sec. 8048. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year and hereafter for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

Sec. 8049. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

Sec. 8050. (a) Limitation on Transfer of Defense Articles and Services.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) Covered Activities.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) Required Notice.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

Sec. 8051. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8052. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

Sec. 8053. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

Sec. 8054. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

Sec. 8055. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

Sec. 8056. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

Sec. 8057. Notwithstanding any other provision of law, funds available to the Department of Defense in this Act shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

Sec. 8058. None of the funds made available in this Act may be used to approve or license the sale of the F–22A advanced tactical fighter to any foreign government.

Sec. 8059. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

Sec. 8060. (a) Prohibition.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) Monitoring.—The Secretary of Defense, in consultation with the Secretary of State,

shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8061. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8062. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8063. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any new start advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8064. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8065. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance, and research, development, test and evaluation accounts of the Department of Defense which are current when the refunds are received.

SEC. 8066. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—

(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include a statement confirming that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 8067. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8068. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32 may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8069. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API-T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8070. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8071. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8072. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Army", $78,300,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8074. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2007.

SEC. 8075. In addition to amounts provided elsewhere in this Act, $2,500,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: Provided, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8076. (a) The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental and medical equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

(b) In carrying out this provision, the Secretary of Defense shall give the Indian Health Service a property disposal priority equal to the priority given to the Department of Defense and its twelve special screening programs in distribution of surplus dental and medical supplies and equipment.

SEC. 8077. Amounts appropriated in title II of this Act are hereby reduced by $158,100,000 to reflect savings attributable to efficiencies and management improvements in the funding of miscellaneous or other contracts in the military departments, as follows:

(1) From "Operation and Maintenance, Army", $31,100,000.

(2) From "Operation and Maintenance, Navy", $35,000,000.

(3) From "Operation and Maintenance, Marine Corps", $5,000,000.

(4) From "Operation and Maintenance, Air Force", $87,000,000.

SEC. 8078. The total amount appropriated or otherwise made available in this Act is hereby reduced by $71,000,000 to limit excessive growth in the procurement of advisory and assistance services, to be distributed as follows:

"Operation and Maintenance, Army", $32,000,000.

"Operation and Maintenance, Navy", $34,000,000.

"Operation and Maintenance, Marine Corps", $5,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8079. Of the amounts appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", $137,894,000 shall be made available for the Arrow missile defense program: Provided, That of this amount, $53,000,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures, and $20,400,000 shall be available for the purpose of the initiation of a joint feasibility study designated the Short Range Ballistic Missile Defense (SRBMD) initiative: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8080. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", $512,849,000 shall be available until September 30, 2007, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading "Shipbuilding and Conversion, Navy, 1999/2007":

New SSN, $20,000,000;

Under the heading "Shipbuilding and Conversion, Navy, 2000/2007":

LPD-17 Amphibious Transport Dock Ship Program, $66,049,000;

Under the heading "Shipbuilding and Conversion, Navy, 2001/2007":

New SSN, $41,000,000;

Carrier Replacement Program, $318,400,000;

Under the heading "Shipbuilding and Conversion, Navy, 2002/2007":

New SSN, $28,000,000;

Under the heading "Shipbuilding and Conversion, Navy, 2003/2007":

New SSN, $22,000,000; and

Under the heading "Shipbuilding and Conversion, Navy, 2005/2009":

LPD-17 Amphibious Transport Dock Ship Program, $17,400,000.

SEC. 8081. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under section 7622 of title 10, United States Code arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: Provided, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8082. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code for occupations listed in section 7403(a)(2) of title 38, United States Code as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code shall not apply.

SEC. 8083. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2007 until the enactment of the Intelligence Authorization Act for fiscal year 2007.

SEC. 8084. None of the funds in this Act may be used to initiate a new start program without prior written notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8085. (a) In addition to the amounts provided elsewhere in this Act, the amount of $5,400,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Army National Guard". Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of $5,400,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management co-operation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a note).

SEC. 8086. FINANCING AND FIELDING OF KEY ARMY CAPABILITIES. The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight Future Force cannon (NLOS–C) and a compatible large caliber ammunition resupply capability for this system supported by the Future Combat Systems (FCS) Brigade Combat Team (BCT) in order to field this system in fiscal year 2010: Provided, That the Army shall develop the NLOS–C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. In addition the Army will deliver eight (8) combat operational pre-production NLOS-C systems by the end of calendar year 2008. These systems shall be in addition to those systems necessary for developmental and operational testing: Provided further, That the Army shall ensure that budgetary and programmatic plans will provide for no fewer than seven (7) Stryker Brigade Combat Teams.

SEC. 8087. Up to $2,000,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems, electrical upgrade to support additional missions critical to base operations, and support for a range footprint expansion to further guard against encroachment.

SEC. 8088. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $11,100,000 is hereby appropriated to the Department of Defense, to remain available until September 30, 2007: Provided, That the Secretary of Defense shall make grants in the amounts specified as follows: $4,500,000 to the Intrepid Sea-Air-Space Foundation; $2,600,000 to the Center for Applied Science and Technologies at Jordan Valley Innovation Center; $1,000,000 to the Women in Military Service for America Memorial Foundation; $2,000,000 to The Presidio Trust; and, $1,000,000 to the Red Cross Consolidated Blood Services Facility.

SEC. 8089. The budget of the President for fiscal year 2008 submitted to the Congress pursuant to section 1105 of title 31, United States Code shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and

Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP-5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8090. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8091. Of the amounts provided in title II of this Act under the heading "Operation and Maintenance, Defense-Wide", $20,000,000 is available for the Regional Defense Counter-terrorism Fellowship Program, to fund the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

SEC. 8092. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8093. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8094. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

SEC. 8095. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: Provided, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8096. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: Provided, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: Provided further, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the Senate and the House of Representatives, unless sooner notified by the Committees that there is no objection to the proposed transfer: Provided further, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8097. (a) The total amount appropriated or otherwise made available in title II of this Act is hereby reduced by $85,000,000 to limit excessive growth in the travel and transportation of persons.

(b) The Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, subactivity group, and each program, project, and activity within each applicable appropriation account.

SEC. 8098. In addition to funds made available elsewhere in this Act, $5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as, but not limited to, the provision of funds for repairs, maintenance, construction, and/or for the purchase of information technology, text books, teaching resources), to public schools that have unusually high concentrations of special needs military dependents enrolled: Provided, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments, and all schools within these school systems shall be eligible for assistance: Provided further, That up to 2 percent of the total appropriated funds under this section shall be available to support the administration and execution of the funds or program and/or events that promote the purpose of this appropriation (e.g. payment of travel and per diem of school teachers attending conferences or a meeting that promotes the purpose of this appropriation and/or consultant fees for on-site training of teachers, staff, or Joint Venture Education Forum (JVEF) Committee members): Provided further, That up to $2,000,000 shall be available for the Department of Defense to establish a non-profit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to non-profit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments: Provided further, That to the extent a Federal agency provides this assistance, by contract, grant, or otherwise, it may accept and expend non-Federal funds in combination with these Federal funds to provide assistance for the authorized purpose, if the non-Federal entity requests such assistance and the non-Federal funds are provided on a reimbursable basis.

SEC. 8099. The Secretary of the Air Force is authorized, using funds available under the heading "Operation and Maintenance, Air Force", to complete a phased repair project, which repairs may include upgrades and additions, to the infrastructure of the operational ranges managed by the Air Force in Alaska: Provided, That the total cost of such phased projects shall not exceed $50,000,000.

SEC. 8100. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading "Shipbuilding and Conversion, Navy" that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in the current fiscal year or any prior fiscal year.

SEC. 8101. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the Extended Range Multi-Purpose (ERMP) Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8102. Of the funds provided in this Act, $8,100,000 shall be available for the operations and development of training and technology for the Joint Interagency Training Center-East and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other Federal agency, and State and local first responder personnel at the Joint Interagency Training Center-East.

SEC. 8103. The authority to conduct a continuing cooperative program in the proviso in title II of Public Law 102–368 under the heading "Research, Development, Test and Evaluation, Defense Agencies" (106 Stat. 1121) shall be extended through September 30, 2008 in cooperation with NELHA.

SEC. 8104. The Secretary of Defense may present promotional materials, including a United States flag, to any member of an Active or Reserve component under the Secretary's jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom, along with other recognition items in conjunction with any week-long national observation and day of national celebration, if established by Presidential proclamation, for any such members returning from such operations.

SEC. 8105. Up to $10,000,000 of the funds appropriated under the heading, "Operation and Maintenance, Navy" may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: Provided, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: Provided further, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8106. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions the total amount appropriated in title II of this Act is hereby reduced by $401,925,000, the total amount appropriated in title III of this Act is hereby reduced by $325,000,000, the total amount appropriated in title IV of this Act is hereby reduced by $286,000,000, the total amount appropriated in title V of this Act is hereby reduced by $9,500,000, the total amount appropriated in title VI of this Act is hereby reduced by $9,500,000, and the total amount appropriated in title VII of this Act is hereby reduced by $2,500,000: Provided, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within *each appropriation account: Provided further, That this reduction shall not apply to "Central Intelligence Agency Retirement and Disability System Fund".*

Sec. 8107. The Secretary of Defense shall, not later than 90 days after the enactment of this Act, submit to the congressional defense committees a report detailing the efforts by the Department of Defense Education Activity (DoDEA) to address dyslexia in students at DoDEA schools: Provided, That this report shall include a description of funding provided in this and other Department of Defense Appropriations Acts used by DoDEA schools to address dyslexia.

Sec. 8108. (a) Limitation on Retirement Pending Report on Bomber Force Structure.—No funds appropriated for the Department of Defense may be obligated or expended for retiring or dismantling any of the 93 B–52H bomber aircraft in service in the Air Force as of June 1, 2006, until 30 days after the Secretary of the Air Force transmits to the congressional defense committees a report on the bomber force structure of the Air Force meeting the requirements of subsection (b).

(b) Elements.—The report under subsection (a) shall set forth the following:

(1) The plan of the Air Force for the modernization of the B–52H bomber aircraft fleet.

(2) The plans of the Air Force for the modernization of the balance of the bomber force structure.

(3) The amount and type of bombers in the bomber force structure that is appropriate to meet the requirements of the national security strategy of the United States.

(4) An analysis and justification of the cost and projected savings of any reductions to the B–52H bomber fleet as a result of the retirement or dismantlement of the B–52H bomber aircraft covered by the report.

(5) The current assessments for the useful life of each of the bomber aircraft in the Air Force inventory under the Aircraft Structural Integrity Program, any flight restrictions against each of the bomber aircraft in the Air Force inventory, and an analysis of any funding required for modifications designed to correct a problem that threatens grounding all or a portion of that aircraft fleet.

(6) The date by which any new bomber aircraft must reach initial operational capability and the capabilities of the bomber force structure that would be replaced or superseded by any new bomber aircraft.

(7) An assessment of the likelihood that the development of a new bomber aircraft will meet the current schedule of reaching initial operational capability by 2018.

(8) An assessment of the risk to national security of retiring a substantial portion of our bomber fleet, including a consideration of the additional risk if the development of a new bomber aircraft does not meet the current schedule of reaching initial operational capability by 2018.

(c) Preparation of Report.—A report under this section shall be prepared and submitted by the Institute of Defense Analyses to the Secretary of the Air Force for transmittal by the Secretary in accordance with subsection (a).

(d) Form.—The report under subsection (a) shall be in unclassified form, but may include a classified annex.

Sec. 8109. Notwithstanding the first section of Public Law 85–804 (50 U.S.C. 1431), in the event a notice on the modification of a contract described in that section is submitted to the Committees on Armed Services of the Senate and the House of Representatives by the Army Contract Adjustment Board during the period beginning on July 28, 2006, and ending on the date of the adjournment of the 109th Congress sine die, such contract may be modified in accordance with such notice commencing on the earlier of—

(1) the date that is 60 calendar days after the date of such notice; or

(2) the date of the adjournment of the 109th Congress sine die.

Sec. 8110. (a) Except as provided in subsection (b), the Secretary of the Air Force shall, not later than March 31, 2007, submit to the congressional defense committees a cost-benefit analysis of significant proposed realignments or closures of research and development or test and evaluation installations, activities, facilities, laboratories, units, functions, or capabilities of the Air Force. The analysis shall include an evaluation of missions served and alternatives considered and of the benefits, costs, risks, and other considerations associated with each such proposed realignment or closure.

(b) The requirement under subsection (a) does not apply to realignment and closure activities carried out in accordance with the final recommendations of the Defense Base Closure and Realignment Commission under the 2005 round of defense base closure and realignment.

(c) None of the funds appropriated or otherwise made available in this Act may be used to transfer from Eglin Air Force Base, Florida, to any other location, or otherwise to divest from that base, any test and evaluation facility or test and evaluation activity that as of the beginning of fiscal year 2007 is located or conducted at that base.

Sec. 8111. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to implement any provision of the National Security Personnel System under chapter 99 of title 5, United States Code, that deviates from any provision relating to labor-management relations, adverse actions, or appeals under chapter 71, 75, or 77 of title 5, United States Code, or from any regulations prescribed under such chapter 71, 75, or 77: Provided, That the limitation in this section shall cease to apply to the extent that the decision of the court in AFGE v. Rumsfeld (442 F. Supp. 2d 16 (D.D.C. 2006)) is reversed on appeal.

Sec. 8112. Except as expressly provided otherwise, any reference to "this Act" contained in this dividion shall be treated as referring only to the provisions of this division.

TITLE IX

ADDITIONAL APPROPRIATIONS

MILITARY PERSONNEL

Military Personnel, Army

For an additional amount for "Military Personnel, Army", $4,346,710,000.

Military Personnel, Navy

For an additional amount for "Military Personnel, Navy", $143,296,000.

Military Personnel, Marine Corps

For an additional amount for "Military Personnel, Marine Corps", $145,576,000.

Military Personnel, Air Force

For an additional amount for "Military Personnel, Air Force", $351,788,000.

Reserve Personnel, Army

For an additional amount for "Reserve Personnel, Army", $87,756,000.

Reserve Personnel, Marine Corps

For an additional amount for "Reserve Personnel, Marine Corps", $15,420,000.

National Guard Personnel, Army

For an additional amount for "National Guard Personnel, Army", $295,959,000.

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For an additional amount for "Operation and Maintenance, Army", $28,364,102,000.

Operation and Maintenance, Navy

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $1,615,288,000: Provided, That up to $90,000,000 shall be transferred to the Coast Guard "Operating Expenses" account.

Operation and Maintenance, Marine Corps

For an additional amount for "Operation and Maintenance, Marine Corps", $2,689,006,000.

Operation and Maintenance, Air Force

For an additional amount for "Operation and Maintenance, Air Force", $2,688,189,000.

Operation and Maintenance, Defense-Wide

For an additional amount for "Operation and Maintenance, Defense-Wide", $2,771,963,000, of which up to $900,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

Operation and Maintenance, Army Reserve

For an additional amount for "Operation and Maintenance, Army Reserve", $211,600,000.

Operation and Maintenance, Navy Reserve

For an additional amount for "Operation and Maintenance, Navy Reserve", $9,886,000.

Operation and Maintenance, Marine Corps Reserve

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $48,000,000.

Operation and Maintenance, Air Force Reserve

For an additional amount for "Operation and Maintenance, Air Force Reserve", $65,000,000.

Operation and Maintenance, Army National Guard

For an additional amount for "Operation and Maintenance, Army National Guard", $424,000,000.

Operation and Maintenance, Air National Guard

For an additional amount for "Operation and Maintenance, Air National Guard", $200,000,000.

Iraq Freedom Fund

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", $50,000,000, to remain available for transfer until September 30, 2008, only to support operations in Iraq or Afghanistan: Provided, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and working capital funds: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or *part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.*

AFGHANISTAN SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Afghanistan Security Forces Fund", $1,500,000,000, to remain available until September 30, 2008: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Office of Security Cooperation—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Iraq Security Forces Fund", $1,700,000,000, to remain available until September 30, 2008: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Joint Improvised Explosive Device Defeat Fund", $1,920,700,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of this Fund: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon determination that all or part of the funds so transferred from this appropriation are not necessary for the purpose provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $1,461,300,000, to remain available for obligation until September 30, 2009.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $3,393,230,000, to remain available for obligation until September 30, 2009.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $237,750,000, to remain available for obligation until September 30, 2009.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $5,003,995,000, to remain available for obligation until September 30, 2009.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $486,881,000, to remain available for obligation until September 30, 2009.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $109,400,000, to remain available for obligation until September 30, 2009.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $127,880,000, to remain available for obligation until September 30, 2009.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $319,965,000, to remain available for obligation until September 30, 2009.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $4,898,269,000, to remain available for obligation until September 30, 2009.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $2,291,300,000, to remain available for obligation until September 30, 2009.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $32,650,000, to remain available for obligation until September 30, 2009.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $1,317,607,000, to remain available for obligation until September 30, 2009.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $145,555,000, to remain available for obligation until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $231,106,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $36,964,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $139,644,000, to remain available until September 30, 2008.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $100,000,000.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for "Intelligence Community Management Account", $19,265,000, to remain available until September 30, 2008.

GENERAL PROVISIONS

SEC. 9001. Appropriations provided in this title are available for obligation until September 30, 2007, unless otherwise so provided in this title.

SEC. 9002. Notwithstanding any other provision of law or of this Act, funds made available in this title are in addition to amounts provided elsewhere in this Act.

(TRANSFER OF FUNDS)

SEC. 9003. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $3,000,000,000 of the funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

SEC. 9004. Funds appropriated in this title, or made available by the transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 9005. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2006 or 2007 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 9006. (a) From funds made available in this title to the Department of Defense, not to exceed $500,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to fund a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter (beginning with the first quarter of fiscal year 2007), the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 9007. Amounts provided in this title for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of up to 20 heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations specified elsewhere in this Act, or any other provision of law: Provided, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including the cost, purposes, and quantities of vehicles purchased.

SEC. 9008. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9009. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9010. (a) Not later than 60 days after the date of the enactment of this Act and every 90 days thereafter through the end of fiscal year 2007, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, and trends relating to numbers and types of ethnic and religious-based hostile encounters.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraqi battalions that are—

(i) capable of conducting counterinsurgency operations independently;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(E) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(F) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction; and

(v) attrition rates and measures of absenteeism and infiltration by insurgents.

(G) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(H) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(I) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(J) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2007.

SEC. 9011. Amounts provided in chapter 1 of title V of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 are hereby designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 9012. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

SEC. 9013. Each amount appropriated or otherwise made available in this title is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by H. Res. 818 (109th Congress), and as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress) as made applicable to the Senate by section 7035 of Public Law 109–234.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9014. (a) Congress makes the following findings:

(1) Despite the signing of the Darfur Peace Agreement on May 5, 2006, the violence in Darfur, Sudan, continues to escalate and threatens to spread to other areas of Sudan and throughout the region.

(2) The African Union Mission in Sudan (AMIS) currently serves as the primary security force in Darfur, but it is hoped that a United Nations peacekeeping force can be deployed to the region.

(3) The continued presence of a peacekeeping force in Darfur, Sudan, is critical to curbing the spread of violence in the region.

(b) Of the funds appropriated in this title under the heading "Operation and Maintenance, Defense-Wide", $20,000,000 shall be made available only for transfer to the Department of State "Peacekeeping Operations" account to support peacekeeping activities in Sudan: Provided, That these funds shall be transferred by the Secretary of Defense if he determines such amounts are required to assist in peacekeeping activities.

(c) The transfer authority in this section is in addition to any other transfer authority available to the Department of Defense.

(d) The Secretary shall, not fewer than five days prior to making transfers under this authority, notify the congressional defense committees in writing of the details of any such transfer.

SEC. 9015. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231 note) and any regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 9016. PROHIBITION ON PAYMENT OF AWARD FEES TO DEFENSE CONTRACTORS IN CASES OF CONTRACT NON-PERFORMANCE. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to provide award fees to any defense contractor for performance that does not meet the requirements of the contract.

SEC. 9017. No funds appropriated or otherwise made available by this Act may be used by the Government of the United States to enter into an agreement with the Government of Iraq that would subject members of the Armed Forces of the United States to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

SEC. 9018. Notwithstanding any other provision of law, the Secretary of the Army may reimburse a member for expenses incurred by the member or family member when such expenses are otherwise not reimbursable under law: Provided, That such expenses must have been incurred in good faith as a direct consequence of reasonable preparation for, or execution of, military orders: Provided further, That reimbursement under this section shall be allowed only in situations wherein other authorities are insufficient to remedy a hardship determined by the Secretary, and only when the Secretary determines that reimbursement of the expense is in the best interest of the member and the United States.

TITLE X

FISCAL YEAR 2006 WILDLAND FIRE EMERGENCY APPROPRIATIONS

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management", $100,000,000, to be available for obligation upon enactment of this Act and to remain available until expended, for wildland fire suppression, emergency rehabilitation activities and for repayment to other appropriation accounts from which funds were transferred on an emergency basis for wildfire suppression: Provided, That the amount provided is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by H. Res. 818 (109th Congress) and as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress) as made applicable to the Senate by section 7035 of Public Law 109–234.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management", $100,000,000, to be available for obligation upon enactment of this Act and to remain available until expended, for wildland fire suppression, emergency rehabilitation activities and for repayment to other appropriation accounts from which funds were transferred on an emergency basis for wildfire suppression: Provided, That the amount provided is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by H. Res. 818 (109th Congress) and as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress) as made applicable to the Senate by section 7035 of Public Law 109–234.

This Act may be cited as the "Department of Defense Appropriations Act, 2007".

DIVISION B—CONTINUING APPROPRIATIONS RESOLUTION, 2007

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2007, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for fiscal year 2006 for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this division, that were conducted in fiscal year 2006, and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2007.

(2) The Energy and Water Development Appropriations Act, 2007 (in the House of Representatives), or the Energy and Water Appropriations Act, 2007 (in the Senate).

(3) The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2007 (in the House of Representatives), or the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2007 (in the Senate).

(4) The Department of Homeland Security Appropriations Act, 2007.

(5) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2007.

(6) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2007.

(7) The Legislative Branch Appropriations Act, 2007.

(8) The Military Construction, Military Quality of Life and Veterans Affairs Appropriations Act, 2007 (in the House of Representatives), or the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2007 (in the Senate).

(9) The Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2007 (in the House of Representatives), or the Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act, 2007 (in the Senate).

(10) The Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2007 (in the House of Representatives), or the Transportation, Treasury, Housing and Urban Development, the Judiciary, and Related Agencies Appropriations Act, 2007 (in the Senate) and the District of Columbia Appropriations Act, 2007 (in the Senate).

(b) Whenever the amount that would be made available or the authority that would be granted for a project or activity under an Act listed in subsection (a) as passed by the House of Representatives as of October 1, 2006, is the same as the amount or authority that would be available or granted under the same or other pertinent Act as passed by the Senate as of October 1, 2006—

(1) the project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the actions of the House and the Senate, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for fiscal year 2006; or

(2) if no amount or authority is made available or granted for the project or activity by the actions of the House and the Senate, the project or activity shall not be continued.

(c) Whenever the amount that would be made available or the authority that would be granted for a project or activity under an Act listed in subsection (a) as passed by the House of Representatives as of October 1, 2006, is different from the amount or authority that would be available or granted under the same or other pertinent Act as passed by the Senate as of October 1, 2006—

(1) the project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lowest, and under the authority and conditions provided in applicable appropriations Acts for fiscal year 2006; or

(2) if the project or activity is included in the pertinent Act of only one of the Houses, the project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for fiscal year 2006.

(d) Whenever the pertinent Act covering a project or activity has been passed by only the House of Representatives as of October 1, 2006—

(1) the project or activity shall be continued under the appropriation, fund, or authority granted by the House, at a rate for operations not exceeding the current rate or the rate permitted by the action of the House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for fiscal year 2006; or

(2) if the project or activity is funded in applicable appropriations Acts for fiscal year 2006

and not included in the pertinent Act of the House as of October 1, 2006, the project or activity shall be continued under the appropriation, fund, or authority granted by applicable appropriations Acts for fiscal year 2006 at a rate for operations not exceeding the current rate and under the authority and conditions provided in applicable appropriations Acts for fiscal year 2006.

(e) Whenever the pertinent Act covering a project or activity has been passed by neither the House of Representatives nor the Senate as of October 1, 2006, the project or activity shall be continued under the appropriation, fund, or authority granted by applicable appropriations Acts for fiscal year 2006 at a rate for operations not exceeding the current rate and under the authority and conditions provided in applicable appropriations Acts for fiscal year 2006.

SEC. 102. (a) For purposes of section 101, the pertinent appropriations Acts for fiscal year 2007 covering the activities specified in subsection (c) shall be the Act listed in section 101(a)(8) as passed by the House of Representatives, and H.R.5631 (109th Congress) as passed by the Senate.

(b) For purposes of section 106(2) and 107, the applicable appropriations Act for fiscal year 2007 covering the activities specified in subsection (c) shall be the Act listed in section 101(a)(8).

(c) The activities referred to in subsections (a) and (b) are the following activities of the Department of Defense:

(1) Activities under the "Basic Allowance for Housing" accounts, and the basic allowance for housing activities under the "Military Personnel" accounts.

(2) Activities under the "Facilities Sustainment, Restoration and Modernization" accounts, and the facilities sustainment, restoration and modernization activities under the "Operation and Maintenance" accounts.

(3) Activities under the "Environmental Restoration" accounts.

(4) Activities under the "Defense Health Program" account.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2006.

SEC. 105. Appropriations made and authority granted pursuant to this division shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this division.

SEC. 106. Unless otherwise provided for in this division or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this division shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this division; (2) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity; or (3) November 17, 2006.

SEC. 107. Expenditures made pursuant to this division shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations and funds made available by or authority granted pursuant to this division may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this division may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this division, except section 106, for those programs that had high initial rates of operation or complete distribution of fiscal year 2006 appropriations at the beginning of that fiscal year because of distributions of funding to States, foreign countries, grantees, or others, similar distributions of funds for fiscal year 2007 shall not be made and no grants shall be awarded for such programs funded by this division that would impinge on final funding prerogatives.

SEC. 110. This division shall be implemented so that only the most limited funding action of that permitted in the division shall be taken in order to provide for continuation of projects and activities.

SEC. 111. No provision that is included in an appropriations Act listed in section 101(a), but that was not included in the applicable appropriations Act for fiscal year 2006 and by its terms is applicable to more than one appropriation, fund, or authority, shall be applicable to any appropriation, fund, or authority provided in this division.

SEC. 112. No provision that is included in an appropriations Act listed in section 101(a), and that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation, shall be effective before the date set forth in section 106(3).

SEC. 113. Funds appropriated by this division may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2006, and for activities under the Food Stamp Act of 1977, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2006, to be continued through the date specified in section 106(3) of this division.

(b) Notwithstanding section 106 of this division, funds shall be available and obligations for mandatory payments due on or about November 1, 2006, and December 1, 2006 may continue to be made.

SEC. 115. Notwithstanding the second proviso under the heading "Rental Assistance Program" in title III of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (Public Law 109–97), the Secretary of Agriculture is authorized to enter into or renew contracts under section 521(a)(2) of the Housing Act of 1949 for one year.

SEC. 116. The Secretary of Agriculture shall continue, through the date specified in section 106(3) of this division, the Water and Waste Systems Direct Loan Program under the authority and conditions (including the borrower's interest rate and fees as of September 1, 2006) provided by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (Public Law 109–97).

SEC. 117. Section 14704 of title 40, United States Code, shall be applied by substituting the date specified in section 106(3) of this division for "October 1, 2006".

SEC. 118. The authorities provided by sections 2(b)(9) and 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9) and 635f), and section 1 of Public Law 103–428 shall continue in effect through the date specified in section 106(3) of this division.

SEC. 119. Section 501(i) of H.R. 3425, as enacted into law by section 1000(a)(5) of division B of Public Law 106–113 (Appendix E, 113 Stat. 1501A–313), as amended by section 591(b) of division D of Public Law 108–447 (118 Stat. 3037), shall continue in effect through the date specified in section 106(3) of this division.

SEC. 120. In addition to the amounts provided under section 101 of this division, amounts obligated in fiscal year 2006 from funding provided in section 458(a)(1) of the Higher Education Act (as reduced by the amount of account maintenance fees obligated to guaranty agencies for fiscal year 2006 pursuant to section 458(a)(1)(B) of that Act), shall be deemed to have been provided in an applicable appropriations Act for fiscal year 2006.

SEC. 121. The authority provided by section 2011 of title 38, United States Code, shall continue in effect through the date specified in section 106(3) of this division.

SEC. 122. The authority provided by section 2808 of Public Law 108–136, as amended by section 2809 of Public Law 109–163, shall continue in effect through the date specified in section 106(3) of this division.

SEC. 123. The authority provided by subsection (a) of section 221of the Veterans Health Care, Capital Asset, and Business Improvement Act of 2003 (Public Law 108–170) shall continue in effect, notwithstanding subsection (d) of that section, through the earlier of (1) the date specified in section 106(3) of this division; or (2) the date of the enactment into law of an authorization Act relating to major medical facility projects for the Department of Veterans Affairs.

SEC. 124. Title VIII of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (Public Law 108–447, division B), shall continue in effect through the date specified in section 106(3) of this division.

SEC. 125. Funds appropriated by section 101 of this division for International Space Station Cargo Crew Services/International Partner Purchases within the National Aeronautics and Space Administration may be obligated in the account and budget structure set forth in the pertinent Acts specified in section 101(a)(9).

SEC. 126. Except as provided for in section 101(b)(2), amounts made available under section 101 of this division for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with enacted appropriations for fiscal year 2006, except that the such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 127. (a) Notwithstanding any other provision of this division, except section 106, the District of Columbia may expend local funds for programs and activities under the heading "District of Columbia Funds" for such programs and activities under title V of H.R. 5576 (109th Congress), as passed by the House of Representatives, at the rate set forth under "District of Columbia Funds, Summary of Expenses" as included in the Fiscal Year 2007 Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia on June 5, 2006.

(b) Sections 131 and 132 of division B of Public Law 109–115 shall be applied by substituting the date specified in section 106(3) of this division for "September 30, 2006".

SEC. 128. The provisions of title II of the McKinney-Vento Homeless Assistance Act (42

U.S.C. 11311 et seq.) shall continue in effect, notwithstanding section 209 of such Act, through the earlier of (1) the date specified in section 106(3) of this division; or (2) the date of the enactment into law of an authorization Act relating to the McKinney-Vento Homeless Assistance Act.

SEC. 129. Funds appropriated by section 101 of this division for the Internal Revenue Service may be obligated in the account and budget structure set forth in title II of H.R. 5576 (109th Congress), as passed by the House of Representatives.

SEC. 130. Activities authorized by title V of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 may continue through the date specified in section 106(3) of this division.

SEC. 131. Section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)) is amended by striking "250,000" and inserting "275,000".

SEC. 132. Section 403(f) of Public Law 103–356 (31 U.S.C. 501 note) shall be applied by substituting the date specified in section 106(3) of this division for "October 1, 2006".

This division may be cited as the "Continuing Appropriations Resolution, 2007".

And the Senate agree to the same.

Bill Young,
Dave Hobson,
Henry Bonilla,
R.P. Frelinghuysen,
Todd Tiahrt,
Roger F. Wicker,
Jack Kingston,
Kay Granger,
Ray LaHood,
Jerry Lewis,
J.P. Murtha,
Norman D. Dicks,
Martin Olav Sabo,
Peter J. Visclosky,
James P. Moran,
Marcy Kaptur,
David Obey,

Managers on the Part of the House.

Ted Stevens,
Thad Cochran,
Arlen Specter,
Pete V. Domenici,
Christopher Bond,
Mitch McConnell,
Richard C. Shelby,
Judd Gregg,
Kay Bailey Hutchison,
Conrad Burns,
Daniel K. Inouye,
Robert C. Byrd,
Patrick Leahy,
Tom Harkin,
Byron L. Dorgan,
Dick Durbin,
Harry Reid,
Dianne Feinstein,
Barbara A. Mikulski.

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT

DIVISION A

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5631), making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on the Department of Defense Appropriations Act, 2007, incorporates some of the provisions of the House and Senate versions of the bill. Additional items in the Senate bill are expected to be addressed in the Military Construction, Military Quality of Life and Veterans Affairs Appropriations Act, 2007. The language and allocations set forth in House Report 109–504 and Senate Report 109–292 (as they apply to the programs, projects, and activities contained in the accompanying conference report) should be complied with unless specifically addressed in the accompanying conference report and statement of managers to the contrary.

The Senate amendment deleted the entire House bill after the enacting clause and inserted new language. The conference agreement includes revised language.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

The conferees agree that for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508), the term program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 2007, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the Committee of Conference, the related classified annexes and reports, and the P–1 and R–1 budget justification documents as subsequently modified by Congressional action. The following exception to the above definition shall apply: for the Military Personnel and the Operation and Maintenance accounts, the term "program, project, and activity" is defined as the appropriations accounts contained in the Department of Defense Appropriations Act.

At the time the President submits his budget for fiscal year 2008, the conferees direct the Department of Defense to transmit to the congressional defense committees budget justification documents to be known as the "M–1" and "O–1" which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for military personnel and operation and maintenance in any budget request, or amended budget request, for fiscal year 2008.

CLASSIFIED ANNEX

Adjustments to classified programs are addressed in the classified annex accompanying this report.

TITLE I--MILITARY PERSONNEL

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
RECAPITULATION				
MILITARY PERSONNEL, ARMY	25,423,998	25,259,649	25,392,568	25,911,349
MILITARY PERSONNEL, NAVY	19,135,950	19,049,454	19,050,950	19,049,454
MILITARY PERSONNEL, MARINE CORPS	7,983,895	7,932,749	7,895,775	7,932,749
MILITARY PERSONNEL, AIR FORCE	20,220,539	19,676,481	20,006,359	20,285,871
RESERVE PERSONNEL, ARMY	3,058,050	3,034,500	2,956,640	3,043,170
RESERVE PERSONNEL, NAVY	1,569,128	1,485,548	1,551,838	1,551,838
RESERVE PERSONNEL, MARINE CORPS	507,776	498,556	492,356	498,686
RESERVE PERSONNEL, AIR FORCE	1,282,110	1,246,320	1,253,060	1,259,620
NATIONAL GUARD PERSONNEL, ARMY	4,784,471	4,693,595	4,788,971	4,751,971
NATIONAL GUARD PERSONNEL, AIR FORCE	2,122,197	2,038,097	2,091,722	2,067,752
GRAND TOTAL, MILITARY PERSONNEL	86,088,114	84,914,949	85,480,239	86,352,460

Active End Strength
(Fiscal Year 2007)

	Budget	Conference	Conference vs. Budget
Army	482,400	482,400	---
Navy	340,700	340,700	---
Marine Corps	175,000	175,000	---
Air Force	334,200	334,200	---
Total, Active Personnel...	1,332,300	1,332,300	---

MILITARY PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	Budget	House	Senate	Conference
	(In thousands of dollars)			
50 MILITARY PERSONNEL, ARMY				
100 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICER				
150 BASIC PAY	4,773,474	4,773,474	4,773,474	4,773,474
200 RETIRED PAY ACCRUAL	1,266,221	1,266,221	1,266,221	1,266,221
300 BASIC ALLOWANCE FOR HOUSING 1/	1,170,126	1,170,126	1,170,126	---
350 BASIC ALLOWANCE FOR SUBSISTENCE	181,536	181,536	181,536	181,536
400 INCENTIVE PAYS	99,060	99,060	99,060	99,060
450 SPECIAL PAYS	229,703	215,067	229,703	215,067
500 ALLOWANCES	145,446	145,446	145,446	145,446
550 SEPARATION PAY	69,415	69,415	69,415	69,415
600 SOCIAL SECURITY TAX	365,133	365,133	365,133	365,133
700 TOTAL, BUDGET ACTIVITY 1	8,300,114	8,285,478	8,300,114	7,115,352
750 ACTIVITY 2: PAY AND ALLOW OF ENLISTED PERS				
800 BASIC PAY	10,514,144	10,514,144	10,514,144	10,514,144
850 RETIRED PAY ACCRUAL	2,786,578	2,786,578	2,786,578	2,786,578
950 BASIC ALLOWANCE FOR HOUSING 1/	2,517,779	2,517,779	2,517,779	---
1000 INCENTIVE PAYS	85,392	85,392	85,392	85,392
1050 SPECIAL PAYS	601,536	555,223	601,536	555,223
1100 ALLOWANCES	703,574	703,574	703,574	703,574
1150 SEPARATION PAY	305,407	305,407	305,407	305,407
1250 SOCIAL SECURITY TAX	804,228	804,228	804,228	804,228
1350 TOTAL, BUDGET ACTIVITY 2	18,318,638	18,272,325	18,318,638	15,754,546
1400 ACTIVITY 3: PAY AND ALLOW OF CADETS				
1450 ACADEMY CADETS	55,818	55,818	55,818	55,818
1500 ACTIVITY 4: SUBSISTENCE OF ENLISTED PERS				
1550 BASIC ALLOWANCE FOR SUBSISTENCE	855,617	855,617	855,617	855,617
1600 SUBSISTENCE-IN-KIND	582,540	582,540	582,540	582,540
1650 FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	3,288	3,288	3,288	3,288
1750 TOTAL, BUDGET ACTIVITY 4	1,441,445	1,441,445	1,441,445	1,441,445

	(In thousands of dollars) Budget	House	Senate	Conference
1800 ACTIVITY 5: PERMANENT CHANGE OF STATION				
1850 ACCESSION TRAVEL	203,641	203,641	203,641	203,641
1900 TRAINING TRAVEL	53,366	53,366	53,366	53,366
1950 OPERATIONAL TRAVEL	138,488	138,488	138,488	138,488
2000 ROTATIONAL TRAVEL	361,210	361,210	361,210	361,210
2050 SEPARATION TRAVEL	173,210	173,210	173,210	173,210
2100 TRAVEL OF ORGANIZED UNITS	3,709	3,709	3,709	3,709
2150 NON-TEMPORARY STORAGE	42,121	42,121	42,121	42,121
2200 TEMPORARY LODGING EXPENSE	23,053	23,053	23,053	23,053
2300 TOTAL, BUDGET ACTIVITY 5	998,798	998,798	998,798	998,798
2350 ACTIVITY 6: OTHER MILITARY PERS COSTS				
2400 APPREHENSION OF MILITARY DESERTERS	1,407	1,407	1,407	1,407
2450 INTEREST ON UNIFORMED SERVICES SAVINGS	203	203	203	203
2500 DEATH GRATUITIES	6,761	6,761	6,761	6,761
2550 UNEMPLOYMENT BENEFITS	153,072	153,072	153,072	153,072
2600 SURVIVOR BENEFITS	3,378	3,378	3,378	3,378
2650 EDUCATION BENEFITS	2,184	2,184	2,184	2,184
2700 ADOPTION EXPENSES	746	746	746	746
2800 TRANSPORTATION SUBSIDY	4,344	4,344	4,344	4,344
2850 PARTIAL DISLOCATION ALLOWANCE	2,489	2,489	2,489	2,489
2860 RESERVE OFFICERS TRAINING CORPS (ROTC)	84,175	84,175	84,175	84,175
2870 JUNIOR ROTC	28,925	28,925	28,925	28,925
2950 TOTAL, BUDGET ACTIVITY 6	287,684	287,684	287,684	287,684
3000 LESS REIMBURSABLES	-290,594	-290,594	-290,594	-290,594
3200 UNOBLIGATED BALANCES	---	-103,400	---	---
3205 UNEXPENDED BALANCES	---	---	-31,430	---
3210 ADJUSTMENT TO PAY AND ALLOWANCES	---	---	---	548,300
6280 TOTAL, MILITARY PERSONNEL, ARMY	29,111,903	28,947,554	29,080,473	25,911,349
6290 LESS BASIC ALLOWANCE FOR HOUSING 1/	-3,687,905	-3,687,905	-3,687,905	---
6300 TOTAL, MILITARY PERSONNEL, ARMY	25,423,998	25,259,649	25,392,568	25,911,349

6301 1/ Under Military Quality of Life & VA Appropriations

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustment to the budget activities is as follows:

(In thousands of dollars)

Budget Activity 1: Pay and Allowances of Officers:	
450 Special Pays/Foreign Language Proficiency Pay Offset	-14,636
Budget Activity 2: Pay and Allowances of Enlisted Personnel:	
1050 Special Pays/Foreign Language Proficiency Pay Offset	-46,313
Undistributed:	
3210 Adjustment to Pay and Allowances	548,300

MILITARY PERSONNEL, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
6350 MILITARY PERSONNEL, NAVY				
6400 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICER				
6450 BASIC PAY	3,262,932	3,262,932	3,262,932	3,262,932
6500 RETIRED PAY ACCRUAL	864,677	864,677	864,677	864,677
6600 BASIC ALLOWANCE FOR HOUSING 1/	1,025,250	1,025,250	1,025,250	---
6650 BASIC ALLOWANCE FOR SUBSISTENCE	118,701	118,701	118,701	118,701
6700 INCENTIVE PAYS	176,448	176,448	176,448	176,448
6750 SPECIAL PAYS	346,524	341,248	346,524	341,248
6800 ALLOWANCES	92,258	92,258	92,258	92,258
6850 SEPARATION PAY	33,187	33,187	33,187	33,187
6900 SOCIAL SECURITY TAX	247,353	247,353	247,353	247,353
7000 TOTAL, BUDGET ACTIVITY 1	6,167,330	6,162,054	6,167,330	5,136,804
7050 ACTIVITY 2: PAY AND ALLOW OF ENLISTED PERS				
7100 BASIC PAY	7,983,057	7,983,057	7,983,057	7,983,057
7150 RETIRED PAY ACCRUAL	2,115,509	2,115,509	2,115,509	2,115,509
7250 BASIC ALLOWANCE FOR HOUSING 1/	3,109,811	3,109,811	3,109,811	---
7300 INCENTIVE PAYS	110,364	110,364	110,364	110,364
7350 SPECIAL PAYS	927,683	904,163	927,683	904,163
7400 ALLOWANCES	480,800	480,800	480,800	480,800
7450 SEPARATION PAY	199,473	199,473	199,473	199,473
7550 SOCIAL SECURITY TAX	605,705	605,705	605,705	605,705
7650 TOTAL, BUDGET ACTIVITY 2	15,532,402	15,508,882	15,532,402	12,399,071
7700 ACTIVITY 3: PAY AND ALLOW OF MIDSHIPMEN				
7750 MIDSHIPMEN	56,412	56,412	56,412	56,412
7800 ACTIVITY 4: SUBSISTENCE OF ENLISTED PERS				
7850 BASIC ALLOWANCE FOR SUBSISTENCE	613,611	613,611	613,611	613,611
7900 SUBSISTENCE-IN-KIND	346,276	346,276	346,276	346,276
7950 FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	500	500	500	500
8050 TOTAL, BUDGET ACTIVITY 4	960,387	960,387	960,387	960,387

	(In thousands of dollars)			
	Budget	House	Senate	Conference
8100 ACTIVITY 5: PERMANENT CHANGE OF STATION				
8150 ACCESSION TRAVEL	55,392	55,392	55,392	55,392
8200 TRAINING TRAVEL	74,363	74,363	74,363	74,363
8250 OPERATIONAL TRAVEL	193,731	193,731	193,731	193,731
8300 ROTATIONAL TRAVEL	279,737	279,737	279,737	279,737
8350 SEPARATION TRAVEL	93,326	93,326	93,326	93,326
8400 TRAVEL OF ORGANIZED UNITS	19,521	19,521	19,521	19,521
8450 NON-TEMPORARY STORAGE	6,892	6,892	6,892	6,892
8500 TEMPORARY LODGING EXPENSE	6,871	6,871	6,871	6,871
8550 OTHER	6,272	6,272	6,272	6,272
8650 TOTAL, BUDGET ACTIVITY 5	736,105	736,105	736,105	736,105
8700 ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS				
8750 APPREHENSION OF MILITARY DESERTERS	725	725	725	725
8800 INTEREST ON UNIFORMED SERVICES SAVINGS	511	511	511	511
8850 DEATH GRATUITIES	3,336	3,336	3,336	3,336
8900 UNEMPLOYMENT BENEFITS	70,386	70,386	70,386	70,386
8950 SURVIVOR BENEFITS	1,354	1,354	1,354	1,354
9000 EDUCATION BENEFITS	5,109	5,109	5,109	5,109
9050 ADOPTION EXPENSES	346	346	346	346
9150 TRANSPORTATION SUBSIDY	4,549	4,549	4,549	4,549
9200 OTHER	1,032	1,032	1,032	1,032
9210 RESERVE OFFICERS TRAINING CORPS (ROTC)	20,940	20,940	20,940	20,940
9220 JUNIOR R.O.T.C	13,492	13,492	13,492	13,492
9300 TOTAL, BUDGET ACTIVITY 6	121,780	121,780	121,780	121,780
9350 LESS REIMBURSABLES	-303,405	-303,405	-303,405	-303,405
9550 UNOBLIGATED BALANCES	---	-57,700	---	-57,700
9555 UNEXPENDED BALANCES	---	---	-85,000	---
11330 TOTAL, MILITARY PERSONNEL, NAVY	23,271,011	23,184,515	23,186,011	19,049,454
11340 LESS BASIC ALLOWANCE FOR HOUSING 1/	-4,135,061	-4,135,061	-4,135,061	---
11350 TOTAL, MILITARY PERSONNEL, NAVY	19,135,950	19,049,454	19,050,950	19,049,454

11351 1/ Under Military Quality of Life & VA Appropriations

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

(In thousands of dollars)

Budget Activity 1: Pay and Allowances of Officers:		
6750	Special Pays/Foreign Language Proficiency Pay Offset	-5,276
Budget Activity 2: Pay and Allowances of Enlisted Personnel:		
7350	Special Pays/Foreign Language Proficiency Pay Offset	-23,520
Undistributed:		
9550	Unobligated Balances	-57,700

MILITARY PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
11400 MILITARY PERSONNEL, MARINE CORPS				
11450 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICER				
11500 BASIC PAY	1,131,638	1,131,638	1,131,638	1,131,638
11550 RETIRED PAY ACCRUAL	301,438	301,438	301,438	301,438
11650 BASIC ALLOWANCE FOR HOUSING 1/	326,239	326,239	326,239	---
11700 BASIC ALLOWANCE FOR SUBSISTENCE	42,639	42,639	42,639	42,639
11750 INCENTIVE PAYS	47,079	47,079	47,079	47,079
11800 SPECIAL PAYS	4,508	3,948	4,508	3,948
11850 ALLOWANCES	24,106	24,106	24,106	24,106
11900 SEPARATION PAY	12,514	12,514	12,514	12,514
11950 SOCIAL SECURITY TAX	85,620	85,620	85,620	85,620
12050 TOTAL, BUDGET ACTIVITY 1	1,975,781	1,975,221	1,975,781	1,648,982
12100 ACTIVITY 2: PAY AND ALLOW OF ENLISTED PERS				
12150 BASIC PAY	3,708,158	3,708,158	3,708,158	3,708,158
12200 RETIRED PAY ACCRUAL	979,106	979,106	979,106	979,106
12300 BASIC ALLOWANCE FOR HOUSING 1/	1,024,682	1,024,682	1,024,682	---
12350 INCENTIVE PAYS	8,360	8,360	8,360	8,360
12400 SPECIAL PAYS	126,406	123,710	126,406	123,710
12450 ALLOWANCES	213,304	213,304	213,304	213,304
12500 SEPARATION PAY	75,522	75,522	75,522	75,522
12600 SOCIAL SECURITY TAX	283,089	283,089	283,089	283,089
12700 TOTAL, BUDGET ACTIVITY 2	6,418,627	6,415,931	6,418,627	5,391,249
12750 ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL				
12800 BASIC ALLOWANCE FOR SUBSISTENCE	304,767	304,767	304,767	304,767
12850 SUBSISTENCE-IN-KIND	255,101	255,101	255,101	255,101
12900 FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	750	750	750	750
13000 TOTAL, BUDGET ACTIVITY 4	560,618	560,618	560,618	560,618

(In thousands of dollars)

	Budget	House	Senate	Conference
13050 ACTIVITY 5: PERMANENT CHANGE OF STATION				
13100 ACCESSION TRAVEL	45,331	45,331	45,331	45,331
13150 TRAINING TRAVEL	9,523	9,523	9,523	9,523
13200 OPERATIONAL TRAVEL	90,676	90,676	90,676	90,676
13250 ROTATIONAL TRAVEL	126,686	126,686	126,686	126,686
13300 SEPARATION TRAVEL	50,659	50,659	50,659	50,659
13350 TRAVEL OF ORGANIZED UNITS	1,755	1,755	1,755	1,755
13400 NON-TEMPORARY STORAGE	5,351	5,351	5,351	5,351
13450 TEMPORARY LODGING EXPENSE	12,857	12,857	12,857	12,857
13500 OTHER	2,524	2,524	2,524	2,524
13600 TOTAL, BUDGET ACTIVITY 5	345,362	345,362	345,362	345,362
13650 ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS				
13700 APPREHENSION OF MILITARY DESERTERS	1,668	1,668	1,668	1,668
13750 INTEREST ON UNIFORMED SERVICES SAVINGS	17	17	17	17
13800 DEATH GRATUITIES	2,208	2,208	2,208	2,208
13850 UNEMPLOYMENT BENEFITS	52,317	52,317	52,317	52,317
13900 SURVIVOR BENEFITS	686	686	686	686
13950 EDUCATION BENEFITS	959	959	959	959
14000 ADOPTION EXPENSES	363	363	363	363
14100 TRANSPORTATION SUBSIDY	1,270	1,270	1,270	1,270
14150 OTHER	682	682	682	682
14160 JUNIOR R.O.T.C	5,392	5,392	5,392	5,392
14250 TOTAL, BUDGET ACTIVITY 6	65,562	65,562	65,562	65,562
14300 LESS REIMBURSABLES	-31,134	-31,134	-31,134	-31,134
14315 UNOBLIGATED BALANCES	---	-47,890	---	-47,890
14317 UNEXPENDED BALANCES	---	---	-88,120	---
16230 TOTAL, MILITARY PERSONNEL, MARINE CORPS	9,334,816	9,283,670	9,246,696	7,932,749
16240 LESS BASIC ALLOWANCE FOR HOUSING 1/	-1,350,921	-1,350,921	-1,350,921	---
16250 TOTAL, MILITARY PERSONNEL, MARINE CORPS	7,983,895	7,932,749	7,895,775	7,932,749

16251 1/ Under Military Quality of Life & VA Appropriations

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustment to the budget activities is as follows:

(In thousands of dollars)

Budget Activity 1: Pay and Allowances of Officers:		
11800	Special Pays/Foreign Language Proficiency Pay Offset	-560
Budget Activity 2: Pay and Allowances of Enlisted Personnel:		
12400	Special Pays/Foreign Language Proficiency Pay Offset	-2,696
Undistributed:		
14315	Unobligated Balances	-47,890

MILITARY PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
16300 MILITARY PERSONNEL, AIR FORCE				
16350 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICER				
16400 BASIC PAY	4,400,999	4,400,999	4,400,999	4,400,999
16450 RETIRED PAY ACCRUAL	1,161,030	1,161,030	1,161,030	1,161,030
16550 BASIC ALLOWANCE FOR HOUSING 1/	1,015,115	1,015,115	1,015,115	---
16600 BASIC ALLOWANCE FOR SUBSISTENCE	163,045	163,045	163,045	163,045
16650 INCENTIVE PAYS	297,388	297,388	297,388	297,388
16700 SPECIAL PAYS	222,322	217,761	222,322	217,761
16750 ALLOWANCES	99,021	99,021	99,021	99,021
16800 SEPARATION PAY	63,194	63,194	63,194	63,194
16850 SOCIAL SECURITY TAX	334,906	334,906	334,906	334,906
16950 TOTAL, BUDGET ACTIVITY 1	7,757,020	7,752,459	7,757,020	6,737,344
17000 ACTIVITY 2: PAY AND ALLOW OF ENLISTED PERS				
17050 BASIC PAY	7,837,974	7,837,974	7,837,974	7,837,974
17100 RETIRED PAY ACCRUAL	2,056,123	2,056,123	2,056,123	2,056,123
17200 BASIC ALLOWANCE FOR HOUSING 1/	1,919,212	1,919,212	1,919,212	---
17250 INCENTIVE PAYS	34,304	34,304	34,304	34,304
17300 SPECIAL PAYS	313,765	297,838	313,765	297,838
17350 ALLOWANCES	565,007	565,007	565,007	565,007
17450 SEPARATION PAY	147,903	147,903	147,903	147,903
17500 SOCIAL SECURITY TAX	599,605	599,605	599,605	599,605
17600 TOTAL, BUDGET ACTIVITY 2	13,473,893	13,457,966	13,473,893	11,538,754
17650 ACTIVITY 3: PAY AND ALLOWANCES OF CADETS				
17700 ACADEMY CADETS	57,971	57,971	57,971	57,971
17750 ACTIVITY 4: SUBSISTENCE OF ENLISTED PERS				
17800 BASIC ALLOWANCE FOR SUBSISTENCE	782,617	782,617	782,617	782,617
17850 SUBSISTENCE-IN-KIND	151,011	151,011	151,011	151,011
17900 FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	1,254	1,254	1,254	1,254
18000 TOTAL, BUDGET ACTIVITY 4	934,882	934,882	934,882	934,882

	(In thousands of dollars)			
	Budget	House	Senate	Conference
18050 ACTIVITY 5: PERMANENT CHANGE OF STATION				
18100 ACCESSION TRAVEL	75,318	75,318	75,318	75,318
18150 TRAINING TRAVEL	97,386	97,386	97,386	97,386
18200 OPERATIONAL TRAVEL	158,472	158,472	158,472	158,472
18250 ROTATIONAL TRAVEL	515,190	515,190	515,190	515,190
18300 SEPARATION TRAVEL	159,474	159,474	159,474	159,474
18350 TRAVEL OF ORGANIZED UNITS	4,069	4,069	4,069	4,069
18400 NON-TEMPORARY STORAGE	27,800	27,800	27,800	27,800
18450 TEMPORARY LODGING EXPENSE	36,100	36,100	36,100	36,100
18550 TOTAL, BUDGET ACTIVITY 5	1,073,809	1,073,809	1,073,809	1,073,809
18600 ACTIVITY 6: OTHER MILITARY PERS COSTS				
18650 APPREHENSION OF MILITARY DESERTERS	100	100	100	100
18700 INTEREST ON UNIFORMED SERVICES SAVINGS	671	671	671	671
18750 DEATH GRATUITIES	3,101	3,101	3,101	3,101
18800 UNEMPLOYMENT BENEFITS	47,792	47,792	47,792	47,792
18850 SURVIVOR BENEFITS	1,222	1,222	1,222	1,222
18900 EDUCATION BENEFITS	1,882	1,882	1,882	1,882
18950 ADOPTION EXPENSES	582	582	582	582
19050 TRANSPORTATION SUBSIDY	3,803	3,803	3,803	3,803
19100 OTHER	7,786	7,786	7,786	7,786
19110 RESERVE OFFICERS TRAINING CORPS (ROTC)	44,657	44,657	44,657	44,657
19120 JUNIOR ROTC	20,095	20,095	20,095	20,095
19200 TOTAL, BUDGET ACTIVITY 6	131,691	131,691	131,691	131,691
19250 LESS REIMBURSABLES	-274,400	-274,400	-274,400	-274,400
19620 UNOBLIGATED BALANCES	---	-235,570	---	---
19622 UNEXPENDED BALANCES	---	---	-214,180	---
19645 OPERATION NOBLE EAGLE OFFSET	---	-288,000	---	---
19655 ADJUSTMENT TO PAY AND ALLOWANCES	---	---	---	85,820
22530 TOTAL, MILITARY PERSONNEL, AIR FORCE	23,154,866	22,610,808	22,940,686	20,285,871
22540 LESS BASIC ALLOWANCE FOR HOUSING 1/	-2,934,327	-2,934,327	-2,934,327	---
22550 TOTAL, MILITARY PERSONNEL, AIR FORCE	20,220,539	19,676,481	20,006,359	20,285,871

22551 1/ Under Military Quality of Life & VA Appropriations

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

(In thousands of dollars)

Budget Activity 1: Pay and Allowances of Officers:	
16700 Special Pays/Foreign Language Proficiency Pay Offset	-4,561
Budget Activity 2: Pay and Allowances of Enlisted Personnel:	
17300 Special Pays/Foreign Language Proficiency Pay Offset	-15,927
Undistributed:	
19655 Adjustment to Pay and Allowances	85,820

NATIONAL GUARD AND RESERVE FORCES

The conferees agree to provide $13,173,037,000 in Reserve personnel appropriations, and $15,099,267,000 in Reserve operation and maintenance appropriations. These funds support a Selected Reserve end strength of 842,800 as shown below.

Selected Reserve End Strength
(Fiscal Year 2007)

	Budget	Conference	Conference vs. Budget
Selected Reserve:			
Army Reserve…………..	200,000	200,000	---
Navy Reserve …………..	71,300	71,300	---
Marine Corps Reserve…..	39,600	39,600	---
Air Force Reserve ……….	74,900	74,900	---
Army National Guard……	350,000	350,000	---
Air National Guard………	107,000	107,000	---
Total …………………	842,800	842,800	---
AGR/TARS:			
Army Reserve …………..	15,416	15,416	---
Navy Reserve ……………	12,564	12,564	---
Marine Corps Reserve……	2,261	2,261	---
Air Force Reserve ……….	2,707	2,707	---
Army National Guard……	27,441	27,441	---
Air National Guard………	13,206	13,206	---
Total …………………..	73,595	73,595	---
Technicians:			
Army Reserve ……………	8,507	8,507	---
Air Force Reserve ………..	10,214	10,214	---
Army National Guard ……	27,650	27,650	---
Air National Guard ……….	23,605	23,605	---
Total ……………………	69,976	69,976	---

RESERVE COMPONENT'S BUDGET STRUCTURE CHANGE

The conferees agree to extend last year's test of a consolidated budget structure for the Reserve Component's military personnel accounts through fiscal year 2007. In order to provide visibility of the movement of funds within the accounts, the conferees direct each of the Reserve Components to provide a quarterly report to the congressional defense committees and the Government Accountability Office (GAO) showing transfers between line items within the military personnel appropriations. The report format will provide separate explanations for all transfers in and out of each appropriation line item that equal, exceed, or cumulate to $5,000,000. Reports will provide a beginning and ending total by line item and will be due 30 days following the end of each quarter. Reserve Component fiscal year 2008 budget requests for military personnel will be submitted using the two budget activity structure.

ARMY NATIONAL GUARD COMBAT BRIGADES

The conferees are concerned about the Department of Defense's proposal to reduce 7 Army combat brigades from the level assumed under previous plans. Most of the change would occur in the Army National Guard's force structure plans; the Guard would field 28 combat brigades instead of 34 proposed previously. The conferees' review of this proposal indicates that the National Guard will have difficulty meeting its force generation and state security requirements with only 28 combat brigades. As the Department of the Army continues its examination of combat brigade requirements, the conferees strongly urge that this examination be conducted with the full participation and cooperation of both active and Guard officials at all levels. Moreover, the conferees will closely follow this issue over the coming months and will seek to ensure that sufficient funding is provided to field the number of Guard combat brigades necessary to meet its force generation and state security requirements. As such, the conferees provide additional funding (described in other sections, of this report) to fully fund the Army National Guard authorized end strength level of 350,000 and to purchase additional equipment.

RESERVE PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
22600 RESERVE PERSONNEL, ARMY				
22650 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT				
22700 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	1,103,645	1,103,645	1,103,645	1,103,645
22750 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY)	28,932	28,932	28,932	28,932
22800 PAY GROUP F TRAINING (RECRUITS)	177,571	177,571	177,571	177,571
22910 MOBILIZATION TRAINING	---	---	22,053	22,053
22920 SCHOOL TRAINING	---	---	193,406	193,406
22930 SPECIAL TRAINING	---	---	173,222	173,222
22940 ADMINISTRATION AND SUPPORT	---	---	1,532,726	1,532,726
22950 EDUCATION BENEFITS	---	---	113,090	113,090
22970 HEALTH PROFESSION SCHOLARSHIP	---	---	35,880	35,880
22990 OTHER PROGRAMS	---	---	25,132	25,132
23050 TOTAL, BUDGET ACTIVITY 1	1,310,148	1,310,148	3,405,657	3,405,657
23100 ACTIVITY 2: OTHER TRAINING AND SUPPORT				
23150 MOBILIZATION TRAINING	22,053	22,053	---	---
23200 SCHOOL TRAINING	193,406	193,406	---	---
23250 SPECIAL TRAINING	173,222	173,222	---	---
23300 ADMINISTRATION AND SUPPORT	1,532,726	1,532,726	---	---
23350 EDUCATION BENEFITS	113,090	113,090	---	---
23450 HEALTH PROFESSION SCHOLARSHIP	35,880	35,880	---	---
23550 OTHER PROGRAMS	25,132	25,132	---	---
23650 TOTAL, BUDGET ACTIVITY 2	2,095,509	2,095,509	---	---
23800 UNOBLIGATED BALANCES	---	-75,180	---	-66,510
23805 UNEXPENDED BALANCES	---	---	-66,510	---
23810 RESERVES COST AVOIDANCE	---	-20,870	-34,900	-20,870
23825 AUTHORIZED END STRENGTH	---	72,500	---	72,500
23980 TOTAL RESERVE PERSONNEL, ARMY	3,405,657	3,382,107	3,304,247	3,390,777
23990 LESS BASIC ALLOWANCE FOR HOUSING 1/	-347,607	-347,607	-347,607	-347,607
24000 TOTAL RESERVE PERSONNEL, ARMY	3,058,050	3,034,500	2,956,640	3,043,170

24001 1/ Under Military Quality of Life & VA Appropriations

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

(In thousands of dollars)

Undistributed:

23800	Unobligated Balances	-66,510
23810	Reserves Cost Avoidance	-20,870
23825	Authorized End Strength	72,500

RESERVE PERSONNEL, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
24050 RESERVE PERSONNEL, NAVY				
24100 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT				
24150 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	625,339	625,339	625,339	625,339
24200 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY)	7,715	7,715	7,715	7,715
24250 PAY GROUP F TRAINING (RECRUITS)	16,037	16,037	16,037	16,037
24310 MOBILIZATION TRAINING	---	---	7,491	7,491
24320 SCHOOL TRAINING	---	---	31,198	31,198
24330 SPECIAL TRAINING	---	---	59,861	59,861
24340 ADMINISTRATION AND SUPPORT	---	---	977,626	977,626
24350 EDUCATION BENEFITS	---	---	20,827	20,827
24370 HEALTH PROFESSION SCHOLARSHIP	---	---	31,872	31,872
24450 TOTAL, BUDGET ACTIVITY 1	649,091	649,091	1,777,966	1,777,966
24500 ACTIVITY 2: OTHER TRAINING AND SUPPORT				
24550 MOBILIZATION TRAINING	7,491	7,491	---	---
24600 SCHOOL TRAINING	31,198	31,198	---	---
24650 SPECIAL TRAINING	59,861	59,861	---	---
24700 ADMINISTRATION AND SUPPORT	977,626	977,626	---	---
24750 EDUCATION BENEFITS	20,827	20,827	---	---
24850 HEALTH PROFESSION SCHOLARSHIP	31,872	31,872	---	---
25050 TOTAL, BUDGET ACTIVITY 2	1,128,875	1,128,875	---	---
25300 UNOBLIGATED BALANCES	---	-66,960	---	-17,290
25305 UNEXPENDED BALANCES	---	---	-17,290	---
25370 RESERVES COST AVOIDANCE	---	-6,620	---	---
25385 OPERATION NOBLE EAGLE OFFSET	---	-10,000	---	---
25430 TOTAL, RESERVE PERSONNEL, NAVY	1,777,966	1,694,386	1,760,676	1,760,676
25440 LESS BASIC ALLOWANCE FOR HOUSING 1/	-208,838	-208,838	-208,838	-208,838
25450 TOTAL, RESERVE PERSONNEL, NAVY	1,569,128	1,485,548	1,551,838	1,551,838

25451 1/ Under Military Quality of Life & VA Appropriations

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustment to the budget activities is as follows:

(In thousands of dollars)

Undistributed:		
25300	Unobligated Balances	-17,290

RESERVE PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
25500 RESERVE PERSONNEL, MARINE CORPS				
25550 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT				
25600 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)........	153,729	153,729	153,729	153,729
25650 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY).........	35,186	35,186	35,186	35,186
25700 PAY GROUP F TRAINING (RECRUITS)......................	89,381	89,381	89,381	89,381
25810 MOBILIZATION TRAINING................................	---	---	2,715	2,715
25820 SCHOOL TRAINING......................................	---	---	15,591	15,591
25830 SPECIAL TRAINING.....................................	---	---	48,785	48,785
25840 ADMINISTRATION AND SUPPORT...........................	---	---	168,228	168,228
25850 PLATOON LEADER CLASS.................................	---	---	12,892	12,892
25860 EDUCATION BENEFITS...................................	---	---	24,351	24,351
25950 TOTAL, BUDGET ACTIVITY 1.............................	278,296	278,296	550,858	550,858
26000 ACTIVITY 2: OTHER TRAINING AND SUPPORT				
26050 MOBILIZATION TRAINING................................	2,715	2,715	---	---
26100 SCHOOL TRAINING......................................	15,591	15,591	---	---
26150 SPECIAL TRAINING.....................................	48,785	48,785	---	---
26200 ADMINISTRATION AND SUPPORT...........................	168,228	168,228	---	---
26240 PLATOON LEADER CLASS.................................	12,892	12,892	---	---
26250 EDUCATION BENEFITS...................................	24,351	24,351	---	---
26500 TOTAL, BUDGET ACTIVITY 2.............................	272,562	272,562	---	---
26600 UNOBLIGATED BALANCES.................................	---	-9,090	---	-9,090
26605 UNEXPENDED BALANCES..................................	---	---	-15,420	---
26650 RESERVES COST AVOIDANCE..............................	---	-130	---	---
26730 TOTAL, RESERVE PERSONNEL, MARINE CORPS...............	550,858	541,638	535,438	541,768
26740 LESS BASIC ALLOWANCE FOR HOUSING 1/..................	-43,082	-43,082	-43,082	-43,082
26750 TOTAL, RESERVE PERSONNEL, MARINE CORPS...............	507,776	498,556	492,356	498,686

26751 1/ Under Military Quality of Life & VA Appropriations

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustment to the budget activities is as follows:

(In thousands of dollars)

Undistributed:

26600 Unobligated Balances..-9,090

RESERVE PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
26800 RESERVE PERSONNEL, AIR FORCE				
26850 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT				
26900 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)........	585,006	585,006	585,006	585,006
26950 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY).........	115,702	115,702	115,702	115,702
27000 PAY GROUP F TRAINING (RECRUITS)......................	55,331	55,331	55,331	55,331
27050 PAY GROUP P TRAINING (PIPELINE RECRUITS).............	100	100	100	100
27110 MOBILIZATION TRAINING................................	---	---	1,800	1,800
27120 SCHOOL TRAINING......................................	---	---	110,222	110,222
27130 SPECIAL TRAINING.....................................	---	---	122,687	122,687
27140 ADMINISTRATION AND SUPPORT...........................	---	---	246,869	246,869
27150 EDUCATION BENEFITS...................................	---	---	55,733	55,733
27170 HEALTH PROFESSION SCHOLARSHIP........................	---	---	29,387	29,387
27190 OTHER PROGRAMS.......................................	---	---	35,491	35,491
27200 TOTAL, BUDGET ACTIVITY 1............................	756,139	756,139	1,358,328	1,358,328
27250 ACTIVITY 2: OTHER TRAINING AND SUPPORT				
27300 MOBILIZATION TRAINING................................	1,800	1,800	---	---
27350 SCHOOL TRAINING......................................	110,222	110,222	---	---
27400 SPECIAL TRAINING.....................................	122,687	122,687	---	---
27450 ADMINISTRATION AND SUPPORT...........................	246,869	246,869	---	---
27500 EDUCATION BENEFITS...................................	55,733	55,733	---	---
27600 HEALTH PROFESSION SCHOLARSHIP........................	29,387	29,387	---	---
27700 OTHER PROGRAMS.......................................	35,491	35,491	---	---
27800 TOTAL, BUDGET ACTIVITY 2............................	602,189	602,189	---	---
27900 UNOBLIGATED BALANCES.................................	---	-41,220	---	-25,770
27905 UNEXPENDED BALANCES..................................	---	---	-25,770	---
27910 RESERVES COST AVOIDANCE..............................	---	-770	-3,280	-770
27930 932ND AIRLIFT WING PERSONNEL.........................	---	6,200	---	4,050
28130 TOTAL, RESERVE PERSONNEL, AIR FORCE.................	1,358,328	1,322,538	1,329,278	1,335,838
28140 LESS BASIC ALLOWANCE FOR HOUSING 1/..................	-76,218	-76,218	-76,218	-76,218
28150 TOTAL, RESERVE PERSONNEL, AIR FORCE.................	1,282,110	1,246,320	1,253,060	1,259,620

28151 1/ Under Military Quality of Life & VA Appropriations

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

(In thousands of dollars)

Undistributed:

27900	Unobligated Balances	-25,770
27910	Reserves Cost Avoidance	-770
27930	932nd Airlift Wing Personnel	4,050

NATIONAL GUARD PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

		Budget	House	Senate	Conference
28200	NATIONAL GUARD PERSONNEL, ARMY				
28250	ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT				
28300	PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	1,752,136	1,752,136	1,752,136	1,752,136
28350	PAY GROUP F TRAINING (RECRUITS)	310,889	310,889	310,889	310,889
28400	PAY GROUP P TRAINING (PIPELINE RECRUITS)	21,592	21,592	21,592	21,592
28500	SCHOOL TRAINING	---	---	263,772	263,772
28510	SPECIAL TRAINING	---	---	146,562	146,562
28520	ADMINISTRATION AND SUPPORT	---	---	2,562,455	2,562,455
28530	EDUCATION BENEFITS	---	---	196,174	196,174
28600	TOTAL, BUDGET ACTIVITY 1	2,084,617	2,084,617	5,253,580	5,253,580
28650	ACTIVITY 2: OTHER TRAINING AND SUPPORT				
28700	SCHOOL TRAINING	263,772	263,772	---	---
28750	SPECIAL TRAINING	146,562	146,562	---	---
28800	ADMINISTRATION AND SUPPORT	2,562,455	2,562,455	---	---
28850	EDUCATION BENEFITS	196,174	196,174	---	---
29050	TOTAL, BUDGET ACTIVITY 2	3,168,963	3,168,963	---	---
29350	UNOBLIGATED BALANCES	---	-54,100	---	-25,000
29410	RESERVES COST AVOIDANCE	---	-41,550	---	-15,000
29445	WMD-CST TEAM FOR FLORIDA	---	2,900	---	2,900
29455	WMD-CST TEAM FOR NEW YORK	---	1,874	---	1,000
29457	JOINT INTERAGENCY TRAINING CENTER	---	---	4,500	3,600
29480	TOTAL, NATIONAL GUARD PERSONNEL, ARMY	5,253,580	5,162,704	5,258,080	5,221,080
29490	LESS BASIC ALLOWANCE FOR HOUSING 1/	-469,109	-469,109	-469,109	-469,109
29500	TOTAL, NATIONAL GUARD PERSONNEL, ARMY	4,784,471	4,693,595	4,788,971	4,751,971

29501 1/ Under Military Quality of Life & VA Appropriations

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

(In thousands of dollars)

Undistributed:		
29350	Unobligated Balances	-25,000
29410	Reserves Cost Avoidance	-15,000
29445	WMD-CST Team for Florida	2,900
29455	WMD-CST Team for New York	1,000
29457	Joint Interagency Training Center	3,600

NATIONAL GUARD PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
29550 NATIONAL GUARD PERSONNEL, AIR FORCE				
29600 ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT				
29650 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)........	901,071	901,071	901,271	901,271
29700 PAY GROUP F TRAINING (RECRUITS).....	72,665	72,665	72,665	72,665
29750 PAY GROUP P TRAINING (PIPELINE RECRUITS)............	455	455	455	455
29810 SCHOOL TRAINING......................................	---	---	141,790	141,790
29820 SPECIAL TRAINING.....................................	---	---	80,353	80,353
29830 ADMINISTRATION AND SUPPORT...........................	---	---	1,138,153	1,138,153
29840 EDUCATION BENEFITS...................................	---	---	66,043	66,043
29950 TOTAL, BUDGET ACTIVITY 1............................	974,191	974,191	2,400,730	2,400,730
30000 ACTIVITY 2: OTHER TRAINING AND SUPPORT				
30050 SCHOOL TRAINING.....................................	141,790	141,790	---	---
30100 SPECIAL TRAINING....................................	80,353	80,353	---	---
30150 ADMINISTRATION AND SUPPORT..........................	1,137,353	1,138,153	---	---
30200 EDUCATION BENEFITS..................................	66,043	66,043	---	---
30400 TOTAL, BUDGET ACTIVITY 2............................	1,425,539	1,426,339	---	---
30550 UNOBLIGATED BALANCES................................	---	-57,030	---	-28,000
30555 UNEXPENDED BALANCES.................................	---	---	---	---
30600 RESERVES COST AVOIDANCE..............................	---	-28,270	-31,900	-28,270
30605 WMD-CST TEAM FOR NEW YORK...........................	---	400	---	400
30607 JOINT INTERAGENCY TRAINING CENTER	---	---	425	425
30730 TOTAL, NATIONAL GUARD PERSONNEL, AIR FORCE..........	2,399,730	2,315,630	2,369,255	2,345,285
30740 LESS BASIC ALLOWANCE FOR HOUSING 1/.................	-277,533	-277,533	-277,533	-277,533
30750 TOTAL, NATIONAL GUARD PERSONNEL, AIR FORCE..........	2,122,197	2,038,097	2,091,722	2,067,752

30751 1/ Under Military Quality of Life & VA Appropriations

Adjustments to Budget Activities

Adjustments to the budget activities are as follows:

(In thousands of dollars)

Budget Activity 1: Reserve Component Training and Support:		
29650	Pay Group A Training/166th Information Operations Squadron	200
29830	Administration and Support/166th Information Operations Squadron	800
Undistributed:		
30550	Unobligated Balances	-28,000
30600	Reserves Cost Avoidance	-28,270
30605	WMD-CST Team for New York	400
30607	Joint Interagency Training Center	425

TITLE II-OPERATION AND MAINTENANCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
RECAPITULATION				
O & M, ARMY	23,091,606	22,292,965	22,199,406	22,397,581
O & M, NAVY	30,129,671	29,853,676	29,570,771	29,751,721
O & M, MARINE CORPS	3,405,821	3,351,121	3,266,721	3,338,296
O & M, AIR FORCE	29,658,288	29,089,688	28,542,408	28,774,928
O & M, DEFENSE-WIDE	19,989,270	19,883,790	19,832,789	19,948,799
O & M, ARMY RESERVE	2,083,312	2,064,512	1,942,388	1,957,888
O & M, NAVY RESERVE	1,236,628	1,223,628	1,223,628	1,223,628
O & M, MARINE CORPS RESERVE	202,332	202,732	199,232	199,032
O & M, AIR FORCE RESERVE	2,663,951	2,659,951	2,564,451	2,563,751
O & M, ARMY NATIONAL GUARD	4,450,783	4,436,839	4,267,683	4,323,783
O & M, AIR NATIONAL GUARD	5,080,695	5,035,310	4,833,270	4,831,185
OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT	10,000	---	---	---
UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES	11,721	11,721	11,721	11,721
ENVIRONMENTAL RESTORATION, ARMY 1/	413,794	413,794	413,794	---
ENVIRONMENTAL RESTORATION, NAVY 1/	304,409	304,409	304,409	---
ENVIRONMENTAL RESTORATION, AIR FORCE 1/	423,871	423,871	423,871	---
ENVIRONMENTAL RESTORATION, DEFENSE-WIDE 1/	18,431	18,431	18,431	---
ENVIRONMENTAL RESTORATION, FORMERLY USED DEF. SITES 1/	242,790	257,790	282,790	---
OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID	63,204	63,204	63,204	63,204
FORMER SOVIET UNION THREAT REDUCTION ACCOUNT	372,128	372,128	372,128	372,128
GRAND TOTAL, O & M	123,852,705	121,959,560	120,333,095	119,757,645
LESS ENVIRONMENTAL RESTORATION 1/	-1,403,295	-1,418,295	-1,443,295	---
GRAND TOTAL, O & M	122,449,410	120,541,265	118,889,800	119,757,645

1/ Under Military Quality of Life & VA Appropriations

TRAVEL EXPENDITURES

The conferees wish to ensure that the Department of Defense is making every effort to come into compliance with the Improper Payments Act regarding travel expenditures. The conferees note that the Department has invested significant resources in the Defense Travel System (DTS), which should enable the Department to reduce improper travel payments and accurately report improper payments when they occur. The conferees are concerned that the Department currently reports improper payments on only a portion of its unclassified budget. The conferees therefore direct the Government Accountability Office to assess the reasons why the Department is not fully in compliance with the Improper Payments Act and make recommendations for measures the Department can put in place to comply with the Act. The report should be provided to the congressional defense committees no later than May 31, 2007.

OPERATION AND MAINTENANCE, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
100 OPERATION AND MAINTENANCE, ARMY				
150 BUDGET ACTIVITY 1: OPERATING FORCES				
200 LAND FORCES				
250 DIVISIONS	992,281	1,002,281	992,281	997,481
300 CORPS COMBAT FORCES	430,556	430,556	430,556	430,556
350 CORPS SUPPORT FORCES	388,518	388,518	388,518	388,518
400 ECHELON ABOVE CORPS SUPPORT FORCES	884,236	836,236	884,236	861,236
450 LAND FORCES OPERATIONS SUPPORT	1,189,294	1,189,294	1,189,294	1,189,294
500 LAND FORCES READINESS				
550 FORCE READINESS OPERATIONS SUPPORT	1,971,662	1,982,162	1,983,562	1,978,687
600 LAND FORCES SYSTEMS READINESS	571,894	536,394	596,894	568,794
650 LAND FORCES DEPOT MAINTENANCE	974,354	976,354	644,354	645,454
700 LAND FORCES READINESS SUPPORT				
750 BASE OPERATIONS SUPPORT	5,235,492	5,242,992	5,224,892	5,299,242
800 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	1,810,774	1,810,774	1,780,774	---
850 MANAGEMENT & OPERATIONAL HEADQUARTERS	252,976	222,976	252,976	252,976
900 UNIFIED COMMANDS	108,594	108,594	108,594	108,594
950 ADDITIONAL ACTIVITIES	219,469	221,169	219,469	221,169
1045 TOTAL, BUDGET ACTIVITY 1	15,030,100	14,948,300	14,696,400	12,942,001
1050 BUDGET ACTIVITY 2: MOBILIZATION				
1100 MOBILITY OPERATIONS				
1200 STRATEGIC MOBILITY	197,583	197,583	200,583	197,283
1250 ARMY PREPOSITIONED STOCKS	66,594	66,594	66,594	66,594
1300 INDUSTRIAL PREPAREDNESS	4,700	4,700	4,700	4,700
1350 TOTAL, BUDGET ACTIVITY 2	268,877	268,877	271,877	268,577

	(In thousands of dollars)			
	Budget	House	Senate	Conference
1400 BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
1450 ACCESSION TRAINING				
1500 OFFICER ACQUISITION	112,359	112,359	112,359	112,359
1550 RECRUIT TRAINING	38,480	38,480	38,480	38,480
1600 ONE STATION UNIT TRAINING	45,827	45,827	45,827	45,827
1650 SENIOR RESERVE OFFICERS' TRAINING CORPS	273,430	276,430	273,430	275,780
1800 BASIC SKILL AND ADVANCED TRAINING				
1850 SPECIALIZED SKILL TRAINING	524,645	539,245	509,845	521,285
1900 FLIGHT TRAINING	637,726	637,726	637,726	637,726
1950 PROFESSIONAL DEVELOPMENT EDUCATION	115,231	116,231	115,231	116,231
2000 TRAINING SUPPORT	661,743	665,743	656,643	657,993
2150 RECRUITING AND OTHER TRAINING AND EDUCATION				
2200 RECRUITING AND ADVERTISING	516,857	516,857	516,857	516,857
2250 EXAMINING	130,238	130,238	130,238	130,238
2300 OFF-DUTY AND VOLUNTARY EDUCATION	273,188	275,188	269,788	270,788
2350 CIVILIAN EDUCATION AND TRAINING	136,568	136,568	130,068	130,068
2400 JUNIOR RESERVE OFFICERS' TRAINING CORPS	148,215	148,575	148,215	148,575
2500 TOTAL, BUDGET ACTIVITY 3	3,614,507	3,639,467	3,584,707	3,602,207
2550 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
2600 SECURITY PROGRAMS				
2650 SECURITY PROGRAMS	782,719	811,719	782,119	800,869
2700 LOGISTICS OPERATIONS				
2750 SERVICEWIDE TRANSPORTATION	451,070	451,070	451,070	451,070
2800 CENTRAL SUPPLY ACTIVITIES	453,386	457,386	433,686	436,286
2850 LOGISTICS SUPPORT ACTIVITIES	415,582	427,582	411,082	415,432
2900 AMMUNITION MANAGEMENT	308,552	308,552	308,552	308,552

	(In thousands of dollars)			
	Budget	House	Senate	Conference
2950 SERVICEWIDE SUPPORT				
3000 ADMINISTRATION	701,834	651,834	651,834	701,834
3050 SERVICEWIDE COMMUNICATIONS	957,811	952,910	925,311	925,311
3100 MANPOWER MANAGEMENT	276,963	273,963	273,963	273,963
3150 OTHER PERSONNEL SUPPORT	200,993	200,993	200,993	200,993
3200 OTHER SERVICE SUPPORT	833,850	816,850	815,450	817,350
3250 ARMY CLAIMS	203,144	203,144	203,144	203,144
3300 REAL ESTATE MANAGEMENT	48,934	48,934	48,934	48,934
3550 SUPPORT OF OTHER NATIONS				
3600 INTERNATIONAL MILITARY HEADQUARTERS	310,277	310,277	310,277	310,277
3650 MISC. SUPPORT OF OTHER NATIONS	43,781	43,781	43,781	43,781
3700 TOTAL, BUDGET ACTIVITY 4	5,988,896	5,958,995	5,860,196	5,937,796
3730 REPAIRS AT FT. BAKER	---	2,500	---	2,000
4100 ADMINISTRATION AND SERVICEWIDE ACTIVITIES	---	-255,000	---	-50,000
4130 MILITARY TO CIVILIAN CONVERSIONS	---	-20,900	---	---
4139 UNOBLIGATED BALANCES	---	-125,000	-188,000	-125,000
4140 PEACE TIME TRAINING OFFSET	---	-133,500	-245,000	-180,000
4165 OPERATION NOBLE EAGLE OFFSET	---	-180,000	---	---
4170 TOTAL, OPERATION AND MAINTENANCE, ARMY	24,902,380	24,103,739	23,980,180	22,397,581
4175 LESS FAC SUSTAINMENT, RESTORATION & MOD FUNDS 1/	-1,810,774	-1,810,774	-1,780,774	---
4180 TOTAL, OPERATION AND MAINTENANCE, ARMY	23,091,606	22,292,965	22,199,406	22,397,581

4181 1/ Under Military Quality of Life & VA Appropriations

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

Budget Activity 1: Operating Forces	
250 Lightweight Maintenance Enclosure	1,350
250 Arctic Tent	1,100
250 Modular General Purpose Tent System (MGPTS)—Type III	1,100
250 Modular Command Post System	1,650
400 EAC Support Forces Unjustified Growth	-23,000
550 Fort Hood Training Lands Restoration and Maintenance Project	1,100
550 Small Arms Range Modernization at Camp Edwards, MMR through Bullet Catcher	1,000
550 Water Purification and Distribution Operating Systems	3,250
550 Madigan Army Medical Center Trauma Readiness	1,625
550 Battlefield Mobility Enhancement System	2,700
550 Cognitive Air Defense Simulators (CADS)	1,000
550 Combat Vehicle Crewman Advanced Combat Helmet	3,250
550 Generator Engine Replacement	1,000
550 Insulated Liners for Extended Cold Weather Clothing System, Generation III (ECWCS GEN III)	2,700
550 PARC/Multi Brigade Training Requirements	10,600
550 USARP AC Deployable C4 Package	1,600
550 USARPAC Core Warfighting Network Infrastructure Critical Requirement	7,000
550 USARPAC C4 Modularity	3,500
550 Baseline Adjustment for One Time Increase	-17,300
550 Unjustified Growth for Unit Mission Communication Support	-16,000
600 Combat Development Core Unjustified Growth	-15,000
600 Golden Hour Technology Containers	4,500
600 Ground-forces Readiness for Advanced Tactical Vehicles (GREAT-V)	1,950
600 Information Assurance Vulnerability Alert (IAVA) Cell-PM Logistics Information Systems	1,350
600 Tracking Reusable Assets for Contingency and Emergency Response	3,600
600 Alaska Land Mobile Radio (ALMR) (Moved to O&M, Air Force)	—
600 ALCOM Communications Infrastructure Diversity and Survivability	500
650 UH-60 Leak Proof Transmission Drip Pans	1,100
650 Depot Maintenance Peace Time Work Load Adjustment	-330,000
750 Multi-purpose Parade Field, Fort Benning (moved to O&M, Defense Wide)	—
750 Service Wide Safety: Alcohol Breath Detectors	2,500
750 Connect and Join	1,000
750 Bryant Army Airfield Clear Zone Waiver	3,000
750 FGA Fire Suppression System	1,200
750 Army Conservation & Ecosystem Management	3,000
750 Fort Knox Godman Airfield Improvements for Air Surveillance Radar (moved from Other Procurement, Army)	2,150
750 Base Support Increase	50,900
950 WMD-CST Team For Florida	1,000
950 WMD-CST Team For New York	700
Budget Activity 2: Mobilization	
1200 Quadruple Specialty Containers	2,700
1200 Baseline Adjustment for One Time Increase	-3,000
Budget Activity 3: Training and Recruiting	
1650 Early Commissioning Program at Military Junior Colleges	3,050
1650 Air Battle Captain	1,300
1650 Baseline Adjustment for One Time Increase	-2,000
1850 DLIFLC Global Studies Program	1,000
1850 Operational Technical Training Validation Testbed	1,950
1850 Military Surgeon Training Initiative for Special Operations Combat Medic Training Program	1,000
1850 Special Operations Training and Exercises	1,000
1850 Military Police Training at the Multi-Jurisdictional Counter-Drug Task Force Training (MCTFT)	2,000
1850 Virtual Interactive Training and Assessment System (VITAS)	1,440
1850 SUS of Florida Critical Language Instruction for Military Personnel, Education, Training, Distance Learning and Laboratories Project	1,200
1850 DLI—Language Laboratory Acquisition	1,850
1850 Baseline Adjustment for One Time Increase	-14,800
1950 Leadership for Leaders at CGSC/CAL and KSU	1,000
2000 Live Training Instrumentation for Air Missile Defense Units	1,350
2000 Army Distributed Learning System	1,000
2000 Baseline Adjustment for One Time Increase	-6,100
2300 USARAK Online Technology Training Project	1,000
2300 Baseline Adjustment for One Time Increase	-3,400
2350 Affordability Adjustment for New Initiative	-6,500
2400 Spirit of America Youth Conference for Junior ROTC Cadets	360
Budget Activity 4: Administration and Service-Wide Activities	
2650 Advanced Persistent Surveillance Sensors (UGS)	1,000
2650 Citadel Base Security	500
2650 Classified Adjustment	18,750
2650 Baseline Adjustment for One Time Increase	-2,100
2800 Army Battery Management Program Utilizing Pulse Technology	2,600
2800 Unjustified Transfer Adjustment	-15,500
2800 Baseline Adjustment for One Time Increase	-4,200
2850 Sense and Respond Logistics Capability	2,000
2850 Decision Support for Predictive Logistics	2,000
2850 Army Software License Clearinghouse Program (ASLCP)	1,000
2850 TACOM Life Cycle Management Command Integrated Digital Environment Pilot Program	1,300
2850 Joint Army/USMC Autonomic and Focused Logistics Integration/Modeling Support	1,000
2850 Theater Enterprise Wide Logistics System (TEWLS)	1,000
2850 Common Logistics Operating Environment (CLOE); Condition-Based Maintenance (CBM+)	3,250
2850 Corrosion Prevention and Control Program	1,800
2850 Baseline Adjustment for One Time Increase	-13,500
3050 Future Business System	-4,900
3050 General Fund Enterprise Business System	-27,600
3100 National Security Personnel System Delayed Implementation	-3,000
3200 Combat Readiness Center Unjustified Growth	-10,000
3200 Public Affairs Unjustified Growth	-8,400
3200 Memorial Day	1,400

3200 Army Center for Military History to Support a Traveling Exhibit on Military Experience in World War II (from Senate Sec. 8121)	500
Undistributed:	
3730 Repairs at Ft. Baker	2,000
4100 Administration and Servicewide Activities	−50,000
4139 Unobligated Balances	−125,000
4140 Peace Time Training Offset	−180,000

SPECIAL OPERATIONS COMBAT MEDIC TRAINING PROGRAM

The conferees are concerned by a decision made by the United States Army Special Operations Command (USASOC) to abruptly terminate its partnership with one of three facilities participating in the Special Operations Combat Medic (SOCM) training program, notwithstanding recent commendation for the facility's continued support of the program. The conferees believe this decision may be unfounded and hastily made without substantive justification. Furthermore, it eliminates from the SOCM program the unique, individualized, hands-on training offered by this facility. The conferees believe this program has been critical to force protection and is vital to war-fighters currently engaged in hostile environments abroad. The conferees encourage USASOC to continue the Special Operations Medic Training Program at all three facilities, and to do so in a manner consistent with the previous two fiscal years, so as to continue providing our troops with capable and skilled Special Operations medics.

OPERATION AND MAINTENANCE, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
4250 OPERATION AND MAINTENANCE, NAVY				
4300 BUDGET ACTIVITY 1: OPERATING FORCES				
4350 AIR OPERATIONS				
4400 MISSION AND OTHER FLIGHT OPERATIONS	3,587,750	3,587,750	3,587,750	3,587,750
4450 FLEET AIR TRAINING	863,788	863,788	841,788	841,788
4500 INTERMEDIATE MAINTENANCE	56,502	56,502	56,502	56,502
4550 AIR OPERATIONS AND SAFETY SUPPORT	121,303	121,303	121,303	121,303
4560 AIR SYSTEMS SUPPORT	485,830	490,830	485,830	489,080
4600 AIRCRAFT DEPOT MAINTENANCE	902,864	902,864	902,864	902,864
4650 AIRCRAFT DEPOT OPERATIONS SUPPORT	144,243	141,143	144,243	143,743
4800 SHIP OPERATIONS				
4850 MISSION AND OTHER SHIP OPERATIONS	3,166,923	3,290,423	3,150,423	3,271,423
4900 SHIP OPERATIONAL SUPPORT AND TRAINING	645,040	645,040	654,040	645,040
5000 SHIP DEPOT MAINTENANCE	3,722,690	3,722,690	3,712,090	3,812,090
5050 SHIP DEPOT OPERATIONS SUPPORT	979,341	979,341	950,341	951,141
5200 COMBAT COMMUNICATIONS/SUPPORT				
5250 COMBAT COMMUNICATIONS	318,105	318,105	318,105	318,105
5300 ELECTRONIC WARFARE	52,039	52,039	52,039	52,039
5350 SPACE SYSTEMS & SURVEILLANCE	164,454	164,454	164,454	164,454
5400 WARFARE TACTICS	356,815	356,815	356,815	356,815
5450 OPERATIONAL METEOROLOGY & OCEANOGRAPHY	267,193	267,193	290,593	282,793
5500 COMBAT SUPPORT FORCES	1,073,662	1,078,662	1,043,662	1,048,662
5550 EQUIPMENT MAINTENANCE	170,116	171,116	170,116	170,116
5600 DEPOT OPERATIONS SUPPORT	3,855	3,855	3,855	3,855
5750 WEAPONS SUPPORT				
5800 CRUISE MISSILE	132,602	132,602	132,602	132,602
5850 FLEET BALLISTIC MISSILE	946,811	946,811	925,811	946,811
5900 IN-SERVICE WEAPONS SYSTEMS SUPPORT	115,230	70,430	115,230	70,430
5950 WEAPONS MAINTENANCE	433,856	433,856	450,656	444,756
5955 OTHER WEAPON SYSTEMS SUPPORT	300,901	300,901	300,901	300,901

	(In thousands of dollars)			
	Budget	House	Senate	Conference
6200 BASE SUPPORT				
6205 ENTERPRISE INFORMATION TECHNOLOGY	713,421	713,421	713,421	713,421
6210 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	1,201,313	1,201,313	1,208,313	---
6220 BASE OPERATING SUPPORT	3,470,443	3,398,943	3,447,443	3,426,343
6230 TOTAL, BUDGET ACTIVITY 1	24,397,090	24,412,190	24,301,190	23,254,827
6250 BUDGET ACTIVITY 2: MOBILIZATION				
6300 READY RESERVE AND PREPOSITIONING FORCES				
6350 SHIP PREPOSITIONING AND SURGE	545,607	545,607	545,607	545,607
6400 ACTIVATIONS/INACTIVATIONS				
6450 AIRCRAFT ACTIVATIONS/INACTIVATIONS	4,626	4,626	4,626	4,626
6500 SHIP ACTIVATIONS/INACTIVATIONS	197,171	197,171	197,171	197,171
6550 MOBILIZATION PREPAREDNESS				
6600 FLEET HOSPITAL PROGRAM	30,928	30,928	30,928	30,928
6650 INDUSTRIAL READINESS	1,660	1,660	1,660	1,660
6700 COAST GUARD SUPPORT	20,236	20,236	20,236	20,236
6750 TOTAL, BUDGET ACTIVITY 2	800,228	800,228	800,228	800,228
6800 BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
6850 ACCESSION TRAINING				
6900 OFFICER ACQUISITION	134,960	134,960	134,960	134,960
6950 RECRUIT TRAINING	9,973	9,973	9,973	9,973
7000 RESERVE OFFICERS TRAINING CORPS	105,067	105,567	105,067	105,567
7150 BASIC SKILLS AND ADVANCED TRAINING				
7200 SPECIALIZED SKILL TRAINING	517,787	520,787	517,787	519,787
7250 FLIGHT TRAINING	425,434	425,434	425,434	425,434
7300 PROFESSIONAL DEVELOPMENT EDUCATION	121,568	138,068	121,568	134,018
7350 TRAINING SUPPORT	168,461	168,461	168,461	168,461
7500 RECRUITING, AND OTHER TRAINING AND EDUCATION				
7550 RECRUITING AND ADVERTISING	245,469	245,769	245,769	246,769
7600 OFF-DUTY AND VOLUNTARY EDUCATION	148,588	150,088	148,888	149,888
7650 CIVILIAN EDUCATION AND TRAINING	75,337	75,337	75,337	75,337
7700 JUNIOR ROTC	46,649	46,649	46,649	46,649
7850 TOTAL, BUDGET ACTIVITY 3	1,999,293	2,021,093	1,999,893	2,016,843

	(In thousands of dollars)			
	Budget	House	Senate	Conference
7900 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
7950 SERVICEWIDE SUPPORT				
8000 ADMINISTRATION	719,357	706,857	691,357	690,657
8050 EXTERNAL RELATIONS	3,555	3,555	3,555	3,555
8100 CIVILIAN MANPOWER & PERSONNEL MGT	103,611	103,611	103,611	103,611
8150 MILITARY MANPOWER & PERSONNEL MGT	186,113	186,113	186,113	186,113
8200 OTHER PERSONNEL SUPPORT	274,108	274,108	274,108	274,108
8250 SERVICEWIDE COMMUNICATIONS	798,527	728,527	759,527	759,527
8450 LOGISTICS OPERATIONS AND TECHNICAL SUPPORT				
8500 SERVICEWIDE TRANSPORTATION	218,575	218,575	219,575	219,575
8550 PLANNING, ENGINEERING & DESIGN	242,607	240,607	237,607	235,607
8600 ACQUISITION AND PROGRAM MANAGEMENT	518,512	519,512	518,512	519,512
8700 HULL, MECHANICAL & ELECTRICAL SUPPORT	58,202	58,952	53,202	53,952
8750 COMBAT/WEAPONS SYSTEMS	43,143	43,143	43,143	43,143
8800 SPACE & ELECTRONIC WARFARE SYSTEMS	81,528	81,528	81,528	81,528
8950 SECURITY PROGRAMS				
9000 SECURITY PROGRAMS	391,438	392,438	381,438	385,438
9150 SUPPORT OF OTHER NATIONS				
9200 INTERNATIONAL HDQTRS & AGENCIES	10,478	10,478	10,478	10,478
9210 OTHER PROGRAMS				
9220 OTHER PROGRAMS	484,619	484,619	484,619	484,619
9250 TOTAL, BUDGET ACTIVITY 4	4,134,373	4,052,623	4,048,373	4,051,423
9570 CIVILIAN PAY OVERSTATEMENT	---	-96,800	-88,300	-88,300
9615 UNOBLIGATED BALANCES	---	-10,000	-67,300	-67,300
9620 PEACE TIME TRAINING OFFSET	---	-58,645	-215,000	-215,000
9640 MISSION FUNDING CONVERSION SAVINGS	---	-50,000	---	---
9650 OPERATION NOBLE EAGLE OFFSET	---	-14,700	---	---
9660 NSPS IMPLEMENTATION DELAY	---	-1,000	---	-1,000
9740 TOTAL, OPERATION AND MAINTENANCE, NAVY	31,330,984	31,054,989	30,779,084	29,751,721
9745 LESS FAC SUSTAINMENT, RESTORATION & MOD FUNDS 1/	-1,201,313	-1,201,313	-1,208,313	---
9750 TOTAL, OPERATION AND MAINTENANCE, NAVY	30,129,671	29,853,676	29,570,771	29,751,721

9751 1/ Under Military Quality of Life & VA Appropriations

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

Budget Activity 1: Operating Forces	
4450 Flying Hour Reduction	-22,000
4560 Knowledge Management Decision Support System	3,250
4650 Navy Enterprise Resource Planning Unjustified Growth	-5,000
4650 Low Observability Coatings and Materials Maintenance Program	1,000
4650 Naval Aviation Depot Support of the Fleet Response Plan	1,000
4650 F/A-18 C/D Filament-wound External Fuel Tank Refurbishment Program	1,000
4650 CAT & RADCOM Test Program Sets	1,500
4850 Restore Steaming Days to 51 days per quarter	121,000
4850 Man Overboard Safety System Installation and Maintenance	2,500
4850 One Time Adjustment for Baseline Increase	-19,000
4900 Intelligent Graphic Data Distribution Training (moved to Other Procurement, Navy)	–
4900 Intelligent Graphic Interface for Submarines (moved to Other Procurement, Navy)	–
5000 Ship Depot Maintenance Increase	100,000
5000 Excess Carryover Adjustment	-10,600
5050 Improved Engineering Design Process	1,800
5050 Surface Ship Operations Depot Support Affordability Adjustment	-30,000
5450 Operational Meteorology and Oceanography	4,100
5450 Center of Excellence for Disaster Management and Humanitarian Assistance (COE)	3,500
5450 APRI	8,000
5500 Joint POW/MIA Accounting Command	4,000
5500 Manual Reverse Osmosis Desalinator	1,000
5500 JFCOM Program Growth	-30,000
5900 Peace Time System Support Offset	-44,800
5950 Mk 45 Mod 5 Gun Depot Overhauls	10,900
6220 Growth in Base Operating Support	-50,000
6220 Navy Shore Infrastructure Transformation	2,300
6220 Advanced Technology to Reduce Vulnerability of Military Installations (moved to RDT&E, Navy)	–
6220 Service-Wide Safety: Alcohol Breath Detectors	2,000
6220 PMRF Flood Control	1,600
Budget Activity 3: Training and Recruiting	
7000 Naval ROTC Aquatic Skills Facility	500
7200 Joint Electronic Warfare Training	1,000
7200 Virtual Interactive Training and Assessment System (VITAS)	1,000
7300 Naval Postgraduate School Computer and Laboratory Upgrades	8,000
7300 Naval Postgraduate School Center CDTEMS	3,250
7300 Mobile Distance Learning	1,200
7550 Naval Sea Cadet Corps Operational Funding	300
7550 Physical Security at Navy Recruiting Stations (from Senate Sec. 8158)	1,000
7600 Continuing Education Distance Learning continuation of fiscal year 2005 program	1,000
7600 COMPASS	300
Budget Activity 4: Administration and Service-Wide Activities	
8000 FYDP Improvement Project Unjustified Growth	-9,500
8000 Naval Force Composition Transformation Analysis Unjustified Growth	-3,000
8000 Defense Small Business Technology and Readiness Resource (DSTARR)	1,300
8000 Growth in Administration	-17,500
8250 Navy Marine Corps Intranet (NMCI) Unjustified Growth	-10,000
8250 Joint Information Technology Center (JITC)	1,000
8500 RFID SMART Container	1,000
8550 Navy Ashore Vision for 2030 Unjustified Growth	-2,000
8550 Growth in Relocation Studies	-5,000
8600 The DON CIO Critical Infrastructure Protection Program	1,000
8700 Diagnosis and Prognostication of Gas Turbine Problems	750
8700 Systems Engineering Program Growth	-5,000
9000 Local Situational Assessment Segment, NAS Lemoore	1,000
9000 NCIS Affordability Adjustment	-7,000
Undistributed:	
9570 Civilian Pay Overstatement	-88,300
9615 Unobligated Balances	-67,300
9620 Peace Time Training Offset	-215,000
9660 National Security Personnel System Delayed Implementation	-1,000

OPERATION AND MAINTENANCE, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
9900 OPERATION AND MAINTENANCE, MARINE CORPS				
9950 BUDGET ACTIVITY 1: OPERATING FORCES				
10000 EXPEDITIONARY FORCES				
10050 OPERATIONAL FORCES	503,462	511,962	457,962	448,437
10100 FIELD LOGISTICS	424,331	427,331	420,731	421,531
10150 DEPOT MAINTENANCE	111,210	111,210	88,210	88,210
10160 USMC PREPOSITIONING				
10170 MARITIME PREPOSITIONING	70,801	74,601	70,801	73,101
10180 NORWAY PREPOSITIONING	5,284	5,284	5,284	5,284
10250 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	419,418	419,418	419,418	---
10260 BASE OPERATING SUPPORT	1,428,003	1,452,003	1,411,003	1,441,603
10450 TOTAL, BUDGET ACTIVITY 1	2,962,509	3,001,809	2,873,409	2,478,166
10500 BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
10550 ACCESSION TRAINING				
10600 RECRUIT TRAINING	11,581	11,581	11,581	11,581
10650 OFFICER ACQUISITION	390	390	390	390
10800 BASIC SKILLS AND ADVANCED TRAINING				
10850 SPECIALIZED SKILLS TRAINING	41,130	41,130	41,130	41,130
10900 FLIGHT TRAINING	187	187	187	187
10950 PROFESSIONAL DEVELOPMENT EDUCATION	16,476	16,476	16,476	16,476
11000 TRAINING SUPPORT	144,692	144,692	144,692	144,692

	(In thousands of dollars) Budget	House	Senate	Conference
11150 RECRUITING AND OTHER TRAINING EDUCATION				
11200 RECRUITING AND ADVERTISING	108,883	108,883	108,883	108,883
11250 OFF-DUTY AND VOLUNTARY EDUCATION	55,524	55,524	55,524	55,524
11300 JUNIOR ROTC	17,257	17,557	17,257	17,657
11320 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	50,810	50,810	50,810	---
11350 BASE OPERATING SUPPORT	141,242	141,242	141,242	141,242
11450 TOTAL, BUDGET ACTIVITY 3	588,172	588,472	588,172	537,762
11500 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
11550 SERVICEWIDE SUPPORT				
11650 SPECIAL SUPPORT	255,058	255,058	255,058	255,058
11700 SERVICEWIDE TRANSPORTATION	24,140	24,140	24,140	24,140
11750 ADMINISTRATION	34,266	34,266	34,266	34,266
11850 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	2,913	2,913	2,913	---
11860 BASE OPERATING SUPPORT	11,904	11,904	11,904	11,904
11900 TOTAL, BUDGET ACTIVITY 4	328,281	328,281	328,281	325,368
12070 UNOBLIGATED BALANCES	---	-3,000	-3,000	-3,000
12080 PEACE TIME TRAINING OFFSET	---	-43,500	---	---
12090 OPERATION NOBLE EAGLE OFFSET	---	-10,000	---	---
12100 CIVILIAN PAY OVERSTATEMENT	---	-37,800	-47,000	---
12280 TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS	3,878,962	3,824,262	3,739,862	3,338,296
12290 LESS FAC SUSTAINMENT, RESTORATION & MOD FUNDS 1/	-473,141	-473,141	-473,141	---
12300 TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS	3,405,821	3,351,121	3,266,721	3,338,296

12301 1/ Under Military Quality of Life & VA Appropriations

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

Budget Activity 1: Operating Forces	
10050 On-the-Move Individual Water Purification System	1,650
10050 Modular General Purpose Tent System (MGPTS)—Type III	1,650
10050 Marine Corps Flame Resistant Contact Glove	1,500
10050 Modular Military Steel Traction Combat Snowshoe	1,000
10050 Hardened Fluorescent Stringable Tent Lighting System	3,000
10050 Peace Time Training Offset	−43,500
10050 Baseline Adjustment for One Time Increase	−30,300
10050 Cold Weather Layering System (CWLS)	1,800
10050 Command Post—Large Tactical Shelter	1,000
10050 Individual Water Purifier System	2,275
10050 Marine Advanced Combat Garments	2,600
10050 Marine Corps Base Layer/Cold Weather Clothing & Equipment Program	1,000
10050 Hemostatic Agent	1,300
10100 Ultra Lightweight Camouflage System (ULCANS)	3,000
10100 Corrosion Prevention and Control Program	1,800
10100 Baseline Adjustment for One Time Increase	−7,600
10150 Depot Maintenance Peace Time Work Load Adjustment	−23,000
10170 Maritime Prepositioning Force	1,000
10170 Advanced Vapor Corrosion Inhibitor Delivery System	1,300
10260 Airborne UXO Survey Technologies to Support Range Modernization at 29 Palms	1,600
10260 MAGTFTC Range Transformation Initiative	17,600
10260 Communications Upgrade MBH	3,200
10260 Baseline Adjustment for One Time Increase	−8,800
Budget Activity 3: Training and Recruiting	
11300 ROTC Programs	400
Undistributed:	
12070 Unobligated Balances	−3,000

OPERATION AND MAINTENANCE, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
12450 OPERATION AND MAINTENANCE, AIR FORCE				
12500 BUDGET ACTIVITY 1: OPERATING FORCES				
12550 AIR OPERATIONS				
12600 PRIMARY COMBAT FORCES	4,307,850	4,311,700	4,107,850	4,156,300
12650 PRIMARY COMBAT WEAPONS	281,366	281,366	281,366	281,366
12700 COMBAT ENHANCEMENT FORCES	603,703	603,703	603,903	603,903
12750 AIR OPERATIONS TRAINING	1,439,196	1,439,196	1,421,596	1,421,596
12755 COMBAT COMMUNICATIONS	1,619,591	1,619,591	1,621,591	1,620,591
12775 DEPOT MAINTENANCE	1,943,368	1,943,368	1,957,368	1,951,068
12810 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	924,187	924,187	839,187	---
12850 BASE OPERATING SUPPORT	2,405,434	2,229,034	2,151,199	2,339,499
12950 COMBAT RELATED OPERATIONS				
13000 GLOBAL C3I AND EARLY WARNING	1,147,409	1,147,409	1,147,409	1,147,409
13050 NAVIGATION/WEATHER SUPPORT	243,878	243,878	242,178	242,178
13100 OTHER COMBAT OPERATIONS SUPPORT PROGRAMS	610,059	613,059	674,389	667,759
13150 JCS EXERCISES	29,240	29,740	29,240	29,740
13200 MANAGEMENT/OPERATIONAL HEADQUARTERS	241,730	241,730	241,730	241,730
13250 TACTICAL INTELLIGENCE AND SPECIAL ACTIVITIES	350,629	350,629	350,629	350,629
13300 SPACE OPERATIONS				
13350 LAUNCH FACILITIES	324,467	324,467	324,467	324,467
13400 LAUNCH VEHICLES	59,713	59,713	59,713	59,713
13450 SPACE CONTROL SYSTEMS	255,325	255,325	255,325	255,325
13500 SATELLITE SYSTEMS	81,845	81,845	81,845	81,845
13550 OTHER SPACE OPERATIONS	320,801	320,801	323,801	322,451
13560 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	133,825	133,825	118,825	---
13600 BASE SUPPORT	553,394	553,394	553,569	553,569
13700 TOTAL, BUDGET ACTIVITY 1	17,877,010	17,707,960	17,387,180	16,651,138

(In thousands of dollars)

	Budget	House	Senate	Conference
13750 BUDGET ACTIVITY 2: MOBILIZATION				
13800 MOBILITY OPERATIONS				
13850 AIRLIFT OPERATIONS	2,948,518	2,948,518	2,928,118	2,928,118
13900 AIRLIFT OPERATIONS C3I	47,313	47,313	47,313	47,313
13950 MOBILIZATION PREPAREDNESS	204,721	204,721	204,721	204,721
13955 PAYMENTS TO TRANSPORTATION BUSINESS AREA	7,134	7,134	7,134	7,134
13975 DEPOT MAINTENANCE	311,703	311,703	311,703	311,703
14000 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	179,242	179,242	139,242	---
14050 BASE SUPPORT	560,838	560,838	563,338	562,838
14150 TOTAL, BUDGET ACTIVITY 2	4,259,469	4,259,469	4,201,569	4,061,827
14200 BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
14250 ACCESSION TRAINING				
14300 OFFICER ACQUISITION	81,429	81,429	81,929	81,929
14350 RECRUIT TRAINING	6,306	6,306	6,306	6,306
14400 RESERVE OFFICER TRAINING CORPS (ROTC)	95,282	95,282	95,282	95,282
14420 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	43,461	43,461	33,461	---
14450 BASE SUPPORT (ACADEMIES ONLY)	75,354	75,354	76,154	76,154
14550 BASIC SKILLS AND ADVANCED TRAINING				
14600 SPECIALIZED SKILL TRAINING	351,352	351,352	351,352	351,352
14650 FLIGHT TRAINING	836,910	839,410	836,910	838,510
14700 PROFESSIONAL DEVELOPMENT EDUCATION	175,225	176,225	178,725	178,125
14750 TRAINING SUPPORT	89,025	94,225	86,175	89,125
14775 DEPOT MAINTENANCE	12,558	12,558	12,558	12,558
14780 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	134,126	134,126	134,126	---
14800 BASE OPERATING SUPPORT (OTHER TRAINING)	590,856	590,856	590,856	590,856
14900 RECRUITING, AND OTHER TRAINING AND EDUCATION				
14950 RECRUITING AND ADVERTISING	133,600	133,600	133,600	133,600
15000 EXAMINING	3,713	3,713	3,713	3,713
15050 OFF DUTY AND VOLUNTARY EDUCATION	192,847	192,847	192,847	192,847
15100 CIVILIAN EDUCATION AND TRAINING	115,394	119,194	118,394	117,994
15150 JUNIOR ROTC	60,380	60,380	60,380	60,380
15200 TOTAL, BUDGET ACTIVITY 3	2,997,818	3,010,318	2,992,768	2,828,731

(In thousands of dollars)

	Budget	House	Senate	Conference
15250 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
15300 LOGISTICS OPERATIONS				
15350 LOGISTICS OPERATIONS	892,899	899,899	886,149	890,749
15400 TECHNICAL SUPPORT ACTIVITIES	629,064	634,764	626,664	630,814
15450 SERVICEWIDE TRANSPORTATION	176,222	176,222	176,222	176,222
15475 DEPOT MAINTENANCE	47,817	47,817	47,817	47,817
15480 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	252,911	252,911	232,911	---
15500 BASE SUPPORT	993,307	993,307	993,307	993,307
15600 SERVICEWIDE ACTIVITIES				
15650 ADMINISTRATION	254,311	254,311	254,311	254,311
15700 SERVICEWIDE COMMUNICATIONS	510,987	510,987	510,987	510,987
15750 PERSONNEL PROGRAMS	222,416	222,416	222,416	222,416
15900 ARMS CONTROL	49,933	49,933	49,933	49,933
15950 OTHER SERVICEWIDE ACTIVITIES	280,473	284,473	281,773	282,873
16000 OTHER PERSONNEL SUPPORT	37,775	40,775	35,025	37,025
16050 CIVIL AIR PATROL CORPORATION	21,087	25,087	25,087	25,087
16060 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	16,267	16,267	13,267	---
16100 BASE OPERATING SUPPORT	325,670	326,670	325,670	326,670
16200 SECURITY PROGRAMS				
16250 SECURITY PROGRAMS	1,478,190	1,478,190	1,479,690	1,479,340
16300 SUPPORT TO OTHER NATIONS				
16350 INTERNATIONAL SUPPORT	18,681	18,681	18,681	18,681
16400 TOTAL, BUDGET ACTIVITY 4	6,208,010	6,232,710	6,179,910	5,946,232
16630 UNOBLIGATED BALANCES	---	-100,000	-108,000	-108,000
16808 PEACE TIME TRAINING OFFSET	---	---	-400,000	-400,000
16870 NSPS IMPLEMENTATION DELAY	---	-5,000	---	-5,000
16875 BASE SUPPORT EFFICIENCIES	---	-100,000	---	---
16880 OPERATION NOBLE EAGLE OFFSET	---	-228,000	---	---
16885 CLASSIFIED PROGRAMS	---	-3,750	---	---
16899 EXCESS FUNDING BASED ON PRIOR YEAR EXECUTION	---	---	-200,000	-200,000
16900 TOTAL, OPERATION AND MAINTENANCE, AIR FORCE	31,342,307	30,773,707	30,053,427	28,774,928
16905 LESS FAC SUSTAINMENT, RESTORATION & MOD FUNDS 1/	-1,684,019	-1,684,019	-1,511,019	---
16910 TOTAL, OPERATION AND MAINTENANCE, AIR FORCE	29,658,288	29,089,688	28,542,408	28,774,928

16911 1/ Under Military Quality of Life & VA Appropriations

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

Budget Activity 1: Operating Forces	
12600 MBU 20/P Oxygen Mask with Mask Light	1,750
12600 Aircrew Life Support Equipment	1,800
12600 Self-Inflating, Open Cell Foam Quick Don Anti-Exposure Suit	4,800
12600 Baseline Adjustment for One Time Increase	−43,800
12600 Unjustified Growth	−116,100
12700 Cybersecurity Defend and Attack Exercises (CIAS initiative)	200
12750 Joint Modular Ground Targets & Urban CAS Site	100
12750 Baseline Adjustment for One Time Increase	−17,700
12755 ALCOM Communications Infrastructure Diversity and Survivability (A WOS)	1,000
12775 Accelerated Insertion of Advanced Materials and Certification for Military Aircraft Structure Material Substitution and Repair	1,100
12775 Advanced Inspection Techniques and Analysis Methods for Multi-layer Structures and Widespread Fatigue Damage in Aging Military Aircraft	1,100
12775 F–16 Avionics Intermediate Shop Depot Replacement	5,500
12850 Civilian Payment Overstatement	−100,000
12850 Expert Organizational Development System (EXODUS)	1,600
12850 Mission Critical Power System Reliability Surveys	1,000
12850 Eielson AFB Utilidor	8,000
12850 Operational Upgrades—Bldg 9480	10,000
12850 EAFB Fighter Town Enhancements/Transition	12,700
12850 Electrical Distribution Upgrade at Hickam	8,500
12850 PACAF C–17 Beddown	65
13050 Baseline Adjustment for One Time Increase	−7,800
13050 Baseline Adjustment for One Time Increase	−1,700
13100 Contaminant Air Processing System	1,000
13100 Enhanced Situational Awareness and Analyses of Geospatial Enterprise Infrastructure	1,600
13100 Red Flag AK CW/STO Integration	9,600
13100 Red Flag AK PARC Upgrades	51,000
13100 Alaska Land Mobile Radio (ALMR) (moved from O&M, Army)	6,000
13100 Baseline Adjustment for One Time Increase	−11,500
13150 PACAF and USAFE Geospatial Information and Services	500
13550 National Security Space Institute-AFSPC	1,650
13600 Vandenberg AFB Missile Defense Static Display	175
Budget Activity 2: Mobilization	
13850 Baseline Adjustment for One Time Increase	−20,400
14050 PACAF C–17 Beddown	2,000
Budget Activity 3: Training	
14300 Center for Space & Defense Studies-United States Air Force Academy	500
14450 United States Air Force Academy, Static Display Rehabilitation and Lighting	800
14650 USAF Undergraduate Combat System Officer Trainer	1,600
14700 National Space Studies Center Study	1,000
14700 Homeland Defense PhD Program-Naval Postgraduate School	1,900
14750 Engineering Knowledge and Training Preservation System	1,000
14750 AFIT Advanced Tech Intelligence Center (ATIC) for Workforce Development	1,950
14750 Baseline Adjustment for One Time Increase	−2,850
15100 Online Technology Training Program—Nellis Air Force Base	1,000
15100 Online Technology Training Program—MacDill AFB	1,600
Budget Activity 4: Administration and Service-Wide Activities	
15350 Air Operations Combat Support	3,000
15350 Center for Parts Configuration Management (CPCM)	1,300
15350 Manufacturing Technical Assistance and Production Program	1,000
15350 Hickam AFB Alternative Fuel Vehicle Program	2,700
15350 Baseline Adjustment for One Time Increase	−10,150
15400 Expand Rapid Retargeting Training and Services at WRALC	1,950
15400 Engine Health Management Data Repository Center	2,200
15400 Baseline Adjustment for One Time Increase	−2,400
15950 Air Force Data Conversion (only for AFRPA BRAC support)	3,200
15950 Air Force Financial Management (FM) Transformation Program	4,300
15950 Baseline Adjustment for One Time Increase	−5,100
16000 Demonstration Project for Contractors Employing Persons with Disabilities	2,000
16000 Baseline Adjustment for One Time Increase	−2,750
16050 Civil Air Patrol Corporation	4,000
16100 Air Force Enterprise Desktop Computer Information Assurance	1,000
16250 Classified Adjustment	1,150
Undistributed:	
16630 Unobligated Balances	−108,000
16808 Peace Time Flying Hours Adjustment	−400,000
16870 National Security Personnel System Delayed Implementation	−5,000
16899 Excess O&M funding Based On Prior Year Execution	−200,000

OPERATION AND MAINTENANCE, DEFENSE-WIDE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
16950 OPERATION AND MAINTENANCE, DEFENSE-WIDE				
17000 BUDGET ACTIVITY 1: OPERATING FORCES				
17050 JOINT CHIEFS OF STAFF	578,523	264,600	274,100	272,200
17060 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	3,480	3,480	3,480	---
17100 SPECIAL OPERATIONS COMMAND	2,852,620	2,856,120	2,551,739	2,597,739
17150 TOTAL, BUDGET ACTIVITY 1	3,434,623	3,124,200	2,829,319	2,869,939
17200 BUDGET ACTIVITY 2: MOBILIZATION				
17250 DEFENSE LOGISTICS AGENCY	---	50,497	---	50,497
17350 BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
17460 DEFENSE ACQUISITION UNIVERSITY	102,227	102,227	102,227	102,227
17461 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	2,444	2,444	2,444	---
17480 DEFENSE HUMAN RESOURCES ACTIVITY	---	33,089	---	33,089
17600 SPECIAL OPERATIONS COMMAND	---	---	129,241	129,241
17610 NATIONAL DEFENSE UNIVERSITY	85,127	86,927	80,127	84,027
17611 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	4	4	4	---
17650 TOTAL, BUDGET ACTIVITY 3	189,802	224,691	314,043	348,584
17700 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
17725 AMERICAN FORCES INFORMATION SERVICE	147,978	147,978	147,978	147,978
17730 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	2,351	2,351	2,351	---
17750 CIVIL MILITARY PROGRAMS	106,503	111,503	133,503	131,103
17790 DEFENSE BUSINESS TRANSFORMATION AGENCY	179,255	129,255	152,255	150,905
17800 DEFENSE CONTRACT AUDIT AGENCY	391,949	391,949	391,949	391,949
17810 DEFENSE FINANCE AND ACCOUNTING SERVICE	452	452	452	452
17815 DEFENSE INFORMATION SYSTEMS AGENCY	986,879	986,879	956,879	956,879
17817 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	11,739	11,739	11,739	---
17820 DEFENSE LEGAL SERVICES AGENCY	35,538	35,538	35,538	35,538
17830 DEFENSE LOGISTICS AGENCY	297,441	257,764	319,641	273,144
17831 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	61	61	61	---
17850 DEFENSE POW /MISSING PERSONS OFFICE	16,191	16,191	16,191	16,191
17860 DEFENSE TECHNOLOGY SECURITY AGENCY	21,899	21,899	21,899	21,899
17870 DEFENSE THREAT REDUCTION AGENCY	314,213	314,213	314,213	314,213
17871 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	342	342	342	---

	(In thousands of dollars) Budget	House	Senate	Conference
17880 DEPARTMENT OF DEFENSE DEPENDENTS EDUCATION	1,669,215	1,681,615	1,679,715	1,687,515
17890 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	59,636	59,636	59,636	---
17900 DEFENSE HUMAN RESOURCES ACTIVITY	374,352	341,263	378,452	344,263
17910 DEFENSE CONTRACT MANAGEMENT AGENCY	1,036,795	1,036,795	1,036,795	1,036,795
17920 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	3,502	3,502	3,502	---
18025 DEFENSE SECURITY COOPERATION AGENCY	140,109	140,109	140,109	140,109
18026 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	363	363	363	---
18050 DEFENSE SECURITY SERVICE	287,054	297,054	287,054	295,054
18051 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	5	5	5	---
18100 OFFICE OF ECONOMIC ADJUSTMENT	73,021	114,821	108,021	141,421
18125 OFFICE OF THE SECRETARY OF DEFENSE	748,368	766,568	746,368	759,568
18150 SPECIAL OPERATIONS COMMAND	---	500	65,259	65,759
18200 JOINT CHIEFS OF STAFF	---	303,923	303,923	303,923
18225 WASHINGTON HEADQUARTERS SERVICES	464,502	450,502	444,502	444,502
18230 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	2,459	2,459	2,459	---
18950 TOTAL, BUDGET ACTIVITY 4	7,372,172	7,637,229	7,761,154	7,659,180
19010 IMPACT AID	---	35,000	30,000	30,000
19015 IMPACT AID FOR CHILDREN WITH DISABILITIES	---	---	5,000	5,000
19020 OTHER PROGRAMS	9,079,059	9,016,559	9,049,459	9,063,189
19045 UNOBLIGATED BALANCES	---	-118,000	-108,000	-108,000
19080 SPECIAL ASSISTANCE TO LOCAL EDUCATION AGENCIES	---	---	10,000	8,000
19142 ARMED FORCES MEDICAL AND FOOD RESEARCH	---	---	2,200	1,430
19147 INSTITUTE FOR NATIONAL SECURITY ANALYSIS	---	---	1,000	1,000
19165 COMPATIBLE USE BUFFER PROGRAM	---	---	25,000	20,000
19435 TOTAL, OPERATION AND MAINTENANCE, DEFENSE-WIDE	20,075,656	19,970,176	19,919,175	19,948,799
19439 LESS FAC SUSTAINMENT, RESTORATION & MOD FUNDS 1/	-86,386	-86,386	-86,386	---
19450 TOTAL, OPERATION AND MAINTENANCE, DEFENSE-WIDE	19,989,270	19,883,790	19,832,789	19,948,799

19451 1/ Under Military Quality of Life & VA Appropriations

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces	
17050 TIS—Program Growth	−10,000
17050 TIS—BA Realignment	−303,923
17050 TIS—Gamma Radiation Detection Systems (GaRDS)	7,600
17100 SOCOM—Militarized ATV	1,600
17100 SOCOM—Warrior Wellness Pilot Program	1,500
17100 SOCOM—BA Realignment	−194,500
17100 SOCOM—Civil Affairs and PSYOPS (Realignment to Army Reserve)	−27,521
17100 SOCOM—Flight Operations for GWOT	−25,960
17100 SOCOM—Unjustified Growth in Management Headquarters	−10,000
Budget Activity 2: Mobilization	
17250 DLA—BA Realignment	50,497
Budget Activity 3: Training and Recruiting	
17480 DHRA—BA Realignment	33,089
17610 NDU—Center for Excellence in Educational Technology (CEET)	1,400
17610 NDU—NSEP	−2,500
17610 SOCOM—Realignment to Budget Activity 3	129,241
Budget Activity 4: Admininstration and Service-Wide Activities	
17750 CMP—STARBASE Program	2,000
17750 CMP—NG Youth Challenge CPR Initiative	1,000
17750 CMP—NG Youth Challenge—CA	1,600
17750 CMP—National Guard Youth Challenge Program	12,000
17750 CMP—IRT	8,000
17790 DBTA—DIMHRS—Transfer to RDDW, Line 101	−30,000
17790 DBTA—DIMHRS	1,650
17815 DISA—Affordability Adjustment for Program Growth	−30,000
17830 DLA—Procurement Technical Assistance Program	7,000
17830 DLA—Commercial Technologies for Maintenance Activities	5,200
17830 DLA—Meals Ready to Eat (MREs) War Reserve Stockpile	5,000
17830 DLA—Defense Automatic Addressing System Center (DAASC) Transaction Monitoring Improvement Project	1,000
17830 DLA—BA Realignment	−50,497
17830 DLA—Center for Supply Chain Management	8,000
17880 DODEA—Public Service Advertising Campaign—FAP	1,000
17880 DODEA—Institute for Exploration (IFE)	1,000
17880 DODEA—SOAR Virtual School District	5,000
17880 DODEA—Cyber Curriculum for the Education of Children of the Miltary	1,000
17880 DODEA—JASON Foundation	1,000
17880 DODEA—Lewis Center for Education Research	3,200
17880 DODEA—Mathematics and Technology Teachers Development	1,000
17880 DODEA—Parents as Teachers	1,000
17880 DODEA—Community-based Mental Health Assistance to Guard and Reserve (from Senate Section 8157)	3,000
17880 DODEA—Reach Out and Read Early Literacy Program	1,100
17900 DHRA—BA Realignment	−33,089
17900 DHRA—Defense Critical Languages and Cultures Program	1,000
17900 DHRA—National Foreign Language Coordination Council	1,000
17900 DHRA—Strategic Language Initiative	1,000
18050 DSS—PSI for Industry	8,000
18100 OEA—Citizen Soldier Support Program	5,000
18100 OEA—Arnold Heights Redevelopment	1,000
18100 OEA—Norton AFB—Infrastructure Improvements	6,400
18100 OEA—Norton AFB—High Ground Water/Liquefaction Mitgation and Economic Redevelopment	1,000
18100 OEA—George AFB—Infrastructure Improvements	2,400
18100 OEA—Davids Island—Fort Slocum Remediation	9,000
18100 OEA—Delaware Valley Continuing Education Initiative for National Guard and Reserves	500
18100 OEA—Hunters Point Naval Shipyard	4,800
18100 OEA—Military Intelligence Service Historic Learning Center	1,000
18100 OEA—Port of Philadelphia	1,000
18100 OEA—Thorium/Magnesium Excavation	1,000
18100 OEA—Institutional and Infrastructure Development Assistance for HSIs	2,300
18100 OEA—Multi-purpose Parade Field, Fort Benning (transferred from OM,A)	5,000
18100 OEA—Fort Wainwright Eielson AFB Track Realignment	12,000
18100 OEA—Northern Line Extension, AK RR	4,000
18100 OEA—Intermodal Marine Facility—Port of Anchorage	10,000
18100 OEA—Fort Belvoir Road Study (from Senate Section 8149)	2,000
18125 OSD—Military Voter Registration System.	600
18125 OSD—Critical Language Training: SDSU	1,000
18125 OSD—Middle East Regional Security Issues Program	1,400
18125 OSD—Minority Contract Enhancement Program	1,700
18125 OSD—Foreign Disclosure On-Line Training, Education, and Certification	1,000
18125 OSD—Women's Campaign International	1,500
18125 OSD—Wind Demonstration Project	5,000
18125 OSD—Virtual Reality-Based Military Training System	1,000
18125 OSD—Military Critical Technologies Program—Transfer to RDDW, Line 122	−2,000
18150 SOCOM—Service-Wide Safety: Alcohol Breath Detectors	500
18150 SOCOM—Realignment to Budget Activity 4	65,259
18200 TIS—BA Realignment	303,923
18225 WHS—Program Growth	20,000
Undistributed:	
19010 Impact Aid	30,000
19015 Impact Aid for Children with Disabilities	5,000
19020 Classified Programs	−15,870
19045 Unobligated Balances	108,000
19080 Special Assistance to Local Education Agencies	8,000
19142 Armed Forces Medical and Food Research	1,130
19147 Institute for National Security Analysis	1,000
19165 Compatible Use Buffer Program	20,000

DEFENSE SECURITY SERVICE

The conference agreement provides $8,000,000 above the budget request for the Defense Security Service (DSS) to assist in the timely processing of industry Personnel Security Investigations. The conferees expect the Department of Defense to resolve the budgetary problems facing the DSS and to report to the congressional defense committees on plans to more accurately build future DSS budget submissions not later than 90 days after enactment of this Act.

DEPLETED URANIUM SENSING AND TREATMENT FOR REMOVAL PROGRAM

The conferees understand depleted uranium is critical for use in applications such as armor penetrators and armor plates, providing a substantial performance advantage over other materials. Depleted uranium, however, is a low-level radioactive heavy metal and concerns exist about potential health effects from its use in military operations. The conferees appreciate Department of Defense efforts in developing methods for depleted uranium contamination removal and are aware of the Depleted Uranium Sensing and Treatment for Removal program. The conferees direct the Department to provide an assessment of the Depleted Uranium Sensing and Treatment for Removal program to the congressional defense committees no later than December 31, 2006, which addresses current research and development efforts, progress to date and merits of the program.

THANKS USA

The ThanksUSA Program provides post-secondary scholarships for the spouses and dependents of active duty military personnel. The conferees believe this is a commendable model of public-private partnerships and fully support the educational and retention objectives of this program. The conferees encourage ThanksUSA to continue to develop sources of private and matching funding for this worthwhile cause to ensure future scholarship availability for these deserving military family members.

OIL REFINERIES

When making public contract announcements regarding the refining of fuel by U.S. companies, the U.S. Department of Defense should not provide the name of the country for which the fuel is being refined or the location of the facility that will refine the fuel.

PERSONNEL IDENTIFICATION AND AUTHENTICATION

The conferees recognize the criticality of controlling access to our military installations. It is imperative for force protection and the security of our facilities that only those individuals with legitimate need and proper identification should gain access to installations. The conferees are aware of various initiatives across the Department of Defense to employ systems that provide for authentication of identification credentials at installation gates. Such systems have been developed by both the private sector and DoD components. In order to ensure that the Department takes a coherent approach that delivers best value solutions for this important force protection role, the conferees expect DoD and the services to develop a comprehensive set of requirements to use as the basis for full and open competition.

OPERATION AND MAINTENANCE, ARMY RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
19500 OPERATION AND MAINTENANCE, ARMY RESERVE				
19510 BUDGET ACTIVITY 1: OPERATING FORCES				
19520 LAND FORCES				
19530 DIVISION FORCES	29,104	31,104	29,104	30,104
19540 CORPS COMBAT FORCES	20,498	20,498	20,498	20,498
19550 CORPS SUPPORT FORCES	288,426	288,426	316,202	316,202
19560 ECHELON ABOVE CORPS FORCES	190,481	190,481	190,481	190,481
19570 LAND FORCES OPERATIONS SUPPORT	443,161	443,161	443,161	443,161
19630 LAND FORCES READINESS				
19640 FORCES READINESS OPERATIONS SUPPORT	187,781	187,781	194,781	192,381
19650 LAND FORCES SYSTEM READINESS	90,397	90,397	90,397	90,397
19660 DEPOT MAINTENANCE	131,485	131,485	131,485	131,485
19670 LAND FORCES READINESS SUPPORT				
19680 BASE OPERATIONS SUPPORT	528,256	529,256	528,256	529,256
19690 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	215,890	215,890	215,890	---
19700 ADDITIONAL ACTIVITIES	8,504	8,504	8,504	8,504
19900 TOTAL, BUDGET ACTIVITY 1	2,133,983	2,136,983	2,168,759	1,952,469
19950 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
19960 ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
19980 ADMINISTRATION	60,096	60,096	60,096	60,096
19990 SERVICEWIDE COMMUNICATIONS	8,852	8,852	8,852	8,852
20000 PERSONNEL/FINANCIAL ADMIN (MANPOWER MGT)	7,642	7,642	7,642	7,642
20010 RECRUITING AND ADVERTISING	88,629	88,629	88,629	88,629
20075 TOTAL, BUDGET ACTIVITY 4	165,219	165,219	165,219	165,219
20220 UNOBLIGATED BALANCES	---	-18,700	-18,700	-18,700
20225 COST AVOIDANCE FOR MOBILIZED MILTECHS	---	-19,700	-23,000	-23,000
20231 TACTICAL OPERATIONS CENTER (ELAMS/MECCS)	---	3,600	---	2,900
20235 AUTHORIZED END STRENGTH	---	13,000	---	13,000
20237 PEACE TIME TRAINING OFFSET	---	---	-134,000	-134,000
20685 TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE	2,299,202	2,280,402	2,158,278	1,957,888
20690 LESS FAC SUSTAINMENT, RESTORATION & MOD FUNDS 1/	-215,890	-215,890	-215,890	---
20700 TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE	2,083,312	2,064,512	1,942,388	1,957,888

20701 1/ Under Military Quality of Life & VA Appropriations

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

(In thousands of dollars)

Budget Activity 1: Operating Forces:		
19530	All Terrain Military Utility Vehicle	1,000
19550	Civil Affairs and PSYOPS (Realignment from SOCOM)	27,776
19640	Extended Cold Weather Clothing System (ECWCS)	4,600
19680	Resource Information System Engineer Reserve (RISER) Modification and Upgrade	1,000
Undistributed:		
20220	Unobligated Balances	-18,700
20225	Cost Avoidance for Mobilized Miltechs	-23,000
20231	Tactical Operations Center (ELAMS/MECCS)	2,900
20235	Authorized End Strength	13,000
20237	Peacetime Training Offset	-134,000

OPERATION AND MAINTENANCE, NAVY RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
20850 OPERATION AND MAINTENANCE, NAVY RESERVE				
20900 BUDGET ACTIVITY 1: OPERATING FORCES				
20950 RESERVE AIR OPERATIONS				
21000 MISSION AND OTHER FLIGHT OPERATIONS	591,126	591,126	591,126	591,126
21100 INTERMEDIATE MAINTENANCE	16,969	16,969	16,969	16,969
21150 AIR OPERATIONS AND SAFETY SUPPORT	2,090	2,090	2,090	2,090
21200 AIRCRAFT DEPOT MAINTENANCE	132,570	132,570	132,570	132,570
21250 AIRCRAFT DEPOT OPERATIONS SUPPORT	387	387	387	387
21400 RESERVE SHIP OPERATIONS				
21450 MISSION AND OTHER SHIP OPERATIONS	63,574	63,574	63,574	63,574
21500 SHIP OPERATIONAL SUPPORT AND TRAINING	554	554	554	554
21600 SHIP DEPOT MAINTENANCE	69,215	69,215	69,215	69,215
21650 SHIP DEPOT OPERATIONS SUPPORT	537	537	537	537
21700 RESERVE COMBAT OPERATIONS SUPPORT				
21720 COMBAT COMMUNICATIONS	10,705	10,705	10,705	10,705
21800 COMBAT SUPPORT FORCES	112,300	112,300	112,300	112,300
21950 RESERVE WEAPONS SUPPORT				
22000 WEAPONS MAINTENANCE	5,861	5,861	5,861	5,861
22005 ENTERPRISE INFORMATION TECHNOLOGY	105,813	105,813	105,813	105,813
22020 BASE OPERATING SUPPORT				
22030 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	52,136	52,136	52,136	---
22040 BASE OPERATING SUPPORT	101,524	101,524	101,524	101,524
22090 TOTAL, BUDGET ACTIVITY 1	1,265,361	1,265,361	1,265,361	1,213,225

	(In thousands of dollars)			
	Budget	House	Senate	Conference
22100 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
22150 ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
22200 ADMINISTRATION	4,712	4,712	4,712	4,712
22300 MILITARY MANPOWER & PERSONNEL	7,828	7,828	7,828	7,828
22350 SERVICEWIDE COMMUNICATIONS	5,392	5,392	5,392	5,392
22400 COMBAT/WEAPONS SYSTEM	5,074	5,074	5,074	5,074
22450 OTHER SERVICEWIDE SUPPORT	397	397	397	397
22600 TOTAL, BUDGET ACTIVITY 4	23,403	23,403	23,403	23,403
22680 UNOBLIGATED BALANCES	---	-13,000	-13,000	-13,000
23140 TOTAL, OPERATION AND MAINTENANCE, NAVY RESERVE	1,288,764	1,275,764	1,275,764	1,223,628
23145 LESS FAC SUSTAINMENT, RESTORATION & MOD FUNDS 1/	-52,136	-52,136	-52,136	---
23150 TOTAL, OPERATION AND MAINTENANCE, NAVY RESERVE	1,236,628	1,223,628	1,223,628	1,223,628

23151 1/ Under Military Quality of Life & VA Appropriations

Adjustments to Budget Activities

Adjustment to the budget activities is as follows:

(In thousands of dollars)

Undistributed:		
22680	Unobligated Balances	-13,000

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
23300 OPERATION AND MAINTENANCE, MARINE CORPS RESERVE				
23350 BUDGET ACTIVITY 1: OPERATING FORCES				
23400 EXPEDITIONARY FORCES				
23450 OPERATING FORCES	58,038	58,038	57,038	55,438
23500 DEPOT MAINTENANCE	13,714	13,714	13,714	13,714
23510 TRAINING SUPPORT	23,930	23,930	23,930	23,930
23520 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	9,579	9,579	9,579	---
23550 BASE OPERATING SUPPORT	72,971	72,971	72,971	72,971
23700 TOTAL, BUDGET ACTIVITY 1	178,232	178,232	177,232	166,053
23750 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
23800 ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
23850 SPECIAL SUPPORT	12,158	12,158	12,158	12,158
23900 SERVICEWIDE TRANSPORTATION	814	814	814	814
23950 ADMINISTRATION	8,087	8,087	8,087	8,087
23960 RECRUITING AND ADVERTISING	8,091	8,091	8,091	8,091
24000 BASE OPERATING SUPPORT	4,529	4,529	4,529	4,529
24100 TOTAL, BUDGET ACTIVITY 4	33,679	33,679	33,679	33,679
24150 UNOBLIGATED BALANCES	---	-2,100	-2,100	-2,100
24160 HEMOSTATIC AGENTS	---	2,500	---	1,400
24585 TOTAL, O&M, MARINE CORPS RESERVE	211,911	212,311	208,811	199,032
24590 LESS FAC SUSTAINMENT, RESTORATION & MOD FUNDS 1/	-9,579	-9,579	-9,579	---
24600 TOTAL, O&M, MARINE CORPS RESERVE	202,332	202,732	199,232	199,032

24601 1/ Under Military Quality of Life & VA Appropriations

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

(In thousands of dollars)

Budget Activity 1: Operating Forces:	
23450 Baseline Adjustment for One-time Increase	-4,000
23450 Portable Tent Lighting	1,400
Undistributed:	
24150 Unobligated Balances	-2,100
24160 Hemostatic Agents	1,400

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
24750 OPERATION AND MAINTENANCE, AIR FORCE RESERVE				
24800 BUDGET ACTIVITY 1: OPERATING FORCES				
24850 AIR OPERATIONS				
24900 PRIMARY COMBAT FORCES	1,798,478	1,798,478	1,767,478	1,764,778
24950 MISSION SUPPORT OPERATIONS	89,340	89,340	89,340	89,340
24970 DEPOT MAINTENANCE	373,336	373,336	373,336	373,336
24980 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	59,849	59,849	59,849	---
25000 BASE OPERATING SUPPORT	288,560	288,560	288,560	288,560
25150 TOTAL, BUDGET ACTIVITY 1	2,609,563	2,609,563	2,578,563	2,516,014
25200 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
25250 ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
25300 ADMINISTRATION	67,419	67,419	67,419	67,419
25310 RECRUITING AND ADVERTISING	18,204	18,204	16,204	18,204
25350 MILITARY MANPOWER AND PERSONNEL MANAGEMENT	21,712	21,712	21,712	21,712
25450 OTHER PERSONNEL SUPPORT	6,236	6,236	6,236	6,236
25500 AUDIOVISUAL	666	666	666	666
25520 TOTAL, BUDGET ACTIVITY 4	114,237	114,237	112,237	114,237
25665 932ND AIRLIFT WING OPERATIONS AND TRAINING	---	27,300	---	---
25670 COST AVOIDANCE FOR MOBILIZED MILTECHS	---	-13,000	-7,100	-7,100
25680 UNOBLIGATED BALANCES	---	-18,300	-18,300	-18,300
25687 PRIOR YEAR BASELINE REDUCTION	---	---	-41,100	-41,100
25940 TOTAL, OPERATION AND MAINTENANCE, AIR FORCE RESERVE	2,723,800	2,719,800	2,624,300	2,563,751
25945 LESS FAC SUSTAINMENT, RESTORATION & MOD FUNDS 1/	-59,849	-59,849	-59,849	---
25950 TOTAL, OPERATION AND MAINTENANCE, AIR FORCE RESERVE	2,663,951	2,659,951	2,564,451	2,563,751

25951 1/ Under Military Quality of Life & VA Appropriations

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

(In thousands of dollars)

Budget Activity 1: Operating Forces:		
24900	Excess Growth in Flying Hours Program	-61,000
24900	932nd Airlift Wing Operations and Training	27,300
Undistributed:		
25670	Cost Avoidance for Mobilized MilTechs	-7,100
25680	Unobligated Balances	-18,300
25687	Prior Year Baseline Reduction	-41,100

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
26100 OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD				
26120 BUDGET ACTIVITY 1: OPERATING FORCES				
26140 LAND FORCES				
26180 DIVISIONS	598,935	602,635	598,935	601,935
26200 CORPS COMBAT FORCES	560,370	560,370	560,370	560,370
26220 CORPS SUPPORT FORCES	373,045	373,045	373,045	373,045
26240 ECHELON ABOVE CORPS SUPPORT FORCES	642,935	643,935	642,935	643,935
26260 LAND FORCES OPERATIONS SUPPORT	26,884	26,884	26,884	26,884
26280 LAND FORCES READINESS				
26320 FORCE READINESS OPERATIONS SUPPORT	225,770	226,770	235,570	227,070
26340 LAND FORCES SYSTEMS READINESS	129,371	130,371	119,671	121,671
26350 LAND FORCES DEPOT MAINTENANCE	351,832	351,832	351,832	351,832
26370 LAND FORCES READINESS SUPPORT				
26420 BASE OPERATIONS SUPPORT	631,832	632,832	628,532	626,632
26440 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	387,882	387,882	387,882	---
26460 MANAGEMENT & OPERATIONAL HEADQUARTERS	466,837	466,837	466,837	466,837
26480 MISCELLANEOUS ACTIVITIES	74,500	74,500	65,500	65,500
26580 TOTAL, BUDGET ACTIVITY 1	4,470,193	4,477,893	4,457,993	4,065,711
26600 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
26620 ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
26660 ADMINISTRATION	133,881	133,881	133,881	133,881
26680 SERVICEWIDE COMMUNICATIONS	54,663	54,663	54,663	54,663
26720 MANPOWER MANAGEMENT	53,197	53,197	53,197	53,197
26740 RECRUITING AND ADVERTISING	126,731	126,731	126,731	126,731
26760 TOTAL, BUDGET ACTIVITY 4	368,472	368,472	368,472	368,472

	Budget	(In thousands of dollars) House	Senate	Conference
26830 NATIONAL EMERGENCY AND DISASTER INFORMATION SYSTEM....	---	3,100	---	2,500
26890 JOINT TRAINING AND EXPERIMENTATION PROGRAM...........	---	4,000	---	3,200
27110 HOMELAND OPERATIONAL PLANNING SYSTEM.................	---	8,000	---	6,400
27345 UNOBLIGATED BALANCES.................................	---	-55,100	-55,100	-55,100
27350 ERP FOR ARMY GUARD INSTALLATIONS.....................	---	3,600	---	2,900
27383 STRATEGIC BIODEFENSE INITIATIVE......................	---	10,000	---	8,000
27384 ADVANCED STARTING SYSTEMS............................	---	1,000	---	1,000
27390 INTERNAL AIRLIFT, HELICOPTER SLINGABLE UNITS (ISUs)...	---	3,000	---	2,000
27391 ADVANCED SOLAR COVERS................................	---	1,000	---	1,000
27393 RCAS DEMOBILIZATION CAPABILITY.......................	---	4,000	---	3,200
27396 COST AVOIDANCE FOR MOBILIZED MILTECHS................	---	-37,100	-44,800	-44,800
27398 DISTRIBUTED TRAINING TECHNOLOGY PROJECT..............	---	3,000	---	2,400
27399 REGIONAL EMERG.RESPONSE NETWORK FOR FL NATIONAL GUARD.	---	2,000	---	2,000
27415 ADV LAW ENFORCEMENT RAPID REPONSE TRAIN PROG (ALERRT).	---	1,000	---	1,000
27420 REGIONAL CTR FOR ADV EMERGENCY MEDICAL RESPONSE.......	---	1,500	---	1,000
27425 NORTHEAST REGIONAL TRAIN CTR FOR HOMELAND DEFENSE.....	---	1,000	---	1,000
27430 DISTANCE EDUCATION CENTER FOR UNMC...................	---	1,200	---	1,000
27435 JOINT FORCE ORIENTATION DISTANCE LEARNING............	---	1,000	---	1,000
27440 NATIONAL GUARD ABOUT FACE ACADEMY....................	---	1,000	---	1,000
27445 TACTICAL OPERATION CENTERS (ELAMS/MECCS).............	---	3,600	---	2,900
27450 WMD-CIVIL SUPPORT TEAM FOR FLORIDA...................	---	6,700	---	6,700
27455 PRI INITIATIVE ON JT CONUS COMM SUPP ENVIRONMENT......	---	1,800	---	1,500
27460 AERIAL WIDE AREA DECONTAMINATION (AWAD)..............	---	1,800	---	1,500
27465 NG ADVANCED TECH BATTERY MODERNIZATION PROGRAM........	---	5,000	---	3,300
27470 WMD-CIVIL SUPPORT TEAM FOR NEW YORK..................	---	2,256	---	1,000
27475 PEACE TIME TRAINING OFFSET...........................	---	---	-71,000	-71,000
27476 PILOT PROGRAM ON REINTEGRATION OF NG MEMBERS..........	---	---	---	3,000
	============	============	============	============
27480 TOTAL, O & M, ARMY NATIONAL GUARD..................	4,838,665	4,824,721	4,655,565	4,323,783
27485 LESS FAC SUSTAINMENT, RESTORATION & MOD FUNDS 1/......	-387,882	-387,882	-387,882	---
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27490 TOTAL, O & M, ARMY NATIONAL GUARD..................	4,450,783	4,436,839	4,267,683	4,323,783

27491 1/ Under Military Quality of Life & VA Appropriations

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

(In thousands of dollars)

Budget Activity 1: Operating Forces		
26180	Diesel Fuel Injection Test Stands	3,000
26240	UH-60 Leak Proof Transmission Drip Pans	1,000
26320	PASGT Helmet Retrofit Pad Sets	1,000
26320	Baseline Adjustment For One-time Increase	-16,600
26320	Joint Interagency Training Center	4,000
26320	Operator Driving Simulators	2,000
26320	ARNG Evaluation and Training Project	1,300
26320	ARNG Information Technology Continuity of Operations and Document Exploitation	4,700
26320	Extended Cold Weather Clothing System (ECWCS)	4,900
26340	Regional Geospatial Service Center	2,000
26340	Baseline Adjustment For One-time Increase	-9,700
26420	Vermont NG Family Counseling Demonstration	1,000
26420	Muscatatuck Urban Training Center	1,800
26420	Communicator Automated Emergency Notification System	1,300
26420	Baseline Adjustment for One-time Increase	-9,300
26480	Baseline Adjustment for One-time Increase	-9,000
Undistributed:		
26830	National Emergency and Disaster Information System	2,500
26890	Joint Training and Experimentation Program	3,200
27110	Homeland Operational Planning System	6,400
27345	Unobligated Balances	-55,100
27350	Enterprise Resource Planning for Army Guard Installation and Equipment Demand Planning	2,900
27383	Strategic Biodefense Initiative	8,000

27384	Advanced Starting Systems	1,000
27390	Internal Airlift, Helicopter Slingable Units (ISU)	2,000
27391	Advanced Solar Covers	1,000
27393	RCAS Demobilization Capability	3,200
27396	Cost Avoidance for Mobilized Miltechs	-44,800
27398	Distributed Training Technology Project	2,400
27399	Regional Emergency Response Network for Florida National Guard	2,000
27415	Advanced Law Enforcement Rapid Response Training (ALERRT) Program	1,000
27420	Regional Center for Advanced Emergency Medical Response	1,000
27425	Northeast Regional Training Center for Homeland Defense	1,000
27430	Distance Education Center for UNMC	1,000
27435	Joint Force Orientation Distance Learning	1,000
27440	National Guard About Face Academy	1,000
27445	Tactical Operation Centers (ELAMS/MECCS)	2,900
27450	WMD-Civil Support Team for Florida	6,700
27455	PRI Initiative on Joint CONUS Communications Support Environment	1,500
27460	Aerial Wide Area Decontamination	1,500
27465	NG Advanced Technology Battery Modernization Program	3,300
27470	WMD-Civil Support Team for New York	1,000
27475	Peacetime Training Offset	-71,000
27476	Pilot Program on Reintegration of NG Members (from Senate Section 9013)	3,000

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
27500 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD				
27550 BUDGET ACTIVITY 1: OPERATING FORCES				
27600 AIR OPERATIONS				
27650 AIRCRAFT OPERATIONS..................................	3,434,443	3,434,758	3,230,443	3,230,758
27700 MISSION SUPPORT OPERATIONS...........................	512,771	514,571	519,046	516,646
27710 DEPOT MAINTENANCE....................................	602,590	602,590	602,590	602,590
27720 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION 1/	255,322	255,322	175,122	---
27750 BASE OPERATING SUPPORT...............................	491,218	491,218	491,218	491,218
27900 TOTAL, BUDGET ACTIVITY 1............................	5,296,344	5,298,459	5,018,419	4,841,212
27950 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
28000 SERVICEWIDE ACTIVITIES				
28050 ADMINISTRATION.......................................	29,661	29,661	29,661	29,661
28100 RECRUITING AND ADVERTISING...........................	10,012	10,012	10,012	10,012
28110 TOTAL, BUDGET ACTIVITY 4............................	39,673	39,673	39,673	39,673
28115 COST AVOIDANCE FOR MOBILIZED MILTECHS................	---	-6,000	-8,200	-8,200
28320 UNOBLIGATED BALANCES.................................	---	-41,500	-41,500	-41,500
28540 TOTAL, O&M, AIR NATIONAL GUARD......................	5,336,017	5,290,632	5,008,392	4,831,185
28545 LESS FAC SUSTAINMENT, RESTORATION & MOD FUNDS 1/......	-255,322	-255,322	-175,122	---
28550 TOTAL, O&M, AIR NATIONAL GUARD......................	5,080,695	5,035,310	4,833,270	4,831,185

28551 1/ Under Military Quality of Life & VA Appropriations

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

(In thousands of dollars)

Budget Activity 1: Operating Forces:		
27650	139th Airlift Wing Mobility and Training	315
27650	Flying Hours	-204,000
27700	Warrior Skills and Convoy Training	1,800
27700	166th Information Operations Squadron	1,000
27700	Future Total Force Transformation Leadership Training	1,000
27700	Joint Interagency Training Center	75
Undistributed:		
28115	Cost Avoidance for Mobilized Miltechs	-8,200
28320	Unobligated Balances	-41,500

AIR DEFENSE MISSION

The conferees support having the 144th Fighter Wing of the Air National Guard perform the air defense mission over the southwestern sector of the United States and the Air Defense Main Operating Base located in Fresno, California. The conferees understand that this is the only dedicated air defense fighter wing in the southwest and that the Air Force has no replacement aircraft scheduled for the 144th Fighter Wing after fiscal year 2012. The conferees direct the Secretary of the Air Force to submit a report to the congressional defense committees outlining a plan for an air defense mission that continues this capability for the 144th Fighter Wing using the Air Defense Main Operating Base in Fresno beyond fiscal year 2012.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

The conference agreement provides $11,721,000 for the United States Court of Appeals for the Armed Forces.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

The conference agreement provides $63,204,000 for Overseas Humanitarian, Disaster, and Civic Aid.

FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

The conference agreement provides $372,128,000 for the Former Soviet Union Threat Reduction Account.

TITLE III-PROCUREMENT

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
SUMMARY				
ARMY				
AIRCRAFT	3,566,483	3,529,983	3,354,729	3,502,483
MISSILES	1,350,898	1,350,898	1,266,967	1,278,967
WEAPONS, TRACKED COMBAT VEHICLES	2,301,943	2,047,804	2,092,297	1,906,368
AMMUNITION	1,903,125	1,710,475	1,948,489	1,719,879
OTHER	7,718,602	7,005,338	7,724,878	7,004,914
TOTAL, ARMY	16,841,051	15,644,498	16,387,360	15,412,611
NAVY				
AIRCRAFT	10,868,771	10,590,934	10,135,249	10,393,316
WEAPONS	2,555,020	2,533,920	2,558,020	2,573,820
AMMUNITION	789,943	775,893	799,943	767,314
SHIPS	10,578,553	10,491,653	10,393,475	10,579,125
OTHER	4,967,916	5,022,005	4,731,831	4,927,676
MARINE CORPS	1,273,513	1,191,113	1,151,318	894,571
TOTAL, NAVY	31,033,716	30,605,518	29,769,836	30,135,822
AIR FORCE				
AIRCRAFT	11,479,810	11,852,467	11,096,406	11,643,356
MISSILES	4,204,145	3,746,636	3,975,407	3,914,703
AMMUNITION	1,072,749	1,079,249	1,046,802	1,054,302
OTHER	15,408,086	15,423,536	15,510,286	15,493,486
TOTAL, AIR FORCE	32,164,790	32,101,888	31,628,901	32,105,847
DEFENSE-WIDE				
DEFENSE-WIDE	2,861,461	2,890,531	2,763,071	2,903,292
NATIONAL GUARD AND RESERVE EQUIPMENT	---	500,000	340,000	290,000
DEFENSE PRODUCTION ACT PURCHASES	18,484	39,384	68,884	63,184
TOTAL PROCUREMENT	82,919,502	81,781,819	80,958,052	80,910,756

SPECIAL INTEREST ITEMS

Items for which additional funds have been provided as shown in the project level tables or in paragraphs using the phrase "only for" or "only to" in this report are congressional interest items for the purpose of the Base for Reprogramming (DD 1414). Each of these items must be carried on the DD Form 1414 at the stated amount, specifically addressed in the conference report. These items remain special interest items whether or not they are repeated in a subsequent conference report.

REPROGRAMMING GUIDANCE FOR ACQUISITION ACCOUNTS

The conferees direct the Department of Defense to continue to follow the reprogramming guidance specified in the report accompanying the House version of the fiscal year 2006 Department of Defense Appropriations bill (H.R. 109–119). Specifically, the dollar threshold for reprogramming funds will remain at $20,000,000 for procurement, and $10,000,000 for research, development, test and evaluation. The Department shall continue to follow the limitation that prior approval reprogrammings are set at either the specified dollar threshold or 20% of the procurement or research, development, test and evaluation line, whichever is less. These thresholds are cumulative. Therefore, if the combined value of transfers into or out of a procurement (P–1) or research, development, test and evaluation (R–1) line exceeds the identified threshold, the Department of Defense must submit a prior approval reprogramming to the congressional defense committees. In addition, guidelines on the application of prior approval reprogramming procedures for congressional special interest items are established elsewhere in this report.

REPROGRAMMING REPORTING REQUIREMENTS

The conferees direct the Under Secretary of the Department of Defense, Comptroller, to continue to provide the congressional defense committees quarterly, spreadsheet-based DD1416 reports for service and defense-wide accounts in titles III and IV of this Act as required in the statement of the managers accompanying the Conference report on the Department of Defense Appropriations Act, 2006.

FUNDING INCREASES

The conferees direct that the funding increases outlined in these tables shall be provided only for the specific purposes indicated in the table.

NATIONAL GUARD PROCUREMENT

The conferees agree that there is a substantial shortfall in equipment stocks for the National Guard, and that this shortfall is detrimental to Guard units being able to meet their dual-role mission of supplementing active duty forces overseas as well as responding to emergencies at home. The conferees are concerned that equipment budgeted annually for the National Guard could be died to other budget areas and non-Reserve units, and therefore direct the Department of Defense to submit to the congressional defense committees not later than nine months after the enactment of this Act, a report on how the Department has obligated funds and provided the equipment designated for the National Guard in the budget submission and accompanying justification materials.

AIRCRAFT PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) Budget	House	Senate	Conference
	AIRCRAFT PROCUREMENT, ARMY				
	AIRCRAFT				
	FIXED WING				
1	UTILITY F/W CARGO AIRCRAFT	109,154	109,154	---	72,154
2	UTILITY F/W (MR) AIRCRAFT	4,060	4,060	4,060	4,060
	ROTARY				
3	ARMED RECONNAISSANCE HELICOPTER	141,418	70,718	101,818	101,818
4	HELICOPTER, LIGHT UTILITY	198,677	198,677	91,177	167,177
5	UH-60 BLACKHAWK (MYP)	554,551	581,251	554,551	577,851
6	UH-60 BLACKHAWK (MYP) (AP-CY)	185,845	185,845	185,845	185,845
	TOTAL, AIRCRAFT	1,193,705	1,149,705	937,451	1,108,905
	MODIFICATION OF AIRCRAFT				
8	GUARDRAIL MODS (TIARA)	58,000	58,000	58,000	58,000
9	ARL MODS (TIARA)	48,000	38,000	48,000	38,000
10	AH-64 MODS	775,641	776,641	778,641	777,991
11	AH-64 MODS (AP-CY)	19,000	19,000	19,000	19,000
12	CH-47 CARGO HELICOPTER MODS	583,305	585,305	583,305	584,305
13	CH-47 CARGO HELICOPTER MODS (AP-CY)	36,740	36,740	36,740	36,740
14	UTILITY/CARGO AIRPLANE MODS	9,953	9,953	9,953	9,953
15	AIRCRAFT LONG RANGE MODS	364	364	364	364
17	UH-60 MODS	30,891	39,891	69,891	58,191
18	KIOWA WARRIOR	43,654	43,654	43,654	43,654
19	AIRBORNE AVIONICS	156,452	156,452	156,452	156,452
20	GATM ROLLUP	31,666	31,666	31,666	31,666
21	SPARE PARTS (AIR)	9,446	9,446	9,446	9,446
	TOTAL, MODIFICATION OF AIRCRAFT	1,803,112	1,805,112	1,845,112	1,823,762

(In thousands of dollars)

		Budget	House	Senate	Conference
	SUPPORT EQUIPMENT AND FACILITIES GROUND SUPPORT AVIONICS				
22	AIRCRAFT SURVIVABILITY EQUIPMENT	27,920	27,920	31,920	29,720
23	ASE INFRARED CM	305,631	305,631	305,631	305,631
	OTHER SUPPORT				
24	AIRBORNE COMMAND & CONTROL	40,220	40,220	40,220	40,220
25	AVIONICS SUPPORT EQUIPMENT	5,062	5,062	5,062	5,062
26	COMMON GROUND EQUIPMENT	64,683	64,683	59,183	57,583
27	AIRCREW INTEGRATED SYSTEMS	35,346	40,846	39,346	40,796
28	AIR TRAFFIC CONTROL	86,351	86,351	86,351	86,351
29	INDUSTRIAL FACILITIES	2,100	2,100	2,100	2,100
30	LAUNCHER, 2.75 ROCKET	2,353	2,353	2,353	2,353
	TOTAL, SUPPORT EQUIPMENT AND FACILITIES	569,666	575,166	572,166	569,816
	TOTAL, AIRCRAFT PROCUREMENT, ARMY	3,566,483	3,529,983	3,354,729	3,502,483

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[in thousands of dollars]

P-1		Budget Request	House	Senate	Conference
1	**UTILITY F/W CARGO AIRCRAFT**	**109,154**	**109,154**	**0**	**72,154**
	Future Cargo Aircraft			-109,154	-37,000
3	**ARMED RECONNAISSANCE HELICOPTER**	**141,418**	**70,718**	**101,818**	**101,818**
	Schedule risk		-70,700	-39,600	-39,600
4	**HELICOPTER, LIGHT UTILITY**	**198,677**	**198,677**	**91,177**	**167,177**
	Procurement Delays			-107,500	-31,500
5	**UH-60 BLACKHAWK (MULTIYEAR PROCUREMENT)**	**554,551**	**581,251**	**554,551**	**577,851**
	UH-60A to UH-60L Conversion		7,500		4,100
	HH-60LMedevac Blackhawk Helicopter only for the Army Reserve		19,200		19,200
9	**AIRBORNE RECONNAISSANCE LOW MODIFICATIONS**	**48,000**	**38,000**	**48,000**	**38,000**
	Buying ahead of need		-10,000		-10,000
10	**AH-64 APACHE MODIFICATIONS**	**775,641**	**776,641**	**778,641**	**777,991**
	Oil Debris Detection and Burn-Off System		1,000		1,000
	Vibration Management Enhancement Program - Army National Guard			3,000	1,350
12	**CH-47 CHINOOK CARGO HELICOPTER MODIFICATIONS**	**583,305**	**585,305**	**583,305**	**584,305**
	NVG Compatible, Electrostatically Conductive Sacrificial Film Laminates for Army Helicopter Windscreens		2,000		1,000
17	**UH-60 BLACKHAWK MODIFICATIONS**	**30,891**	**39,891**	**69,891**	**58,191**
	Crashworthy External Fuel Systems for Black Hawk Helicopters (CEFS)		3,000	3,000	3,000
	Internal Extended Range Fuel systems only for Army National Guard UH-60s (Internal 200s)		6,000		2,700
	Engine Digital Electronic Control			2,000	1,000
	IMD-HUMS for UH-60L Installation			15,000	9,750
	UH-60A to UH-60L Conversion - Army National Guard			15,000	8,250
	UH-60 MEDEVAC Thermal Imaging Upgrades - Army National Guard			4,000	2,600

P-1		Budget Request	House	Senate	Conference
22	**AIRCRAFT SURVIVABILITY EQUIPMENT**	**27,920**	**27,920**	**31,920**	**29,720**
	AN/AVR-2A/B Laser Detecting Set			4,000	1,800
26	**COMMON GROUND EQUIPMENT**	**64,683**	**64,683**	**59,183**	**57,583**
	Aircraft Program Delays			-10,000	-10,000
	Aviation Maintenance Fall Protection Platforms - Army National Guard			4,500	2,900
27	**AIRCREW INTEGRATED SYSTEMS**	**35,346**	**40,846**	**39,346**	**40,796**
	Cockpit Air Bag System (CABS)		1,200		1,000
	Vacuum Pack Joint Single Place Life Raft (JSPLR)		1,800		1,450
	Army Aviation Pulse-Demand Portable Oxygen System		2,500	2,000	2,000
	Aircraft Wireless Intercom System			2,000	1,000

MISSILE PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars)			
		Budget	House	Senate	Conference
	MISSILE PROCUREMENT, ARMY				
	OTHER MISSILES SURFACE-TO-AIR MISSILE SYSTEM				
1	PATRIOT SYSTEM SUMMARY	489,067	489,067	489,067	489,067
2	SURFACE-LAUNCHED AMRAAM SYSTEM SUMMARY:	12,039	12,039	---	---
3	ADVANCE PROCUREMENT (CY)	10,000	10,000	---	---
	AIR-TO-SURFACE MISSILE SYSTEM ANTI-TANK/ASSAULT MISSILE SYSTEM				
5	JAVELIN (AAWS-M) SYSTEM SUMMARY	104,782	104,782	83,782	83,782
6	TOW 2 SYSTEM SUMMARY	31,641	31,641	31,641	31,641
7	TOW 2 ADVANCE PROCUREMENT (CY)	32,700	32,700	32,700	32,700
8	GUIDED MLRS ROCKET (GMLRS)	147,795	147,795	137,403	137,403
9	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	20,926	20,926	20,926	20,926
11	HIMARS LAUNCHER	226,884	226,884	196,384	208,384
12	ARMY TACTICAL MSL SYS (ATACMS) - SYS SUM	60,502	60,502	60,502	60,502
	TOTAL, OTHER MISSILES	1,136,336	1,136,336	1,052,405	1,064,405
	MODIFICATION OF MISSILES MODIFICATIONS				
13	PATRIOT MODS	69,856	69,856	69,856	69,856
14	JAVELIN MISSILE MODS	10,371	10,371	10,371	10,371
15	ITAS/TOW MODS	84,350	84,350	84,350	84,350
16	MLRS MODS	6,913	6,913	6,913	6,913
17	HIMARS MODIFICATIONS: (NON AAO)	9,374	9,374	9,374	9,374
	TOTAL, MODIFICATION OF MISSILES	180,864	180,864	180,864	180,864
19	SPARES AND REPAIR PARTS	25,794	25,794	25,794	25,794
	SUPPORT EQUIPMENT AND FACILITIES				
20	AIR DEFENSE TARGETS	3,924	3,924	3,924	3,924
21	ITEMS LESS THAN $5.0M (MISSILES)	10	10	10	10
22	PRODUCTION BASE SUPPORT	3,970	3,970	3,970	3,970
	TOTAL, SUPPORT EQUIPMENT AND FACILITIES	7,904	7,904	7,904	7,904
	TOTAL, MISSILE PROCUREMENT, ARMY	1,350,898	1,350,898	1,266,967	1,278,967

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

P-1		Budget Request	House	Senate	Conference
2	**SURFACE-LAUNCHED AMRAAM SYSTEM SUMMARY**	**12,039**	**12,039**	**0**	**0**
	SLAMRAAM procurement ahead of need			-12,039	-12,039
3	**ADVANCE PROCUREMENT (CY)**	**10,000**	**10,000**	**0**	**0**
	SLAMRAAM procurement ahead of need			-10,000	-10,000
5	**JAVELIN (AAWS-M) SYSTEM SUMMARY**	**104,782**	**104,782**	**83,782**	**83,782**
	Stabilize Javelin acquisition profile (Note: No reduction to Command Launch Units)			-21,000	-21,000
8	**GUIDED MLRS ROCKET (GMLRS)**	**147,795**	**147,795**	**137,403**	**137,403**
	Facilitization			-10,392	-10,392
11	**HIMARS LAUNCHER**	**226,884**	**226,884**	**196,384**	**208,384**
	AAO decrease - reduction of 7 units (Note: Conference reduction of 6 units based on annual production capability and unit cost update)			-30,500	-18,500

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

		Budget	House	Senate	Conference
	PROCUREMENT OF W&TCV, ARMY				
	TRACKED COMBAT VEHICLES				
1	ABRAMS TRNG DEV MOD	899	899	899	899
2	BRADLEY BASE SUSTAINMENT	284,966	284,966	206,938	206,938
3	BRADLEY FVS TRAINING DEVICES (MOD)	4,721	4,721	4,721	4,721
4	ABRAMS TANK TRAINING DEVICES	899	899	899	899
5	STRYKER VEHICLE	795,978	799,978	795,978	798,578
	MODIFICATION OF TRACKED COMBAT VEHICLES				
6	CARRIER, MOD	22,969	22,969	22,969	22,969
7	FIST VEHICLE (MOD)	32,028	32,028	16,014	16,014
9	BFVS SERIES (MOD)	69,988	69,988	69,988	69,988
10	HOWITZER, MED SP FT 155MM M109A6 (MOD)	28,714	28,714	28,714	28,714
12	IMPROVED RECOVERY VEHICLE (M88 MOD)	36,494	36,494	36,494	36,494
13	ARMORED VEH LAUNCH BRIDGE (AVLB) (MOD)	66,054	66,054	66,054	66,054
14	M1 ABRAMS TANK (MOD)	364,899	187,449	365,899	188,449
15	SYSTEM ENHANCEMENT PGM: SEP M1A2	171,097	171,097	171,097	171,097
	SUPPORT EQUIPMENT AND FACILITIES				
16	ITEMS LESS THAN $5.0M (TCV-WTCV)	422	422	422	422
17	PRODUCTION BASE SUPPORT (TCV-WTCV)	11,685	11,685	11,685	11,685
	TOTAL, TRACKED COMBAT VEHICLES	1,891,813	1,718,363	1,798,771	1,623,921

		(In thousands of dollars)			
		Budget	House	Senate	Conference
	WEAPONS AND OTHER COMBAT VEHICLES				
18	HOWITZER, LIGHT, TOWED, 105MM, M119	20,369	20,369	20,369	20,369
19	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY	32,339	---	---	---
20	M240 MEDIUM MACHINE GUN (7.62MM)	43,175	21,575	13,175	9,575
21	M249 SAW MACHINE GUN (5.56MM)	36,614	18,314	11,614	3,314
22	MK-19 GRENADE MACHINE GUN (40MM)	1,725	1,725	1,725	1,725
24	M16 RIFLE	1,844	1,844	---	---
25	M107, CAL. 50, SNIPER RIFLE	8,458	8,458	8,458	8,458
26	XM110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS)	15,300	15,300	7,300	7,300
27	M4 CARBINE	2,221	2,221	---	2,221
30	HOWITZER LT WT 155MM (T)	187,489	187,489	158,289	172,889
	MOD OF WEAPONS AND OTHER COMBAT VEH				
31	MK-19 GRENADE MACHINE GUN MODS	3,168	3,168	3,168	3,168
32	M4 CARBINE MODS	30,871	15,421	30,871	15,421
34	M249 SAW MACHINE GUN MODS	5,253	5,253	5,253	5,253
35	M240 MEDIUM MACHINE GUN MODS	5,293	5,293	5,293	5,293
38	M119 MODIFICATIONS	692	692	692	692
39	M16 RIFLE MODS	1,012	1,012	1,012	1,012
40	MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)	1,700	1,700	1,700	1,700
	SUPPORT EQUIPMENT AND FACILITIES				
41	ITEMS LESS THAN $5.0M (WOCV-WTCV)	507	3,007	507	2,107
42	PRODUCTION BASE SUPPORT (WOCV-WTCV)	6,331	6,331	6,331	6,331
43	INDUSTRIAL PREPAREDNESS	3,019	7,519	15,019	12,869
44	SMALL ARMS (SOLDIER ENH PROG)	2,750	2,750	2,750	2,750
	TOTAL, WEAPONS AND OTHER COMBAT VEHICLES	410,130	329,441	293,526	282,447
	TOTAL, PROCUREMENT OF W&TCV, ARMY	2,301,943	2,047,804	2,092,297	1,906,368

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

P-1		Budget Request	House	Senate	Conference
2	**BRADLEY BASE SUSTAINMENT**	**284,966**	**284,966**	**206,938**	**206,938**
	Stabilize acquisition profile			-78,028	-78,028
5	**STRYKER VEHICLE**	**795,978**	**799,978**	**795,978**	**798,578**
	Stryker Brigade Combat Team (SBCT) Wiring Trace-out		4,000		2,600
7	**FIST VEHICLE (MOD)**	**32,028**	**32,028**	**16,014**	**16,014**
	Unjustified request			-16,014	-16,014
14	**M1 ABRAMS TANK MODIFICATIONS**	**364,899**	**187,449**	**365,899**	**188,449**
	Authorization Adjustment		-177,450		-177,450
	Intelligent Graphic Wiring Traceout for Abrams Tank Data			1,000	1,000
19	**INTEGRATED AIR BURST WEAPON SYSTEM FAMILY**	**32,339**	**0**	**0**	**0**
	Program decrease		-32,339		-32,339
	Buying ahead of need			-32,339	
20	**M240 MEDIUM MACHINE GUN (7.62MM)**	**43,175**	**21,575**	**13,175**	**9,575**
	Authorization Adjustment		-21,600		-21,600
	Unexecutable Growth			-30,000	-12,000
21	**M249 SAW MACHINE GUN (5.56MM)**	**36,614**	**18,314**	**11,614**	**3,314**
	Authorization Adjustment		-18,300		-18,300
	Unexecutable Growth			-25,000	-15,000
24	**M16 RIFLE**	**1,844**	**1,844**	**0**	**0**
	Change to acquisition strategy			-1,844	-1,844
26	**XM110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS)**	**15,300**	**15,300**	**7,300**	**7,300**
	Program reduction			-8,000	-8,000

P-1		Budget Request	House	Senate	Conference
27	**M4 CARBINE**	**2,221**	**2,221**	**0**	**2,221**
	Unexecutable request			-2,221	0
30	**HOWITZER LT WT 155MM (T)**	**187,489**	**187,489**	**158,289**	**172,889**
	Unexecutable growth			-29,200	-14,600
32	**M4 CARBINE MODIFICATIONS**	**30,871**	**15,421**	**30,871**	**15,421**
	Authorization Adjustment		-15,450		-15,450
41	**ITEMS LESS THAN $5.0M (WOCV-WTCV)**	**507**	**3,007**	**507**	**2,107**
	M9 9mm Pistol for US Army Special Operations Command		2,500		1,600
43	**INDUSTRIAL PREPAREDNESS**	**3,019**	**7,519**	**15,019**	**12,869**
	Arsenal Support Program Initiative for Rock Island Arsenal		2,500	9,000	5,850
	Rock Island Arsenal Industrial Preparedness Items		2,000		1,000
	Arsenal Support Program Initiative for Watervliet Arsenal			3,000	3,000

PROCUREMENT OF AMMUNITION, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars)			
		Budget	House	Senate	Conference
	PROCUREMENT OF AMMUNITION, ARMY				
	AMMUNITION				
	SMALL/MEDIUM CAL AMMUNITION				
1	CTG, 5.56MM, ALL TYPES	214,555	107,255	214,555	107,255
2	CTG, 7.62MM, ALL TYPES	113,555	56,755	113,555	56,755
3	CTG, 9MM, ALL TYPES	3,848	3,848	3,848	3,848
4	CTG, .50 CAL, ALL TYPES	125,112	62,562	125,112	62,562
5	CTG, 20MM, ALL TYPES	101	101	101	101
6	CTG, 25MM, ALL TYPES	32,089	32,089	32,089	32,089
7	CTG, 30MM, ALL TYPES	19,431	19,431	19,431	19,431
8	CTG, 40MM, ALL TYPES	129,409	129,409	129,409	129,409
	MORTAR AMMUNITION				
9	60MM MORTAR, ALL TYPES	13,046	13,046	13,046	13,046
10	81MM MORTAR, ALL TYPES	54,618	54,618	54,618	54,618
11	CTG, MORTAR, 120MM, ALL TYPES	66,506	66,506	66,506	66,506
	TANK AMMUNITION				
12	CTG TANK 105MM: ALL TYPES	19,584	20,084	19,584	20,084
13	120MM TANK TRAINING, ALL TYPES	142,933	142,933	142,933	142,933
14	CTG, TANK, 120MM TACTICAL, ALL TYPES	48,004	52,004	57,004	53,854
	ARTILLERY AMMUNITION				
15	CTG ARTY 75MM, ALL TYPES	2,297	2,297	2,297	2,297
16	CTG ARTY 105MM, ALL TYPES	45,585	45,585	45,585	45,585
17	CTG, ARTY, 155MM, ALL TYPES	124,099	124,099	124,099	124,099
18	PROJ, 155MM EXTENDED RANGE XM982	22,971	27,971	26,971	26,971
19	MODULAR ARTILLERY CHARGE SYSTEM (MACS)	73,885	73,885	73,885	73,885

(In thousands of dollars)

		Budget	House	Senate	Conference
	ARTILLERY FUZES				
20	ARTILLERY FUZES, ALL TYPES	4,083	4,083	4,083	4,083
	MINES				
21	MINE, TRAINING, ALL TYPES	396	396	396	396
22	MINES (CONVENTIONAL), ALL TYPES	4,221	4,221	4,221	4,221
23	MINE, CLEARING CHARGE, ALL TYPES	4,897	4,897	4,897	4,897
24	ANTIPERSONNEL LANDMINE ALTERNATIVES	85,879	85,879	51,659	68,879
	ROCKETS				
25	SHOULDER FIRED ROCKETS, ALL TYPES	7,741	7,741	7,741	7,741
26	ROCKET, HYDRA 70, ALL TYPES	136,670	136,670	136,670	136,670
	OTHER AMMUNITION				
27	DEMOLITION MUNITIONS, ALL TYPES	33,746	36,146	36,746	36,146
28	GRENADES, ALL TYPES	54,162	56,162	56,162	56,162
29	SIGNALS, ALL TYPES	26,384	26,384	26,384	26,384
30	SIMULATORS, ALL TYPES	10,791	10,791	10,791	10,791
	MISCELLANEOUS				
31	AMMO COMPONENTS, ALL TYPES	3,407	3,407	3,407	3,407
32	NON-LETHAL AMMUNITION, ALL TYPES	30,089	30,089	30,089	30,089
33	CAD/PAD ALL TYPES	2,628	2,628	2,628	2,628
34	ITEMS LESS THAN $5 MILLION	5,493	5,493	5,493	5,493
35	AMMUNITION PECULIAR EQUIPMENT	10,306	18,306	17,306	17,656
36	FIRST DESTINATION TRANSPORTATION (AMMO)	9,552	9,552	9,552	9,552
37	CLOSEOUT LIABILITIES	101	101	101	101
	TOTAL, AMMUNITION	1,682,174	1,477,424	1,672,954	1,460,624
	AMMUNITION PRODUCTION BASE SUPPORT				
	PRODUCTION BASE SUPPORT				
38	PROVISION OF INDUSTRIAL FACILITIES	116,175	128,275	170,759	154,479
39	LAYAWAY OF INDUSTRIAL FACILITIES	3,064	3,064	3,064	3,064
40	MAINTENANCE OF INACTIVE FACILITIES	4,743	4,743	4,743	4,743
41	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL	94,201	94,201	94,201	94,201
42	ARMS INITIATIVE	2,768	2,768	2,768	2,768
	TOTAL, AMMUNITION PRODUCTION BASE SUPPORT	220,951	233,051	275,535	259,255
	TOTAL, PROCUREMENT OF AMMUNITION, ARMY	1,903,125	1,710,475	1,948,489	1,719,879

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

P-1		Budget Request	House	Senate	Conference
1	**CARTRIDGE, 5.56MM, ALL TYPES**	**214,555**	**107,255**	**214,555**	**107,255**
	Authorization Adjustment		-107,300		-107,300
2	**CARTRIDGE, 7.62MM, ALL TYPES**	**113,555**	**56,755**	**113,555**	**56,755**
	Authorization Adjustment		-56,800		-56,800
4	**CARTRIDGE, .50 CAL, ALL TYPES**	**125,112**	**62,562**	**125,112**	**62,562**
	Authorization Adjustment		-62,550		-62,550
12	**CARTRIDGE TANK 105MM: ALL TYPES**	**19,584**	**20,084**	**19,584**	**20,084**
	Cartridge, 105mm High Explosive Plastic -Tracer (HEP-T), M393A2 for the Stryker Mobile Gun System		500		500
14	**CARTRIDGE, TANK, 120MM TACTICAL, ALL TYPES**	**48,004**	**52,004**	**57,004**	**53,854**
	120mm Tank Ammunition - M1028 Canister Rounds		4,000	9,000	5,850
18	**PROJECTILE, 155MM EXTENDED RANGE XM982**	**22,971**	**27,971**	**26,971**	**26,971**
	Excalibur, XM982 155mm Extended Range Artillery Projectile		5,000	4,000	4,000
24	**ANTIPERSONNEL LANDMINE ALTERNATIVES**	**85,879**	**85,879**	**51,659**	**68,879**
	Limit to Low Rate Production Quantity			-34,220	-17,000
27	**DEMOLITION MUNITIONS, ALL TYPES**	**33,746**	**36,146**	**36,746**	**36,146**
	Rapid Wall Breaching Kit		2,400	3,000	2,400
28	**GRENADES, ALL TYPES**	**54,162**	**56,162**	**56,162**	**56,162**
	M18 Smoke Grenade		2,000	2,000	2,000
35	**AMMUNITION PECULIAR EQUIPMENT**	**10,306**	**18,306**	**17,306**	**17,656**
	Ammunition Peculiar Equipment Outloading Module		2,000	2,000	2,000
	Mobile ATACS: Ammunition Inspection and Sorting for Battlefield Deployment		3,000	3,000	3,000
	Super Critical Water Oxidation Demil Complex - Blue Grass Army Depot		3,000		1,350
	Tooele Army SCWO/Depot Hydrolysis Demilitarization Demonstration Program			2,000	1,000

P-1	Budget Request	House	Senate	Conference
38 PROVISION OF INDUSTRIAL FACILITIES	**116,175**	**128,275**	**170,759**	**154,479**
Holston, AAP, Twin Screw Extrusion Capability		3,000		1,350
Flex LAP Modern Munitions Enterprise		4,500		3,600
Insensitive Munitions High-Shear Mixing System Milan AAP		2,000	5,000	3,250
Ammunition Production Base Support		2,600		1,170
Program Adjustment			-19,116	-19,116
Industrial Facilities Modernization of Forge Equipment at Scranton Army Ammunition Plant			1,000	1,000
Insensitive Munition Flexible Load, Assemble, Pack Artillery			5,000	3,250
Lake City Army Ammunition Plant			18,200	8,200
Load, Assemble and Pack (LAP) Modernization - Lone Star			4,500	2,900
Radford Provision of Industrial Facilities			40,000	32,700

OTHER PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) Budget	House	Senate	Conference
	OTHER PROCUREMENT, ARMY				
	TACTICAL AND SUPPORT VEHICLES				
	TACTICAL VEHICLES				
1	TACTICAL TRAILERS/DOLLY SETS	22,961	26,961	22,961	25,161
2	SEMITRAILERS, FLATBED	7,565	9,765	10,565	9,765
3	SEMITRAILERS, TANKERS	11,676	11,676	11,676	11,676
4	HI MOB MULTI-PURP WHLD VEH (HMMWV)	582,613	582,613	588,513	586,463
5	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	695,121	695,121	692,121	692,121
6	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIPMENT	29,286	29,286	30,586	30,286
7	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	353,198	353,198	353,198	353,198
8	ARMORED SECURITY VEHICLES (ASV)	155,491	77,741	155,491	77,741
10	TRUCK, TRACTOR, LINE HAUL, M915/M916	31,202	40,502	35,202	39,852
11	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	220,416	111,216	220,416	111,216
12	HMMWV RECAPITALIZATION PROGRAM	34,823	---	34,823	---
13	MODIFICATION OF IN SVC EQUIP	2,562	2,562	2,562	2,562
14	ITEMS LESS THAN $5.0M (TAC VEH)	---	---	8,000	4,400
15	TOWING DEVICE-FIFTH WHEEL	1,725	3,725	1,725	2,725
	NON-TACTICAL VEHICLES				
16	HEAVY ARMORED SEDAN	609	609	609	609
17	PASSENGER CARRYING VEHICLES	640	640	640	640
18	NONTACTICAL VEHICLES, OTHER	3,486	4,486	3,486	3,486
	TOTAL, TACTICAL AND SUPPORT VEHICLES	2,153,374	1,950,101	2,172,574	1,951,901

(In thousands of dollars)

		Budget	House	Senate	Conference
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT				
	COMM - JOINT COMMUNICATIONS				
20	JCSE EQUIPMENT (USREDCOM)	4,805	4,805	4,805	4,805
	COMM - SATELLITE COMMUNICATIONS				
21	SECOMP-I	16,884	16,884	16,884	16,884
22	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	53,616	53,616	53,616	53,616
23	SHF TERM	28,459	28,459	28,459	28,459
24	SAT TERM, EMUT (SPACE)	833	833	833	833
25	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	61,611	66,611	67,611	69,511
26	SMART-T (SPACE)	62,342	62,342	62,342	62,342
27	SCAMP (SPACE)	954	954	954	954
28	GLOBAL BRDCST SVC - GBS	16,803	16,803	16,803	16,803
29	MOD OF IN-SVC EQUIP (TAC SAT)	9,113	9,113	9,113	9,113
	COMM - C3 SYSTEM				
30	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	25,253	25,253	25,253	25,253
	COMM - COMBAT COMMUNICATIONS				
31	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	4,890	4,890	4,890	4,890
32	JOINT TACTICAL RADIO SYSTEM	1,302	1,302	---	---
33	RADIO TERMINAL SET, MIDS LVT(2)	3,229	3,229	3,229	3,229
34	SINCGARS FAMILY	116,523	66,273	116,523	64,673
35	MULTI-PURPOSE INFORMATION OPERATIONS SYSTEMS	10,460	10,460	10,460	10,460
37	BRIDGE TO FUTURE NETWORKS	340,231	347,431	340,231	345,981
38	COMMS-ELEC EQUIP FIELDING	5,181	8,931	11,181	11,981
39	SPIDER APLA REMOTE CONTROL UNIT	27,599	27,599	27,599	27,599
40	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS	9,933	9,933	9,933	9,933
41	COMBAT SURVIVOR EVADER LOCATOR (CSEL)	16,541	---	14,441	---
42	RADIO, IMPROVED HF FAMILY	91,418	50,718	91,418	48,068
43	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	10,548	10,548	10,548	10,548
	COMM - INTELLIGENCE COMM				
44	CI AUTOMATION ARCHITECTURE	1,409	1,409	1,409	1,409
	INFORMATION SECURITY				
45	TSEC - ARMY KEY MGT SYS (AKMS)	14,924	14,924	14,924	14,924
46	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	90,379	91,879	90,379	91,879

(In thousands of dollars)

		Budget	House	Senate	Conference
	COMM - LONG HAUL COMMUNICATIONS				
47	TERRESTRIAL TRANSMISSION	14,432	14,432	14,432	14,432
48	BASE SUPPORT COMMUNICATIONS	33,754	33,754	43,104	39,004
50	ELECTROMAG COMP PROG (EMCP)	508	508	508	508
51	WW TECH CON IMP PROG (WWTCIP)	27,101	27,101	27,101	27,101
	COMM - BASE COMMUNICATIONS				
52	INFORMATION SYSTEMS	19,553	19,553	19,553	19,553
53	DEFENSE MESSAGE SYSTEM (DMS)	5,726	5,726	5,726	5,726
54	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	279,579	279,579	247,579	247,579
56	PENTAGON INFORMATION MGT AND TELECOM	32,711	29,711	32,711	29,711
	ELECT EQUIP - NAT INT PROG (NIP)				
	ELECT EQUIP - NAT INTEL PROG (NIP)				
59	ALL SOURCE ANALYSIS SYS (ASAS) (MIP)	34,431	34,431	34,431	34,431
60	JTT/CIBS-M (MIP)	985	985	985	985
61	PROPHET GROUND (MIP)	96,532	52,082	99,032	52,482
62	TACTICAL UNMANNED AERIAL SYS (TUAS)MIP	100,295	50,145	78,795	28,645
63	SMALL UNMANNED AERIAL SYSTEM (SUAS)	10,200	10,200	10,200	10,200
64	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP)	30,729	30,729	30,729	30,729
67	DCGS-A (MIP)	65,424	65,424	65,424	65,424
68	JOINT TACTICAL GROUND STATION (JTAGS)	9,852	9,852	9,852	9,852
69	TROJAN (MIP)	7,659	7,659	7,659	7,659
70	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	5,040	5,040	5,040	5,040
71	CI HUMINT INFO MANAGEMENT SYSTEM (CHIMS) (MIP)	19,704	19,704	19,704	19,704
72	ITEMS LESS THAN $5.0M (MIP)	29,739	29,739	39,739	37,739

		(In thousands of dollars)			
		Budget	House	Senate	Conference
	ELECT EQUIP - ELECTRONIC WARFARE (EW)				
73	LIGHTWEIGHT COUNTER MORTAR RADAR	16,326	16,326	16,326	16,326
	ELECT EQUIP - TACTICAL SURV. (TAC SURV)				
76	SENTINEL MODS	15,125	15,125	15,125	15,125
77	NIGHT VISION DEVICES	320,989	164,189	324,989	166,389
78	LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM	179,594	179,594	179,594	179,594
80	NIGHT VISION, THERMAL WPN SIGHT	209,537	209,537	209,537	209,537
81	RADIATION MONITORING SYSTEMS	4,393	4,393	4,393	4,393
83	ARTILLERY ACCURACY EQUIP	802	802	802	802
84	MOD OF IN-SVC EQUIP (MMS)	321	321	321	321
86	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE	7,441	7,441	7,441	7,441
87	PROFILER	2,119	7,119	12,119	8,619
88	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	19,249	9,649	27,249	16,049
89	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)	160,060	80,010	160,060	80,010
90	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLD	50,160	50,160	50,160	50,160
92	MORTAR FIRE CONTROL SYSTEM	38,971	38,971	38,971	38,971
93	INTEGRATED MET SYS SENSORS (IMETS) - MIP	3,510	3,510	3,510	3,510
	ELECT EQUIP - TACTICAL C2 SYSTEMS				
95	TACTICAL OPERATIONS CENTERS	57,707	57,707	57,707	57,707
96	ADV FA TAC DATA SYS / EFF CTRL SYS (AFATDS/EC	22,035	22,035	22,035	22,035
97	MOD OF IN-SVC EQUIP, AFATDS	5,434	5,434	5,434	5,434
98	LIGHT WEIGHT TECH FIRE DIRECTION SYS (LWT	6,042	6,042	6,042	6,042
99	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM	31,986	31,986	31,986	31,986
100	FAAD C2	21,095	21,095	21,095	21,095
101	AIR & MSL DEFENSE PLANNING & CONTROL SYS (AMD	69,289	69,289	69,289	69,289
102	FORWARD ENTRY DEVICE / LIGHTWEIGHT FED (FED/L	9,305	9,305	9,305	9,305
103	KNIGHT FAMILY	24,233	24,233	24,233	24,233
104	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	2,022	2,022	2,022	2,022
105	LOGTECH	97,235	88,735	106,235	104,135
106	TC AIMS II	29,919	29,919	29,919	29,919
107	JOINT NETWORK MANAGEMENT SYSTEM (JNMS)	8,279	8,279	8,279	8,279
108	TACTICAL INTERNET MANAGER	11,355	11,355	11,355	11,355
109	MANEUVER CONTROL SYSTEM (MCS)	77,023	77,023	77,023	77,023
110	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	121,808	81,808	121,808	101,808
111	MOUNTED BATTLE COMMAND ON THE MOVE (MBCOTM)	79,035	73,035	79,035	73,035

(In thousands of dollars)

	Budget	House	Senate	Conference
ELECT EQUIP - AUTOMATION				
112 GENERAL FUND ENTERPRISE BUSINESS SYSTEM..............	78,403	53,403	2,000	2,000
113 ARMY TRAINING MODERNIZATION..........................	21,636	21,636	21,636	21,636
114 AUTOMATED DATA PROCESSING EQUIP......................	139,206	104,206	104,206	133,956
115 CSS COMMUNICATIONS...................................	15,861	15,861	15,861	15,861
116 RESERVE COMPONENT AUTOMATION SYS (RCAS)..............	28,675	28,675	28,675	28,675
ELECT EQUIP - AUDIO VISUAL SYS (A/V)				
117 AFRTS..	1,007	1,007	2,007	2,007
118 ITEMS LESS THAN $5.0M (A/V)..........................	6,754	6,754	6,754	6,754
119 ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)............	1,671	1,671	1,671	1,671
120 WEAPONIZATION OF UNMANNED AERIAL SYSTEM (UAS).........	15,161	15,161	1,661	1,661
ELECT EQUIP - SUPPORT				
121 ITEMS UNDER $5M (SSE)................................	17,493	17,493	17,493	17,493
122 PRODUCTION BASE SUPPORT (C-E)........................	497	497	497	497
TOTAL, COMMUNICATIONS AND ELECTRONICS EQUIPMENT.....	3,877,957	3,334,366	3,762,002	3,304,811
OTHER SUPPORT EQUIPMENT				
CHEMICAL DEFENSIVE EQUIPMENT				
123 CBRN SOLDIER PROTECTION..............................	38,312	38,312	48,312	43,812
124 SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)..........	4,079	4,079	4,079	4,079
BRIDGING EQUIPMENT				
125 TACTICAL BRIDGING....................................	69,608	69,608	69,608	69,608
126 TACTICAL BRIDGE, FLOAT-RIBBON........................	80,093	80,093	80,093	80,093
ENGINEER (NON-CONSTRUCTION) EQUIPMENT				
127 HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST.........	52,829	52,829	52,829	52,829
129 GRND STANDOFF MINE DETECTION SYSTEM (GSTAMIDS.........	197,675	131,575	197,675	131,575
131 EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT).........	37,269	37,269	37,269	37,269
132 ITEMS LESS THAN $5M, COUNTERMINE EQUIPMENT............	546	546	546	546
COMBAT SERVICE SUPPORT EQUIPMENT				
133 HEATERS AND ECU'S....................................	10,575	10,575	10,575	10,575
135 SOLDIER ENHANCEMENT..................................	9,298	9,298	13,298	13,298
136 LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME)..............	---	---	6,000	3,900
137 DISMOUNTED BATTLE COMMAND SYSTEM (DBCS)..............	19,226	26,226	19,226	19,226
139 FIELD FEEDING EQUIPMENT..............................	36,874	36,874	36,874	36,874
140 CARGO AERIAL DELIVERY PROGRAM........................	42,653	42,653	42,653	42,653
141 ITEMS LESS THAN $5.0M (ENG SPT EQ)...................	5,552	11,052	7,552	11,052
PETROLEUM EQUIPMENT				
143 QUALITY SURVEILLANCE EQUIPMENT.......................	1,293	1,293	1,293	1,293

(In thousands of dollars)

	Budget	House	Senate	Conference
144 DISTRIBUTION SYSTEMS, PETROLEUM & WATER	67,867	67,867	67,867	67,867
WATER EQUIPMENT				
145 WATER PURIFICATION SYSTEMS	9,769	9,769	9,769	9,769
MEDICAL EQUIPMENT				
146 COMBAT SUPPORT MEDICAL	20,467	29,467	22,467	27,467
MAINTENANCE EQUIPMENT				
147 SHOP EQ CONTACT MAINTENANCE TRK MTD (MYP)	54,732	54,732	54,732	54,732
148 WELDING SHOP, TRAILER MTD	3,051	3,051	3,051	3,051
149 ITEMS LESS THAN $5.0M (MAINT EQ)	---	---	4,400	2,850
CONSTRUCTION EQUIPMENT				
150 GRADER, ROAD MTZD, HVY, 6X4 (CCE)	2,902	2,902	2,902	2,902
151 SCRAPERS, EARTHMOVING	1,049	16,549	1,049	11,449
152 MISSION MODULES - ENGINEERING	12,108	12,108	12,108	12,108
153 LOADERS	13,023	13,023	13,023	13,023
154 HYDRAULIC EXCAVATOR	2,475	2,475	2,475	2,475
155 TRACTOR, FULL TRACKED	4,799	4,799	4,799	4,799
157 HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	47,846	47,846	47,846	47,846
158 CONST EQUIP ESP	40,209	40,209	40,209	40,209
159 ITEMS LESS THAN $5.0M (CONST EQUIP)	22,209	22,209	22,209	22,209
RAIL FLOAT CONTAINERIZATION EQUIPMENT				
162 HARBORMASTER COMMAND & CONTROL CENTER (HCCC)	9,265	9,265	9,265	9,265
163 CAUSEWAY SYSTEMS	8,974	8,974	8,974	8,974
164 ITEMS LESS THAN $5.0M (FLOAT/RAIL)	2,536	2,536	2,536	2,536
GENERATORS				
165 GENERATORS AND ASSOCIATED EQUIP	69,468	69,468	69,468	69,468
MATERIAL HANDLING EQUIPMENT				
167 ALL TERRAIN LIFTING ARMY SYSTEM	20,501	20,501	24,501	22,301
TRAINING EQUIPMENT				
168 COMBAT TRAINING CENTERS (CTC) SUPPORT	38,497	41,497	44,717	46,067
169 TRAINING DEVICES, NONSYSTEM	243,147	289,247	292,647	310,747
170 CLOSE COMBAT TACTICAL TRAINER	16,920	16,920	16,920	16,920
171 AVIATION COMBINED ARMS TACTICAL TRAINER (AVCA	80,555	80,555	80,555	80,555
TEST MEASURE AND DIG EQUIPMENT (TMD)				
172 CALIBRATION SETS EQUIPMENT	2,026	2,026	2,026	2,026
173 INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	47,789	51,389	47,789	50,689
174 TEST EQUIPMENT MODERNIZATION (TEMOD)	11,827	11,827	11,827	11,827

	(In thousands of dollars)			
	Budget	House	Senate	Conference
OTHER SUPPORT EQUIPMENT				
175 RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	50,679	50,679	50,679	50,679
177 PHYSICAL SECURITY SYSTEMS (OPA3)	66,665	76,665	59,165	59,165
178 BASE LEVEL COM'L EQUIPMENT	3,279	3,279	18,690	12,490
179 MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	35,469	35,469	35,469	35,469
180 PRODUCTION BASE SUPPORT (OTH)	2,997	2,997	9,997	9,297
182 SPECIAL EQUIPMENT FOR USER TESTING	19,562	19,562	19,562	19,562
183 MA8975	2,423	2,423	2,423	2,423
TOTAL, OTHER SUPPORT EQUIPMENT	1,640,967	1,674,567	1,743,998	1,701,898
SPARE AND REPAIR PARTS				
184 INITIAL SPARES - C&E	31,271	31,271	31,271	31,271
185 INITIAL SPARES - OTHER SUPPORT EQUIP	2,202	2,202	2,202	2,202
TOTAL, SPARE AND REPAIR PARTS	33,473	33,473	33,473	33,473
999 CLASSIFIED PROGRAMS	12,831	12,831	12,831	12,831
TOTAL, OTHER PROCUREMENT, ARMY	7,718,602	7,005,338	7,724,878	7,004,914

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

P-1		Budget Request	House	Senate	Conference
1	**TACTICAL TRAILERS/DOLLY SETS**	**22,961**	**26,961**	**22,961**	**25,161**
	Heavy Expanded Mobility Ammunition Trailer (HEMAT)		4,000		2,200
2	**SEMITRAILERS, FLATBED**	**7,565**	**9,765**	**10,565**	**9,765**
	600 Series Commercial Tractor Trailers only for the Army Reserve		2,200	3,000	2,200
4	**HI MOB MULTI-PURP WHLD VEH (HMMWV)**	**582,613**	**582,613**	**588,513**	**586,463**
	M1151 HMMWV Utility Trucks			5,900	3,850
5	**FAMILY OF MEDIUM TACTICAL VEH (FMTV)**	**695,121**	**695,121**	**692,121**	**692,121**
	Program Reduction			-3,000	-3,000
6	**FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIPMENT**	**29,286**	**29,286**	**30,586**	**30,286**
	Fire and Emergency Services Equipment, Ft. Meade, MD			1,300	1,000
8	**ARMORED SECURITY VEHICLES (ASV)**	**155,491**	**77,741**	**155,491**	**77,741**
	Authorization Adjustment		-77,750		-77,750
10	**TRUCK, TRACTOR, LINE HAUL, M915/M916**	**31,202**	**40,502**	**35,202**	**39,852**
	M915A3 Production for the Army National Guard		9,300		6,050
	M915 Tractor Truck for Nevada NG			4,000	2,600
11	**HEAVY EXPANDED MOBILITY TACTICAL TRUCK EXTENDED SERVICE PROGRAM**	**220,416**	**111,216**	**220,416**	**111,216**
	Authorization Adjustment		-110,200		-110,200
	Advanced Stored Energy Systems for Military Hybrid-Electric Vehicles		1,000		1,000
12	**HMMWV RECAPITALIZATION PROGRAM**	**34,823**	**0**	**34,823**	**0**
	Authorization Adjustment		-34,823		-34,823
14	**ITEMS LESS THAN $5.0M (TAC VEH)**	**0**	**0**	**8,000**	**4,400**
	Lightweight Tactical, Utility Vehicles (COTS) for Army National Guard			4,000	2,200
	Lightweight Tactical, Utility Vehicles			4,000	2,200
15	**TOWING DEVICE-FIFTH WHEEL**	**1,725**	**3,725**	**1,725**	**2,725**
	Fifth Wheel Towing Device		2,000		1,000
18	**NONTACTICAL VEHICLES, OTHER**	**3,486**	**4,486**	**3,486**	**3,486**
	Light Tactical Vehicles and Light Utility Vehicles (COTS) for the Army National Guard (Transferred to line 14)		1,000		0

P-1		Budget Request	House	Senate	Conference
25	**NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)**	**61,611**	**66,611**	**67,611**	**69,511**
	AN/PSC-5 Preplanned Product Improvement (P3I)		5,000		4,000
	Defense Advanced GPS Receiver (DAGR); Situational Data Advisor			6,000	3,900
32	**JOINT TACTICAL RADIO SYSTEM**	**1,302**	**1,302**	**0**	**0**
	Align with Justification			-1,302	-1,302
34	**SINCGARS FAMILY**	**116,523**	**66,273**	**116,523**	**64,673**
	Authorization Adjustment		-58,250		-58,250
	SINCGARS ASIP-E		8,000		6,400
37	**BRIDGE TO FUTURE NETWORKS**	**340,231**	**347,431**	**340,231**	**345,981**
	AN/UXC-10 Digital Facsimile (TS-21 Blackjack)		7,200		5,750
38	**COMMUNICATIONS ELECTRONICS EQUIPMENT FIELDING**	**5,181**	**8,931**	**11,181**	**11,981**
	Interim Satellite Incident Site Communications Set (ISISCS) only for the Pennsylvania Army National Guard		1,350		1,100
	Regional Emergency Response Network Phase III only for the Florida Army National Guard		2,400		2,400
	High Speed Communication Assemblage Upgrade			3,000	1,950
	Joint Forces Wireless Redundant Comms, Montana NG			3,000	1,350
41	**COMBAT SURVIVOR EVADER LOCATOR (CSEL)**	**16,541**	**0**	**14,441**	**0**
	Authorization Adjustment		-8,270		-8,270
	Program Adjustment		-8,271		-8,271
	Pricing Adjustment			-2,100	0
42	**RADIO, IMPROVED HIGH FREQUENCY FAMILY**	**91,418**	**50,718**	**91,418**	**48,068**
	Authorization Adjustment		-45,700		-45,700
	Army Sustainment Center CSAR Beacon		2,000		1,000
	AN/PRC-150 High-Frequency Radios only for the Army Reserve		3,000		1,350
46	**INFORMATION SYSTEM SECURITY PROGRAM-ISSP**	**90,379**	**91,879**	**90,379**	**91,879**
	Critical Army Systems – Cyber Attack Technology (CASCAT)		1,500		1,500
48	**BASE SUPPORT COMMUNICATIONS**	**33,754**	**33,754**	**43,104**	**39,004**
	Program Reduction			-7,500	-7,500
	Regional Emergency Response Network			3,000	1,350
	USARPAC Deployable C4 Package			6,000	4,800
	USARPAC Core Warfighting C4 Network Infrastructure			2,350	1,900
	Alaska Land Mobile Radio			4,000	3,500
	C4 Modularity			1,500	1,200

P-1		Budget Request	House	Senate	Conference
54	**INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM**	**279,579**	**279,579**	**247,579**	**247,579**
	Program Reduction			-32,000	-32,000
56	**PENTAGON INFORMATION MANAGEMENT AND TELECOMMUNICATIONS**	**32,711**	**29,711**	**32,711**	**29,711**
	Program Adjustment		-3,000		-3,000
61	**PROPHET GROUND (MIP)**	**96,532**	**52,082**	**99,032**	**52,482**
	Authorization Adjustment		-48,250		-48,250
	Blue Marauder System		1,800		1,450
	Advanced Phraselator System		2,000		1,100
	Prophet Ground Block I Upgrades			2,500	1,650
62	**TACTICAL UNMANNED AERIAL SYSEM (TUAS)(MIP)**	**100,295**	**50,145**	**78,795**	**28,645**
	Authorization Adjustment		-50,150		-50,150
	Transferred to RDT&E,A for Warrior Program			-21,500	-21,500
72	**ITEMS LESS THAN $5.0M (MIP)**	**29,739**	**29,739**	**39,739**	**37,739**
	Wideband Imagery Dissemination Systems for NG			10,000	8,000
77	**NIGHT VISION DEVICES**	**320,989**	**164,189**	**324,989**	**166,389**
	Authorization Adjustment		-160,500		-160,500
	Ultra-High Intensity Illumination System (Nighthunter and Nighthunter II Visible/IR Illumination Devices)		2,000		2,000
	Maxa Beam Strobe Non-lethal Deterrent Illumination		1,700		1,300
	Mini-IR MX 2A Thermal Imager			4,000	2,600
87	**PROFILER**	**2,119**	**7,119**	**12,119**	**8,619**
	Meteorological Measuring Set Profiler		5,000	10,000	6,500
88	**MODIFICATION OF IN-SERVICE EQUIPMENT (FIREFINDER RADARS)**	**19,249**	**9,649**	**27,249**	**16,049**
	Authorization Adjustment		-9,600		-9,600
	AN/TPQ-37 Firefinder Service Life Extension Program			8,000	6,400
89	**FORCE XXI BATTLE COMMAND BRIGADE & BELOW (FBCB2)**	**160,060**	**80,010**	**160,060**	**80,010**
	Authorization Adjustment		-80,050		-80,050
105	**LOGTECH**	**97,235**	**88,735**	**106,235**	**104,135**
	Unique Identification Program for Army Aviation		1,500		1,000
	Global Combat Support System - Army program adjustment		-10,000		0
	Aviation Maintenance Automated Tracking System			1,000	1,000
	Active Data Rich RFID Technology Insertion			6,000	3,900
	HERALD			2,000	1,000

P-1		Budget Request	House	Senate	Conference
110	**(SALE)**	**121,808**	**81,808**	**121,808**	**101,808**
	Program Adjustment		-40,000		-20,000
111	**MOUNTED BATTLE COMMAND ON THE MOVE (MBCOTM)**	**79,035**	**73,035**	**79,035**	**73,035**
	Reduce unit cost growth		-6,000		-6,000
112	**GENERAL FUND ENTERPRISE BUSINESS SYSTEM**	**78,403**	**53,403**	**2,000**	**2,000**
	Program Adjustment		-25,000		0
	Program Reduction			-76,403	-76,403
114	**AUTOMATED DATA PROCESSING EQUIPMENT**	**139,206**	**104,206**	**104,206**	**133,956**
	Army High Performance Computing Research Center - Procurement of super computer low latency and high bandwidth systems		15,000		9,750
	Global Combat Support System - Army program adjustment		-50,000		0
	Program Reduction			-35,000	-15,000
117	**AFRTS**	**1,007**	**1,007**	**2,007**	**2,007**
	Fort Knox 911 System			1,000	1,000
120	**WEAPONIZATION OF UNMANNED AERIAL SYSTEM (UAS)**	**15,161**	**15,161**	**1,661**	**1,661**
	Transferred to RDT&E,A for Warrior Program			-13,500	-13,500
123	**CBRN SOLDIER PROTECTION**	**38,312**	**38,312**	**48,312**	**43,812**
	Improved Chemical Agent Monitor for Army NG			10,000	5,500
129	**GROUND STANDOFF MINE DETECTION SYSTEM (GSTAMIDS)**	**197,675**	**131,575**	**197,675**	**131,575**
	Authorization Adjustment		-66,100		-66,100
135	**SOLDIER ENHANCEMENT**	**9,298**	**9,298**	**13,298**	**13,298**
	Land Warrior (Includes transfer from line 137)			4,000	4,000
136	**LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME)**	**0**	**0**	**6,000**	**3,900**
	Lightweight Maintenance Enclosure			6,000	3,900
137	**DISMOUNTED BATTLE COMMAND SYSTEM (DBCS)**	**19,226**	**26,226**	**19,226**	**19,226**
	Land Warrior (Transferred to line 135)		7,000		0
141	**ITEMS LESS THAN $5.0M (ENGINEER SUPPORT EQUIPMENT)**	**5,552**	**11,052**	**7,552**	**11,052**
	Diver Propulsion Device (DPD)		4,500	2,000	4,500
	Urban Operations SV Tool Kit		1,000		1,000
146	**COMBAT SUPPORT MEDICAL**	**20,467**	**29,467**	**22,467**	**27,467**
	Combat Support Hospitals (CSH)		4,000	2,000	2,000
	Life Support for Trauma and Transport (LSTAT)		4,000		4,000
	Smisson Cartilage Infuser		1,000		1,000

P-1	Budget Request	House	Senate	Conference
149 ITEMS LESS THAN $5.0M (MAINT EQ)	**0**	**0**	**4,400**	**2,850**
Advanced Turbine Engine Army Maintenance Dynamometer			4,400	2,850
151 SCRAPERS, EARTHMOVING	**1,049**	**16,549**	**1,049**	**11,449**
Airborne/Air Assault Scrapers only for the Army Reserve		14,500		9,400
C-130 Transportable Motor Graders		1,000		1,000
167 ALL TERRAIN LIFTING ARMY SYSTEM	**20,501**	**20,501**	**24,501**	**22,301**
All Terrain Lifter Army system			4,000	1,800
168 COMBAT TRAINING CENTERS (CTC) SUPPORT	**38,497**	**41,497**	**44,717**	**46,067**
Mobile Virtual Training Capability		3,000		1,350
PARC/Multi-Brigade Training Requirements			6,220	6,220
169 TRAINING DEVICES, NONSYSTEM	**243,147**	**289,247**	**292,647**	**310,747**
Digital Deployed Training Campus		10,000		10,000
Call for Fire Trainer/Joint Fires and Effects Trainer System (JFETS)		3,500	4,000	3,500
Virtual Door Gunner Trainers (VDGT) - only for the Washington Army National Guard		2,000		1,300
DLI Virtual Convoy Operations Trainer		2,300		1,250
Call for Fire Trainer (CFFT) for the Army National Guard		5,000		2,250
Laser Marksmanship Training System		7,500		7,500
Up-Armored HMMWV and Tactical Truck Crew Trainers for the Army National Guard		2,700	15,000	9,750
JRTC Instrumentation System (JRTC-IS)		4,800		2,150
COFT XXI only for the Army National Guard		3,000		1,350
Tabletop Gunnery Trainers (TGT) and Full Fidelity Trainers only for the Army National Guard		3,300		1,500
Tabletop Trainers (TGT, TMT and TFT)			6,000	4,800
Combat Arms Training System (CATS) only for the Army National Guard		2,000	1,500	1,500
Real-time Reporting at Joint Readiness Training Center			5,000	2,750
172nd SIB Range			18,000	18,000
173 INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	**47,789**	**51,389**	**47,789**	**50,689**
IFTE/Integrated Family of Test Equipment		3,600		2,900
177 PHYSICAL SECURITY SYSTEMS	**66,665**	**76,665**	**59,165**	**59,165**
Mi-17 V5 Helicopters, Threat systems		10,000		0
Program Reduction			-7,500	-7,500

P-1	Budget Request	House	Senate	Conference
178 BASE LEVEL COM'L EQUIPMENT	**3,279**	**3,279**	**18,690**	**12,490**
Realign Civil Affairs/Psyops (Funds transferred from Procurement, Defense-Wide)			5,611	5,611
Fort Riley ASR 11 Digital Airport Surveillance Radar			6,500	3,600
Fort Knox Godman Airfield Area Surveillance Radar (Transferred to OMA)			3,300	0
180 PRODUCTION BASE SUPPORT (OTH)	**2,997**	**2,997**	**9,997**	**9,297**
Rock Island Arsenal Production			7,000	6,300

CONTAINER ROLL IN—ROLL OUT PLATFORM (M3 CROP)

The conferees strongly urge the Secretary of the Army to allocate sufficient funding from amounts available under this heading to ensure the continuation of the program to procure the Container Roll In—Roll Out Platform (M3 CROP) in order to expedite logistical support to the warfighter.

AIRCRAFT PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

		Budget	House	Senate	Conference
	AIRCRAFT PROCUREMENT, NAVY				
	COMBAT AIRCRAFT				
2	EA-18G	865,421	86,400	608,021	608,021
3	EA-18G (AP-CY)	39,753	39,753	39,753	39,753
4	F/A-18E/F (FIGHTER) HORNET (MYP)	2,288,253	2,946,297	2,507,253	2,507,253
5	F/A-18E/F (FIGHTER) HORNET (MYP) (AP-CY)	52,954	52,954	52,954	52,954
6	JOINT STRIKE FIGHTER ADVANCE PROCUREMENT (CY)	245,016	123,016	---	125,000
7	V-22 (MEDIUM LIFT)	1,304,687	1,304,687	1,294,687	1,294,687
8	V-22 (MEDIUM LIFT) (AP-CY)	194,080	194,080	194,080	194,080
9	UH-1Y/AH-1Z	446,718	446,718	314,718	376,718
10	MH-60S (MYP)	458,158	458,158	458,158	458,158
11	MH-60S (MYP) (AP-CY)	90,401	90,401	90,401	90,401
12	MH-60R	795,262	800,662	795,262	799,562
13	MH-60R (AP-CY)	120,480	120,480	120,480	120,480
14	E-2C (EARLY WARNING) HAWKEYE (MYP)	203,572	203,572	203,572	203,572
	TOTAL, COMBAT AIRCRAFT	7,104,755	6,867,178	6,679,339	6,870,639
	AIRLIFT AIRCRAFT				
16	USMC OPERATIONAL SUPPORT AIRCRAFT LIGHT	---	8,000	---	5,200
	TOTAL, AIRLIFT AIRCRAFT	---	8,000	---	5,200

		Budget	House	Senate	Conference
		(In thousands of dollars)			
	TRAINER AIRCRAFT				
19	T-45TS (TRAINER) GOSHAWK	376,361	376,361	312,361	376,361
20	JPATS	146,068	146,068	146,068	146,068
	TOTAL, TRAINER AIRCRAFT	522,429	522,429	458,429	522,429
	OTHER AIRCRAFT				
21	KC-130J	253,179	253,179	126,579	126,579
22	KC-130J ADVANCE PROCUREMENT (CY)	45,737	45,737	45,737	45,737
23	F-5	2,530	2,530	2,530	2,530
24	VTUAV	37,570	37,570	37,570	37,570
	TOTAL, OTHER AIRCRAFT	339,016	339,016	212,416	212,416
	MODIFICATION OF AIRCRAFT				
25	EA-6 SERIES	48,983	48,983	48,983	48,983
26	AV-8 SERIES	20,506	20,506	25,506	23,756
27	ADVERSARY	2,638	2,638	2,638	2,638
28	F-18 SERIES	411,524	414,124	428,524	426,374
29	H-46 SERIES	47,401	47,401	47,401	47,401
30	AH-1W SERIES	19,760	27,760	23,760	25,760
31	H-53 SERIES	28,252	31,252	32,652	32,652
32	SH-60 SERIES	33,113	23,613	33,113	23,613
33	H-1 SERIES	7,426	7,426	226	4,426
34	EP-3 SERIES	56,797	64,397	56,797	60,997
35	P-3 SERIES	204,606	206,668	197,606	202,168
36	S-3 SERIES	750	750	750	750
37	E-2 SERIES	9,087	9,087	9,087	9,087
38	TRAINER A/C SERIES	17,062	17,062	17,062	17,062
39	C-2A	37,157	37,157	37,157	37,157
40	C-130 SERIES	3,547	3,547	5,547	4,647

		(In thousands of dollars) Budget	House	Senate	Conference
41	FEWSG	625	625	625	625
42	CARGO/TRANSPORT A/C SERIES	30,332	30,332	30,332	30,332
43	E-6 SERIES	99,184	99,184	58,884	58,884
44	EXECUTIVE HELICOPTERS SERIES	40,190	40,190	40,190	40,190
45	SPECIAL PROJECT AIRCRAFT	14,300	17,900	14,300	17,200
46	T-45 SERIES	34,933	36,933	34,933	35,933
47	POWER PLANT CHANGES	24,580	24,580	24,580	24,580
48	JPATS SERIES	1,656	1,656	1,656	1,656
49	AVIATION LIFE SUPPORT MODS	14,315	8,915	415	415
50	COMMON ECM EQUIPMENT	35,886	35,886	35,886	35,886
51	COMMON AVIONICS CHANGES	177,500	177,500	177,500	177,500
52	COMMON DEFENSIVE WEAPON SYSTEM	13,656	13,656	---	10,156
53	ID SYSTEMS	11,148	11,148	11,148	11,148
54	V-22 (TILT/ROTOR ACFT) OSPREY	85,767	85,767	85,767	85,767
	TOTAL, MODIFICATION OF AIRCRAFT	1,532,681	1,546,643	1,483,025	1,497,743
	AIRCRAFT SPARES AND REPAIR PARTS				
55	SPARES AND REPAIR PARTS	812,689	793,568	740,839	768,789
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES				
56	COMMON GROUND EQUIPMENT	426,673	412,488	430,673	415,688
57	AIRCRAFT INDUSTRIAL FACILITIES	9,472	9,472	9,472	9,472
58	WAR CONSUMABLES	34,916	6,000	34,916	4,800
59	OTHER PRODUCTION CHARGES	19,501	19,501	19,501	19,501
60	SPECIAL SUPPORT EQUIPMENT	64,968	64,968	64,968	64,968
61	FIRST DESTINATION TRANSPORTATION	1,671	1,671	1,671	1,671
	TOTAL, AIRCRAFT SUPPORT EQUIPMENT & FACILITIES	557,201	514,100	561,201	516,100
	TOTAL, AIRCRAFT PROCUREMENT, NAVY	10,868,771	10,590,934	10,135,249	10,393,316

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
2	**EA-18G**	**865,421**	**86,400**	**608,021**	**608,021**
	Defer low rate procurement		-779,021		0
	Transfer 4 aircraft to F/A-18 E/F production			-257,400	-257,400
4	**F/A-18E/F (FIGHTER) HORNET (MYP)**	**2,288,253**	**2,946,297**	**2,507,253**	**2,507,253**
	Increase quantity from 30 to 42		658,044		0
	Transfer 4 aircraft from EA-18G production			219,000	219,000
6	**JOINT STRIKE FIGHTER ADVANCE PROCUREMENT**	**245,016**	**123,016**	**0**	**125,000**
	Reduction of 4 aircraft		-122,000		0
	Defer production			-245,016	0
	Reduction of 2 aircraft				-120,016
7	**V-22 (MEDIUM LIFT)**	**1,304,687**	**1,304,687**	**1,294,687**	**1,294,687**
	Production efficiencies			-10,000	-10,000
9	**UH-1Y/AH-1Z**	**446,718**	**446,718**	**314,718**	**376,718**
	Program delay and restructure			-132,000	-70,000
12	**MH-60R**	**795,262**	**800,662**	**795,262**	**799,562**
	AN/AQS-22 airborne low frequency sonar (ALFS)		5,400		4,300
16A	**USMC OPERATIONAL SUPPORT AIRCRAFT LIGHT**	**0**	**8,000**	**0**	**5,200**
	USMC Operational Support Aircraft Light		8,000		5,200
19	**T-45TS (TRAINER) GOSHAWK**	**376,361**	**376,361**	**312,361**	**376,361**
	Reduction of two aircraft			-64,000	0
21	**KC-130J**	**253,179**	**253,179**	**126,579**	**126,579**
	Reduction of two aircraft			-126,600	-126,600
26	**AV-8 SERIES**	**20,506**	**20,506**	**25,506**	**23,756**
	Litening targeting pods for Marine expeditionary tactical aircraft			5,000	3,250
28	**F-18 SERIES**	**411,524**	**414,124**	**428,524**	**426,374**
	APG-79 retrofit kits		-5,400		0
	F/A-18 roadmap procurement plan completion		6,000		2,700
	Increased combat effectiveness using EW sensors		2,000		1,100
	ASQ-228 advanced targeting forward looking infrared			12,000	7,800
	Litening targeting pods for Marine expeditionary tactical aircraft			5,000	3,250
30	**AH-1W SERIES**	**19,760**	**27,760**	**23,760**	**25,760**
	ANVIS HUD 24		5,000		4,000
	AH-1W ANVIS HUD 24 helmet cueing sensors (Note: Conference funding provided under "ANVIS HUD 24")			4,000	0
	Tactical video link II (TVL II)		3,000		2,000
31	**H-53 SERIES**	**28,252**	**31,252**	**32,652**	**32,652**
	Advanced helicopter emergency egress lighting system (ADHEELS) for the H-53		3,000	2,000	2,000
	Program reduction			-5,000	-2,500
	CH-53 IMDS-HUMS			4,400	2,900
	CH-53 CNS/ATM mission needs capability upgrade			3,000	2,000

P-1		Budget Request	House	Senate	Conference
32	**SH-60 SERIES**	**33,113**	**23,613**	**33,113**	**23,613**
	AMCM and armed helo retrofit kits/NRE		-9,500		-9,500
33	**H-1 SERIES**	**7,426**	**7,426**	**226**	**4,426**
	Navigation thermal imaging system			-7,200	-3,000
34	**EP-3 SERIES**	**56,797**	**64,397**	**56,797**	**60,997**
	EP-3 environmental cooling system upgrade		7,600		4,200
35	**P-3 SERIES**	**204,606**	**206,668**	**197,606**	**202,168**
	Reduce base program growth		-15,938	-10,000	-15,938
	P-3C high resolution digital recorder		2,700		1,200
	P-3 anti-submarine warfare maritime improvement program(AMIP)		2,000		1,300
	Maritime patrol ESM system fleet readiness		1,800		1,450
	P-3C BMUP ESM upgrade		4,500		3,600
	Digital stores management system		7,000		4,600
	P-3C AIP wideband over the horizon capability			3,000	1,350
40	**C-130 SERIES**	**3,547**	**3,547**	**5,547**	**4,647**
	Electronic propeller control system			2,000	1,100
43	**E-6 SERIES**	**99,184**	**99,184**	**58,884**	**58,884**
	Re-phasing of E-6B modifications			-40,300	-40,300
45	**SPECIAL PROJECT AIRCRAFT**	**14,300**	**17,900**	**14,300**	**17,200**
	C4ISR Operations and Training Center for Excellence		3,600		2,900
46	**T-45 SERIES**	**34,933**	**36,933**	**34,933**	**35,933**
	T-45 crash survivable memory unit		2,000		1,000
49	**AVIATION LIFE SUPPORT MODS**	**14,315**	**8,915**	**415**	**415**
	Mobile aircrew restraint system - slower ramp up rate		-5,400	-13,900	-13,900
52	**COMMON DEFENSIVE WEAPON SYSTEM**	**13,656**	**13,656**	**0**	**10,156**
	Program execution			-13,656	-3,500
55	**SPARES AND REPAIR PARTS**	**812,689**	**793,568**	**740,839**	**768,789**
	EA-18G to F/A-18 E/Fspare recalculation		-22,121	-7,400	-7,400
	Aviation maintenance training continuum system (AMTCS) software module (ASM)		3,000		2,000
	H-1 program delay and restructure			-54,100	-30,000
	T-45 TS			-1,850	0
	KC-130J			-8,500	-8,500
56	**COMMON GROUND EQUIPMENT**	**426,673**	**412,488**	**430,673**	**415,688**
	Program reduction		-14,185		-14,185
	Direct squadron support readiness training program			4,000	3,200
58	**WAR CONSUMABLES**	**34,916**	**6,000**	**34,916**	**4,800**
	Program adjustment		-34,916		-34,916
	Multipurpose bomb rack		6,000		4,800

WEAPONS PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars)			
		Budget	House	Senate	Conference
	WEAPONS PROCUREMENT, NAVY				
	MODIFICATION OF MISSILES				
2	TRIDENT II MODS	957,637	919,637	919,637	919,637
	SUPPORT EQUIPMENT AND FACILITIES				
3	MISSILE INDUSTRIAL FACILITIES	3,453	3,453	3,453	3,453
	TOTAL, BALLISTIC MISSILES	961,090	923,090	923,090	923,090
	OTHER MISSILES				
	STRATEGIC MISSILES				
4	TOMAHAWK	354,565	354,565	354,565	354,565
	TACTICAL MISSILES				
5	AMRAAM	98,651	98,651	68,651	88,651
6	SIDEWINDER	40,380	40,380	40,380	40,380
7	JSOW	125,551	123,551	125,551	124,551
8	STANDARD MISSILE	139,672	139,672	139,672	139,672
9	RAM	56,874	56,874	56,874	56,874
11	AERIAL TARGETS	83,299	83,299	83,299	83,299
13	OTHER MISSILE SUPPORT	8,990	8,990	8,990	8,990
	MODIFICATION OF MISSILES				
14	ESSM	99,571	99,571	99,571	99,571
15	STANDARD MISSILES MODS	54,644	57,644	63,644	58,644
	SUPPORT EQUIPMENT AND FACILITIES				
16	WEAPONS INDUSTRIAL FACILITIES	4,645	4,645	79,645	64,645
	ORDNANCE SUPPORT EQUIPMENT				
17	ORDNANCE SUPPORT EQUIPMENT	29,534	34,534	29,534	32,834
	TOTAL, OTHER MISSILES	1,096,376	1,102,376	1,150,376	1,152,676

(In thousands of dollars)

		Budget	House	Senate	Conference
	TORPEDOES AND RELATED EQUIPMENT				
	TORPEDOES AND RELATED EQUIP				
18	SSTD	5,856	5,856	5,856	5,856
19	ASW TARGETS	25,034	25,034	25,034	25,034
	MOD OF TORPEDOES AND RELATED EQUIP				
20	MK-46 TORPEDO MODS	96,505	101,905	66,505	85,905
21	MK-48 TORPEDO ADCAP MODS	61,528	61,528	61,528	61,528
22	QUICKSTRIKE MINE	3,103	3,103	3,103	3,103
	SUPPORT EQUIPMENT				
23	TORPEDO SUPPORT EQUIPMENT	26,345	26,345	26,345	26,345
24	ASW RANGE SUPPORT	13,288	13,288	13,288	13,288
	DESTINATION TRANSPORTATION				
25	FIRST DESTINATION TRANSPORTATION	3,259	3,259	3,259	3,259
	TOTAL, TORPEDOES AND RELATED EQUIPMENT	234,918	240,318	204,918	224,318
	OTHER WEAPONS				
	GUNS AND GUN MOUNTS				
26	SMALL ARMS AND WEAPONS	12,508	12,508	12,508	12,508
	MODIFICATION OF GUNS AND GUN MOUNTS				
27	CIWS MODS	151,194	151,194	151,194	151,194
28	COAST GUARD WEAPONS	5,385	5,385	5,385	5,385
29	GUN MOUNT MODS	8,936	14,436	25,936	20,036
	OTHER				
30	PIONEER	7,056	7,056	7,056	7,056
31	CRUISER MODERNIZATION WEAPONS	18,470	18,470	18,470	18,470
32	AIRBORNE MINE NEUTRALIZATION SYSTEMS	3,151	3,151	3,151	3,151
	TOTAL, OTHER WEAPONS	206,700	212,200	223,700	217,800
34	SPARES AND REPAIR PARTS	55,936	55,936	55,936	55,936
	TOTAL, WEAPONS PROCUREMENT, NAVY	2,555,020	2,533,920	2,558,020	2,573,820

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
2	**TRIDENT II MODS**	**957,637**	**919,637**	**919,637**	**919,637**
	Conventional Trident Modification Program		-38,000	-38,000	-38,000
5	**AMRAAM**	**98,651**	**98,651**	**68,651**	**88,651**
	Excessive program delays			-30,000	-10,000
7	**JSOW**	**125,551**	**123,551**	**125,551**	**124,551**
	Program reduction - underexecution of FY06 funds		-2,000		-1,000
15	**STANDARD MISSILES MODS**	**54,644**	**57,644**	**63,644**	**58,644**
	Standard missile rocket motor regrain		3,000	9,000	4,000
16	**WEAPONS INDUSTRIAL FACILITIES**	**4,645**	**4,645**	**79,645**	**64,645**
	Allegany Ballistics Lab - facility restoration plan			75,000	60,000
17	**ORDNANCE SUPPORT EQUIPMENT**	**29,534**	**34,534**	**29,534**	**32,834**
	MK 48 ADCAP torpedo critical components		5,000		3,300
20	**MK-46 TORPEDO MODS**	**96,505**	**101,905**	**66,505**	**85,905**
	Torpedo technology insertion		5,400		4,400
	Stabilize acquisition profile			-30,000	-15,000
29	**GUN MOUNT MODS**	**8,936**	**14,436**	**25,936**	**20,036**
	MK 110 (57mm) naval gun		5,500	12,000	7,800
	MK 38 minor caliber gun system			5,000	3,300

MK-46/MK-54 MODS

The conferees agree to provide $85,905,000 for MK-46/MK-54 Mods. This is a reduction of $15,000,000 below the budget request due to fluctuating procurement quantities. The conferees understand that this funding will be sufficient to procure 160 MK-54 torpedo kits. The conferees are concerned about the inconsistent annual procurement quantities for this important program over the current Future Years Defense Plan. The conferees encourage the Navy to review this over the coming year and consider a more consistent annual rate, to provide manufacturing stability and lower unit costs.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars)			
		Budget	House	Senate	Conference
	PROCUREMENT OF AMMO, NAVY & MARINE CORPS				
	PROC AMMO, NAVY				
	NAVY AMMUNITION				
1	GENERAL PURPOSE BOMBS	119,561	124,061	119,561	123,161
2	JDAM	84,014	84,014	86,014	85,014
3	AIRBORNE ROCKETS, ALL TYPES	15,473	15,473	15,473	15,473
4	MACHINE GUN AMMUNITION	16,140	16,140	16,140	16,140
5	PRACTICE BOMBS	44,573	44,573	44,573	44,573
6	CARTRIDGES & CART ACTUATED DEVICES	33,999	37,599	33,999	36,899
7	AIRCRAFT ESCAPE ROCKETS	11,029	11,029	11,029	11,029
8	AIR EXPENDABLE COUNTERMEASURES	72,935	72,935	72,935	72,935
9	JATOS	4,643	4,643	4,643	4,643
10	5 INCH/54 GUN AMMUNITION	24,547	29,947	24,547	26,997
12	INTERMEDIATE CALIBER GUN AMMUNITION	5,729	5,729	13,729	10,929
13	OTHER SHIP GUN AMMUNITION	21,772	21,772	21,772	21,772
14	SMALL ARMS & LANDING PARTY AMMO	32,647	32,647	32,647	32,647
15	PYROTECHNIC AND DEMOLITION	9,189	9,189	9,189	9,189
16	AMMUNITION LESS THAN $5 MILLION	1,197	1,197	1,197	1,197
	TOTAL, PROC AMMO, NAVY	497,448	510,948	507,448	512,598

		(In thousands of dollars) Budget	House	Senate	Conference
	PROC AMMO, MC MARINE CORPS AMMUNITION				
17	5.56 MM, ALL TYPES	24,365	12,165	24,365	12,165
18	7.62 MM, ALL TYPES	14,814	7,414	14,814	7,414
19	LINEAR CHARGES, ALL TYPES	8,032	8,032	8,032	8,032
20	.50 CALIBER	6,440	3,240	6,440	3,240
21	40 MM, ALL TYPES	39,369	39,369	39,369	39,369
22	60MM, ALL TYPES	2,947	2,947	2,947	2,947
23	81MM, ALL TYPES	57,351	57,351	57,351	57,351
24	120MM, ALL TYPES	32,858	32,858	32,858	32,858
25	CTG 25MM, ALL TYPES	9,536	13,136	9,536	9,536
26	9 MM ALL TYPES	4,197	4,197	4,197	4,197
27	GRENADES, ALL TYPES	16,733	8,383	16,733	8,383
28	ROCKETS, ALL TYPES	10,201	10,201	10,201	13,101
29	ARTILLERY, ALL TYPES	35,514	35,514	35,514	35,514
30	EXPEDITIONARY FIGHTING VEHICLE	9,529	9,529	9,529	---
31	DEMOLITION MUNITIONS, ALL TYPES	8,282	8,282	8,282	8,282
32	FUZE, ALL TYPES	565	565	565	565
33	NON LETHALS	4,030	4,030	4,030	4,030
34	AMMO MODERNIZATION	7,732	7,732	7,732	7,732
	TOTAL, PROC AMMO, MC	292,495	264,945	292,495	254,716
	TOTAL, PROCUREMENT OF AMMO, NAVY & MARINE CORPS	789,943	775,893	799,943	767,314

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
1	**GENERAL PURPOSE BOMBS**	119,561	124,061	119,561	123,161
	Enhanced paveway II		4,500		3,600
2	**JDAM**	84,014	84,014	86,014	85,014
	IMU production facility sustainment			2,000	1,000
6	**CARTRIDGES & CART ACTUATED DEVICES**	33,999	37,599	33,999	36,899
	Joint water activated parachute release (JWARS)		3,600		2,900
10	**5 INCH/54 GUN AMMUNITION**	24,547	29,947	24,547	26,997
	Additional cartridge cases for 5"/54 ammunition		5,400		2,450
12	**INTERMEDIATE CALIBER GUN AMMUNITION**	5,729	5,729	13,729	10,929
	MK 295/MK 296 ammunition for MK 100 57mm naval gun			8,000	5,200
17	**5.56 MM, ALL TYPES**	24,365	12,165	24,365	12,165
	Authorization adjustment		-12,200		-12,200
18	**7.62 MM, ALL TYPES**	14,814	7,414	14,814	7,414
	Authorization adjustment		-7,400		-7,400
20	**.50 CALIBER**	6,440	3,240	6,440	3,240
	Authorization adjustment		-3,200		-3,200
25	**CTG 25MM, ALL TYPES**	9,536	13,136	9,536	9,536
	M72 lightweight attack weapon (LAW) system (Note: Conference funding provided in line 28)		3,600		0
27	**GRENADES, ALL TYPES**	16,733	8,383	16,733	8,383
	Authorization adjustment		-8,350		-8,350
28	**ROCKETS, ALL TYPES**	10,201	10,201	10,201	13,101
	M72 lightweight attack weapon (LAW) system (Note: Funding provided in House bill in line 25)				2,900
30	**EXPEDITIONARY FIGHTING VEHICLE**	9,529	9,529	9,529	0
	Adjustment to EFV acquisition strategy				-9,529

SHIPBUILDING AND CONVERSION, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) Budget	House	Senate	Conference
	SHIPBUILDING & CONVERSION, NAVY				
	OTHER WARSHIPS				
2	CARRIER REPLACEMENT PROGRAM (AP-CY)	784,143	784,143	784,143	791,893
3	VIRGINIA CLASS SUBMARINE	1,775,472	1,775,472	1,775,472	1,775,472
4	VIRGINIA CLASS SUBMARINE (AP-CY)	676,582	676,582	676,582	676,582
7	CVN REFUELING OVERHAUL	954,495	954,495	954,495	954,495
8	CVN REFUELING OVERHAULS (AP-CY)	117,139	117,139	117,139	117,139
10	SSN ERO (AP-CY)	22,078	22,078	---	---
11	SSBN ERO	189,022	189,022	189,022	189,022
12	SSBN ERO (AP-CY)	37,154	37,154	37,154	37,154
13	DD(X)	2,568,111	2,568,111	2,568,111	2,568,111
15	DDG-51	355,849	355,849	355,849	355,849
16	DDG-51 MODERNIZATION PROGRAM	---	50,000	---	---
17	LITTORAL COMBAT SHIP	520,670	520,670	300,670	520,670
	TOTAL, OTHER WARSHIPS	8,000,715	8,050,715	7,758,637	7,986,387
	AMPHIBIOUS SHIPS				
20	LPD-17(AP-CY)	297,492	297,492	297,492	297,492
21	LHA REPLACEMENT	1,135,917	1,135,917	1,135,917	1,135,917
	TOTAL, AMPHIBIOUS SHIPS	1,433,409	1,433,409	1,433,409	1,433,409
	AUXILIARIES, CRAFT, AND PRIOR-YEAR PROGRAM COSTS				
23	SPECIAL PURPOSE	---	4,500	---	2,900
23A	T-AGS OCEANGRAPHIC SURVEY SHIPS	---	---	117,000	117,000
25	OUTFITTING	410,643	410,643	370,643	370,643
26	SERVICE CRAFT	45,245	45,245	45,245	45,245
27	LCAC SLEP	110,692	110,692	110,692	110,692
28	COMPLETION OF PY SHIPBUILDING PROGRAMS	577,849	436,449	557,849	512,849
	TOTAL, AUXILIARIES, CRAFT, AND PRIOR-YEAR PROGRAM	1,144,429	1,007,529	1,201,429	1,159,329
	TOTAL, SHIPBUILDING & CONVERSION, NAVY	10,578,553	10,491,653	10,393,475	10,579,125

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
2	**CARRIER REPLACEMENT PROGRAM (AP-CY)**	**784,143**	**784,143**	**784,143**	**791,893**
	Nuclear propulsion equipment (Note: From Senate bill section 8147)				7,750
10	**SSN ERO (AP-CY)**	**22,078**	**22,078**	**0**	**0**
	Program delays/instability			-22,078	-22,078
16	**DDG-51 MODERNIZATION PROGRAM**	**0**	**50,000**	**0**	**0**
	Continuation of program (Note: Conference funding is provided in Other Procurement, Navy, line 6)		50,000		0
17	**LITTORAL COMBAT SHIP**	**520,670**	**520,670**	**300,670**	**520,670**
	Reduction of one LCS seaframe			-220,000	0
23	**SPECIAL PURPOSE**	**0**	**4,500**	**0**	**2,900**
	Surface unit riverine craft (SURC)		4,500		2,900
23A	**T-AGS OCEANOGRAPHIC SURVEY SHIPS**	**0**	**0**	**117,000**	**117,000**
	T-AGS 66 stretched modified repeat oceanographic survey ship			117,000	117,000
25	**OUTFITTING**	**410,643**	**410,643**	**370,643**	**370,643**
	Ship delivery schedule delays			-40,000	-40,000
28	**COMPLETION OF PRIOR YEAR SHIPBUILDING PROGRAMS**	**577,849**	**436,449**	**557,849**	**512,849**
	Unjustified cost growth		-141,400		-65,000
	Ship delivery schedule delays			-20,000	0

DDG–1000 PROGRAM

The conferees agree to provide $2,568,111,000 for the DDG–1000 (formerly DDX) Destroyer Program, and agree to delete language proposed by the House requiring full funding of a single lead ship. The effect of the conference agreement would allow the Navy to split fund twin lead ships of the DDG–1000 class, if authorized in separate legislation by the Congress. This action is being taken based upon the expectation that the total cost of these two ships is well understood and low risk. The conferees are willing to make this one-time exception to the full funding principle because of the unique situation with the shipbuilding industrial base and with the DDG–1000 program. The conferees will not entertain future requests to fund ships other than under the full funding principle, except for those historically funded in this manner (aircraft carriers and some large deck amphibious ships).

The unusual procurement of twin lead ships raises the risk that future design changes or production problems will impact two ships under construction simultaneously. This could raise costs significantly compared to other lead ship programs. However, the Navy believes the cost and schedule risk in the DDG–1000 program is low enough to permit the twin lead ship acquisition strategy. The Navy has identified the total cost to procure the twin lead ships of the DDG–1000 class as $6,582,200,000. The conferees insist that the Navy manage this program within that total cost, and will be unlikely to increase funding through a reprogramming or an additional budget request except in the case of emergency, natural disaster, or other impact arising from outside the Navy's shipbuilding program.

SHIP INSULATION

The conferees understand that the insulation material currently under consideration for use in future ships has not been fully evaluated for safety. The conferees believe that any new materials should be at least as safe as those materials currently in use and recommend that insulating materials that do not meet the weight, smoke generation, toxicity and other safety criteria should not be used in ship construction.

COMPLETION OF PRIOR YEAR SHIPBUILDING PROGRAMS

The conference agreement provides $512,849,000 for the completion of prior year shipbuilding programs. The reduction of $65,000,000 from the budget estimate shall be allocated as shown below:

Program	Budget estimate	Conference agreement	Reduction
CVN–77	$348,400,000	$318,400,000	−$30,000,000
LPD–20	65,049,000	60,049,000	−5,000,000
LPD–23	22,400,000	17,400,000	−5,000,000
SSN–775	25,000,000	20,000,000	−5,000,000
SSN–777	48,000,000	28,000,000	−20,000,000

OTHER PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) Budget	House	Senate	Conference
	OTHER PROCUREMENT, NAVY				
	SHIPS SUPPORT EQUIPMENT				
	SHIP PROPULSION EQUIPMENT				
1	LM-2500 GAS TURBINE	7,441	7,441	7,441	7,441
2	ALLISON 501K GAS TURBINE	16,182	16,182	16,182	16,182
	NAVIGATION EQUIPMENT				
3	OTHER NAVIGATION EQUIPMENT	31,039	34,039	32,039	32,039
	UNDERWAY REPLENISHMENT EQUIPMENT				
4	UNDERWAY REPLENISHMENT EQUIPMENT	928	928	928	928
	PERISCOPES				
5	SUB PERISCOPES & IMAGING EQUIP	73,729	73,729	64,729	64,729
	OTHER SHIPBOARD EQUIPMENT				
6	DDG MOD	2,179	2,179	2,179	32,179
7	FIREFIGHTING EQUIPMENT	17,914	17,914	17,914	17,914
8	COMMAND AND CONTROL SWITCHBOARD	2,693	2,693	2,693	2,693
9	POLLUTION CONTROL EQUIPMENT	27,889	27,889	27,889	27,889
10	SUBMARINE SUPPORT EQUIPMENT	25,231	26,231	20,831	26,231
11	VIRGINIA CLASS SUPPORT EQUIPMENT	155,510	157,510	155,510	156,510
12	SUBMARINE BATTERIES	33,814	21,814	33,814	21,814
13	STRATEGIC PLATFORM SUPPORT EQUIP	21,892	27,292	21,892	26,192
14	DSSP EQUIPMENT	4,729	4,729	4,729	4,729
15	CG-MODERNIZATION	233,666	233,666	233,666	233,666
16	LCAC	437	437	437	437
17	MINESWEEPING EQUIPMENT	17,843	13,993	13,993	13,993
18	ITEMS LESS THAN $5 MILLION	172,775	162,843	169,775	165,925
19	CHEMICAL WARFARE DETECTORS	3,141	3,141	3,141	3,141
20	SUBMARINE LIFE SUPPORT SYSTEM	13,751	14,751	13,751	14,751

(In thousands of dollars)

		Budget	House	Senate	Conference
	REACTOR PLANT EQUIPMENT				
21	REACTOR POWER UNITS	126,974	126,974	126,974	126,974
22	REACTOR COMPONENTS	228,087	228,087	228,087	228,087
	OCEAN ENGINEERING				
23	DIVING AND SALVAGE EQUIPMENT	6,287	6,287	6,287	6,287
	SMALL BOATS				
24	STANDARD BOATS	41,081	48,081	49,081	49,581
	TRAINING EQUIPMENT				
25	OTHER SHIPS TRAINING EQUIPMENT	3,887	6,137	3,887	5,687
	PRODUCTION FACILITIES EQUIPMENT				
26	OPERATING FORCES IPE	53,648	39,398	53,648	53,648
	OTHER SHIP SUPPORT				
27	NUCLEAR ALTERATIONS	109,571	109,571	109,571	109,571
28	LCS MODULES	79,059	79,059	1,559	79,059
29	TOTAL, SHIPS SUPPORT EQUIPMENT	1,511,377	1,492,995	1,422,627	1,528,277
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT SHIP RADARS				
30	RADAR SUPPORT	---	26,200	---	20,000
31	SPQ-9B RADAR	2,494	2,494	2,494	2,494
	SHIP SONARS				
32	AN/SQQ-89 SURF ASW COMBAT SYSTEM	37,783	43,783	37,783	40,483
33	SSN ACOUSTICS	284,896	290,096	270,896	274,196
34	UNDERSEA WARFARE SUPPORT EQUIPMENT	9,204	9,204	9,204	9,204
35	SONAR SWITCHES AND TRANSDUCERS	12,524	12,524	12,524	12,524
	ASW ELECTRONIC EQUIPMENT				
36	SUBMARINE ACOUSTIC WARFARE SYSTEM	20,227	20,227	20,227	20,227
37	SSTD	8,404	17,404	8,404	15,604
38	FIXED SURVEILLANCE SYSTEM	60,681	60,681	60,681	60,681
39	SURTASS	4,688	4,688	8,688	7,888
40	TACTICAL SUPPORT CENTER	5,238	5,238	5,238	5,238
	ELECTRONIC WARFARE EQUIPMENT				
41	AN/SLQ-32	30,955	30,955	30,955	30,955
42	INFORMATION WARFARE SYSTEMS	5,032	5,032	5,032	5,032
	RECONNAISSANCE EQUIPMENT				
43	SHIPBOARD IW EXPLOIT	70,782	77,082	66,882	71,982
	SUBMARINE SURVEILLANCE EQUIPMENT				
44	SUBMARINE SUPPORT EQUIPMENT PROG	83,114	90,614	83,114	86,614
	OTHER SHIP ELECTRONIC EQUIPMENT				
45	NAVY TACTICAL DATA SYSTEM	---	3,600	---	2,900

(In thousands of dollars)

		Budget	House	Senate	Conference
46	COOPERATIVE ENGAGEMENT CAPABILITY	22,502	27,502	22,502	27,502
47	GCCS-M EQUIPMENT	52,508	52,508	52,508	52,508
48	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	35,311	38,011	5,311	7,511
49	ATDLS	12,458	12,458	12,458	12,458
50	MINESWEEPING SYSTEM REPLACEMENT	75,442	75,442	57,448	57,448
51	SHALLOW WATER MCM	8,269	8,269	8,269	8,269
52	NAVSTAR GPS RECEIVERS (SPACE)	13,291	13,291	13,291	13,291
53	ARMED FORCES RADIO AND TV	4,481	4,481	4,481	4,481
54	STRATEGIC PLATFORM SUPPORT EQUIP	3,838	3,838	3,838	6,038
	TRAINING EQUIPMENT				
55	OTHER TRAINING EQUIPMENT	19,833	19,833	19,833	19,833
	AVIATION ELECTRONIC EQUIPMENT				
56	MATCALS	20,261	20,261	20,261	20,261
57	SHIPBOARD AIR TRAFFIC CONTROL	7,476	7,476	7,476	7,476
58	AUTOMATIC CARRIER LANDING SYSTEM	18,005	18,005	18,005	18,005
59	NATIONAL AIR SPACE SYSTEM	27,575	27,575	27,575	27,575
60	AIR STATION SUPPORT EQUIPMENT	3,968	3,968	3,968	3,968
61	MICROWAVE LANDING SYSTEM	9,157	9,157	9,157	9,157
62	FACSFAC	3,758	3,758	3,758	3,758
63	ID SYSTEMS	28,567	28,567	28,567	28,567
64	TAC A/C MISSION PLANNING SYS(TAMPS)	8,316	8,316	8,316	8,316
	OTHER SHORE ELECTRONIC EQUIPMENT				
66	COMMON IMAGERY GROUND SURFACE SYSTEMS	78,321	78,321	42,741	42,741
67	RADIAC	10,373	10,373	10,373	10,373
68	GPETE	7,086	9,086	7,086	8,086
69	INTEG COMBAT SYSTEM TEST FACILITY	4,283	4,283	4,283	4,283
70	EMI CONTROL INSTRUMENTATION	5,710	10,510	5,710	9,510
71	ITEMS LESS THAN $5 MILLION	22,489	28,489	22,489	27,289
	SHIPBOARD COMMUNICATIONS				
73	PORTABLE RADIOS	40,467	40,467	15,467	25,467
74	SHIP COMMUNICATIONS AUTOMATION	209,123	209,123	209,123	209,123
75	COMMUNICATIONS ITEMS UNDER $5M	12,574	12,574	12,574	12,574

(In thousands of dollars)

		Budget	House	Senate	Conference
	SUBMARINE COMMUNICATIONS				
76	SUBMARINE BROADCAST SUPPORT	666	666	666	666
77	SUBMARINE COMMUNICATION EQUIPMENT	87,900	87,900	90,900	89,300
	SATELLITE COMMUNICATIONS				
78	SATELLITE COMMUNICATIONS SYSTEMS	12,291	27,291	12,291	20,541
	SHORE COMMUNICATIONS				
79	JCS COMMUNICATIONS EQUIPMENT	2,788	2,788	2,788	2,788
80	ELECTRICAL POWER SYSTEMS	1,145	1,145	1,145	1,145
83	NAVAL SHORE COMMUNICATIONS	50,429	50,429	50,429	50,429
	CRYPTOGRAPHIC EQUIPMENT				
84	INFO SYSTEMS SECURITY PROGRAM (ISSP)	101,749	101,749	101,749	101,749
	CRYPTOLOGIC EQUIPMENT				
85	CRYPTOLOGIC COMMUNICATIONS EQUIP	21,758	21,758	21,758	21,758
	OTHER ELECTRONIC SUPPORT				
86	COAST GUARD EQUIPMENT	41,133	41,133	30,133	30,133
	TOTAL, COMMUNICATIONS AND ELECTRONICS EQUIPMENT	1,721,323	1,820,623	1,590,849	1,670,399
	AVIATION SUPPORT EQUIPMENT				
	SONOBUOYS				
88	SONOBUOYS - ALL TYPES	66,943	66,943	66,943	66,943
	AIRCRAFT SUPPORT EQUIPMENT				
89	WEAPONS RANGE SUPPORT EQUIPMENT	56,226	41,462	68,226	68,961
90	EXPEDITIONARY AIRFIELDS	8,064	8,064	8,064	8,064
91	AIRCRAFT REARMING EQUIPMENT	12,246	12,246	12,246	12,246
92	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT	29,817	29,817	29,817	29,817
93	METEOROLOGICAL EQUIPMENT	14,905	15,905	14,905	15,905
94	OTHER PHOTOGRAPHIC EQUIPMENT	1,459	1,459	1,459	1,459
95	AVIATION LIFE SUPPORT	18,624	8,624	20,124	15,524
96	AIRBORNE MINE COUNTERMEASURES	89,727	89,727	47,535	78,727
97	LAMPS MK III SHIPBOARD EQUIPMENT	27,369	27,369	15,869	15,869
98	OTHER AVIATION SUPPORT EQUIPMENT	10,821	13,821	10,821	12,821
	TOTAL, AVIATION SUPPORT EQUIPMENT	336,201	315,437	296,009	326,335

		(In thousands of dollars)			
		Budget	House	Senate	Conference
	ORDNANCE SUPPORT EQUIPMENT				
	SHIP GUN SYSTEM EQUIPMENT				
99	NAVAL FIRES CONTROL SYSTEM	3,311	3,311	3,311	3,311
100	GUN FIRE CONTROL EQUIPMENT	7,443	7,443	7,443	7,443
	SHIP MISSILE SYSTEMS EQUIPMENT				
101	HARPOON SUPPORT EQUIPMENT	100	100	100	100
102	NATO SEASPARROW	4,582	4,582	4,582	4,582
103	RAM GMLS	9,987	9,987	11,487	10.987
104	SHIP SELF DEFENSE SYSTEM	56,668	56,668	56,668	56,668
105	AEGIS SUPPORT EQUIPMENT	75,349	79,349	75,349	77,149
107	TOMAHAWK SUPPORT EQUIPMENT	61,185	61,185	61,185	61,185
109	VERTICAL LAUNCH SYSTEMS	6,557	6,557	6,557	6,557
	FBM SUPPORT EQUIPMENT				
110	STRATEGIC MISSILE SYSTEMS EQUIP	111,127	99,127	99,127	99,127
	ASW SUPPORT EQUIPMENT				
111	SSN COMBAT CONTROL SYSTEMS	92,876	92,876	92,876	92,876
112	SUBMARINE ASW SUPPORT EQUIPMENT	4,946	4,946	4,946	4,946
113	SURFACE ASW SUPPORT EQUIPMENT	4,642	4,642	7,642	6,642
114	ASW RANGE SUPPORT EQUIPMENT	7,188	7,188	7,188	7,188
	OTHER ORDNANCE SUPPORT EQUIPMENT				
115	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	21,494	21,494	24,494	23,444
116	ITEMS LESS THAN $5 MILLION	4,041	4,041	4,041	4,041
	OTHER EXPENDABLE ORDNANCE				
117	ANTI-SHIP MISSILE DECOY SYSTEM	54,131	54,131	59,631	56,631
118	SURFACE TRAINING DEVICE MODS	11,243	11,243	11,243	11,243
119	SUBMARINE TRAINING DEVICE MODS	24,776	24,776	24,776	27,526
	TOTAL, ORDNANCE SUPPORT EQUIPMENT	561,646	553,646	562,646	561,646

(In thousands of dollars)

	Budget	House	Senate	Conference
CIVIL ENGINEERING SUPPORT EQUIPMENT				
120 PASSENGER CARRYING VEHICLES	2,184	2,184	2,184	2,184
121 GENERAL PURPOSE TRUCKS	2,200	2,200	2,200	2,200
122 CONSTRUCTION & MAINTENANCE EQUIP	25,441	40,441	25,441	35,191
123 FIRE FIGHTING EQUIPMENT	16,726	16,726	16,726	16,726
124 TACTICAL VEHICLES	29,432	29,432	29,432	29,432
125 AMPHIBIOUS EQUIPMENT	86,604	86,604	86,604	86,604
126 POLLUTION CONTROL EQUIPMENT	12,066	12,066	12,066	12,066
127 ITEMS UNDER $5 MILLION	39,845	39,845	39,845	39,845
128 PHYSICAL SECURITY VEHICLES	1,317	1,317	1,317	1,317
TOTAL, CIVIL ENGINEERING SUPPORT EQUIPMENT	215,815	230,815	215,815	225,565
SUPPLY SUPPORT EQUIPMENT				
129 MATERIALS HANDLING EQUIPMENT	13,716	14,716	30,716	26,416
130 OTHER SUPPLY SUPPORT EQUIPMENT	12,080	13,080	12,080	13,080
131 FIRST DESTINATION TRANSPORTATION	5,925	5,925	5,925	5,925
132 SPECIAL PURPOSE SUPPLY SYSTEMS	65,938	65,938	65,938	65,938
TOTAL, SUPPLY SUPPORT EQUIPMENT	97,659	99,659	114,659	111,359
PERSONNEL AND COMMAND SUPPORT EQUIPMENT				
TRAINING DEVICES				
133 TRAINING SUPPORT EQUIPMENT	18,222	20,222	18,222	19,222
COMMAND SUPPORT EQUIPMENT				
134 COMMAND SUPPORT EQUIPMENT	58,576	60,576	67,076	63,326
135 EDUCATION SUPPORT EQUIPMENT	390	390	390	390
136 MEDICAL SUPPORT EQUIPMENT	5,590	9,590	11,590	9,290
138 OPERATING FORCES SUPPORT EQUIPMENT	15,270	15,270	15,270	15,270
139 C4ISR EQUIPMENT	10,685	10,685	10,685	10,685
140 ENVIRONMENTAL SUPPORT EQUIPMENT	16,138	16,138	16,138	16,138
141 PHYSICAL SECURITY EQUIPMENT	166,302	139,237	160,769	140,587
142 ENTERPRISE INFORMATION TECHNOLOGY	3,995	7,995	6,495	6,595
TOTAL, PERSONNEL AND COMMAND SUPPORT EQUIPMENT	295,168	280,103	306,635	281,503
147 SPARES AND REPAIR PARTS	219,886	219,886	213,750	213,750
999 CLASSIFIED PROGRAMS	8,841	8,841	8,841	8,841
TOTAL, OTHER PROCUREMENT, NAVY	4,967,916	5,022,005	4,731,831	4,927,676

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
3	**OTHER NAVIGATION EQUIPMENT**	**31,039**	**34,039**	**32,039**	**32,039**
	Amphibious integrated bridge system		3,000	3,000	3,000
	Scalable ECDIS-N acquisition profile			-2,000	-2,000
5	**SUBMARINE PERISCOPES AND IMAGING EQUIPMENT**	**73,729**	**73,729**	**64,729**	**64,729**
	ISIS -- maintain LRIP			-10,000	-10,000
	Photonic mast spares for SSGN class submarines			1,000	1,000
6	**DDG MODERNIZATION**	**2,179**	**2,179**	**2,179**	**32,179**
	DDG-51 modernization program (Note: House bill provided funding in Shipbuilding and Conversion, Navy, line 16)				30,000
10	**SUBMARINE SUPPORT EQUIPMENT**	**25,231**	**26,231**	**20,831**	**26,231**
	High performance brush program		1,000		1,000
	South TOTO schedule deceleration			-4,400	0
11	**VIRGINIA CLASS SUPPORT EQUIPMENT**	**155,510**	**157,510**	**155,510**	**156,510**
	Virginia/668 and DDX class maintenance planning system technology insertion		2,000		1,000
12	**SUBMARINE BATTERIES**	**33,814**	**21,814**	**33,814**	**21,814**
	Funding ahead of need		-12,000		-12,000
13	**STRATEGIC PLATFORM SUPPORT EQUIPMENT**	**21,892**	**27,292**	**21,892**	**26,192**
	U. S. Navy submarine common electronics equipment replacement Q-70		5,400		4,300
17	**MINESWEEPING EQUIPMENT**	**17,843**	**13,993**	**13,993**	**13,993**
	Very shallow water UUV - reduce from 9 to 6		-3,850	-3,850	-3,850
18	**ITEMS LESS THAN $5 MILLION**	**172,775**	**162,843**	**169,775**	**165,925**
	Reduce LPD-17 class upgrades (-$8,356) and LSD mid-life upgrades (-$9,076)		-17,432		0
	Total ship information management system (TSIMS)		3,500		2,300
	LSD 49 class 30 ton crane controls replacement		4,000		3,200
	Reduction to growth			-20,000	-20,000
	Advanced control monitoring system (ACMS)			4,000	1,800
	Canned lube pumps LSD-41/49 class amphibious ships			2,000	1,000
	CVN propeller replacement program			5,000	2,250
	Machinery control and surveillance system for gas turbine ships			3,000	1,300
	Naval shipyard electronic procedure and training tracking system			3,000	1,300
20	**SUBMARINE LIFE SUPPORT SYSTEM**	**13,751**	**14,751**	**13,751**	**14,751**
	Central atmosphere monitoring system (CAMS IIA)		1,000		1,000
24	**STANDARD BOATS**	**41,081**	**48,081**	**49,081**	**49,581**
	Life raft procurement		4,000		2,200
	Weapon retrieval vehicle		3,000		2,400
	Advanced boat lifts for Navy small boats program			3,000	1,700
	Barrier boat craft			5,000	2,200
25	**OTHER SHIPS TRAINING EQUIPMENT**	**3,887**	**6,137**	**3,887**	**5,687**
	Tactical fifth wheel trailer		2,250		1,800
26	**OPERATING FORCES IPE**	**53,648**	**39,398**	**53,648**	**53,648**
	Shipyard Capital Investment Program - reduce growth		-14,250		0

P-1		Budget Request	House	Senate	Conference
28	**LCS MISSION MODULES**	**79,059**	**79,059**	**1,559**	**79,059**
	Mission package -- buying ahead of need			-77,500	0
30	**RADAR SUPPORT**	**0**	**26,200**	**0**	**20,000**
	Enhanced detection adjunct processor		7,000		4,600
	AN/SYS-2(V)13 track management systems for FFG-7 ships		4,000		3,200
	AN/SPS-67		8,000		6,400
	SPA-25G radar display refresh kits		7,200		5,800
32	**AN/SQQ-89 SURF ASW COMBAT SYSTEM**	**37,783**	**43,783**	**37,783**	**40,483**
	AN/SPQ-9B for littoral combat ship		6,000		2,700
33	**SSN ACOUSTICS**	**284,896**	**290,096**	**270,896**	**274,196**
	Common depth sounder		2,500		1,100
	Submarine sonar technology insertion (SBIR N96-278)		2,700		2,200
	Excessive growth			-14,000	-14,000
37	**SSTD**	**8,404**	**17,404**	**8,404**	**15,604**
	AN/SLQ-25A torpedo countermeasure system		7,200		5,800
	Distributed engineering center for torpedo defense		1,800		1,400
39	**SURTASS**	**4,688**	**4,688**	**8,688**	**7,888**
	Surveillance towed array repair and overhaul facility			4,000	3,200
43	**SHIPBOARD IW EXPLOIT**	**70,782**	**77,082**	**66,882**	**71,982**
	Tapered slot antenna (TSA) system		2,700		2,200
	SSEE tactical COMINT/ELINT integration upgrade		3,600		2,900
	CDLS delays			-3,900	-3,900
44	**SUBMARINE SUPPORT EQUIPMENT PROGRAM**	**83,114**	**90,614**	**83,114**	**86,614**
	Submarine AN/BLQ-10 digital receiver upgrade		2,000		1,000
	Submarine RNB multi-channel ELINT insertion		5,500		2,500
45	**NAVY TACTICAL DATA SYSTEM**	**0**	**3,600**	**0**	**2,900**
	SSDS/ACDS CVN/amphib shore site upgrade		3,600		2,900
46	**COOPERATIVE ENGAGEMENT CAPABILITY**	**22,502**	**27,502**	**22,502**	**27,502**
	Cooperative engagement capability		5,000		5,000
48	**NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)**	**35,311**	**38,011**	**5,311**	**7,511**
	AN/UYQ-70-based C4ISR servers		2,700		2,200
	MS C delays			-30,000	-30,000
50	**MINESWEEPING SYSTEM REPLACEMENT**	**75,442**	**75,442**	**57,448**	**57,448**
	RMS program delays			-17,994	-17,994
54	**STRATEGIC PLATFORM SUPPORT EQUIPMENT**	**3,838**	**3,838**	**3,838**	**6,038**
	Intelligent graphic interface for submarines (Note: Transfer from O&M, Navy)				2,200
66	**COMMON IMAGERY GROUND SURFACE SYSTEMS**	**78,321**	**78,321**	**42,741**	**42,741**
	DCGS-N test concurrency			-35,580	-35,580

P-1		Budget Request	House	Senate	Conference
68	**GPETE**	**7,086**	**9,086**	**7,086**	**8,086**
	Allen telescope array		2,000		1,000
70	**EMI CONTROL INSTRUMENTATION**	**5,710**	**10,510**	**5,710**	**9,510**
	Pacific Missile Range Facility (PMRF) spectrum monitoring stations		1,800		1,400
	Personal dosimeters		3,000		2,400
71	**ITEMS LESS THAN $5 MILLION**	**22,489**	**28,489**	**22,489**	**27,289**
	AN/SPS-48E radar obsolescence, availability and recovery		6,000		4,800
73	**PORTABLE RADIOS**	**40,467**	**40,467**	**15,467**	**25,467**
	Stabilize acquisition profile			-25,000	-15,000
77	**SUBMARINE COMMUNICATION EQUIPMENT**	**87,900**	**87,900**	**90,900**	**89,300**
	Integrated voice communications equipment for the SSN 688			3,000	1,400
78	**SATELLITE COMMUNICATIONS SYSTEMS**	**12,291**	**27,291**	**12,291**	**20,541**
	Navy satellite comm terminals WSC-6E(V)9		15,000		8,250
86	**COAST GUARD EQUIPMENT**	**41,133**	**41,133**	**30,133**	**30,133**
	Excessive growth			-11,000	-11,000
89	**WEAPONS RANGE SUPPORT EQUIPMENT**	**56,226**	**41,462**	**68,226**	**68,961**
	Shallow Water Training Range		-19,164		-1,665
	Multispectral threat emitter system (MTES)		2,000		1,300
	SCORE smart targets for San Clemente range complex		2,400		1,100
	Joint threat emitter for PTA			4,000	4,000
	PMRF equipment			8,000	8,000
93	**METEOROLOGICAL EQUIPMENT**	**14,905**	**15,905**	**14,905**	**15,905**
	Runway visual range for NAS Lemoore		1,000		1,000
95	**AVIATION LIFE SUPPORT**	**18,624**	**8,624**	**20,124**	**15,524**
	Combat survivor evader locator (CSEL) radio		-10,000	-10,000	-10,000
	M-176 microphone and mask			5,000	3,250
	RI-2200 long arm high intensity searchlights for Navair			3,500	2,300
	Multi climate protection system (MCP) for Navy and USMC			3,000	1,350
96	**AIRBORNE MINE COUNTERMEASURES**	**89,727**	**89,727**	**47,535**	**78,727**
	AQS-20A - maintain LRIP			-20,000	0
	ALMDS program restructure			-22,192	-11,000
97	**LAMPS MK III SHIPBOARD EQUIPMENT**	**27,369**	**27,369**	**15,869**	**15,869**
	Excessive growth			-11,500	-11,500
98	**OTHER AVIATION SUPPORT EQUIPMENT**	**10,821**	**13,821**	**10,821**	**12,821**
	Navy depot maintenance unique ID		3,000		2,000
103	**RAM GMLS**	**9,987**	**9987**	**11,487**	**10,987**
	RAM weapon system - launcher switching multiplexer unit			1,500	1,000

P-1	Budget Request	House	Senate	Conference
105 AEGIS SUPPORT EQUIPMENT	**75,349**	**79,349**	**75,349**	**77,149**
Aegis computer center upgrades		4,000		1,800
110 STRATEGIC MISSILE SYSTEMS EQUIP	**111,127**	**99,127**	**99,127**	**99,127**
Conventional Trident Modification Program		-12,000	-12,000	-12,000
113 SURFACE ASW SUPPORT EQUIPMENT	**4,642**	**4,642**	**7,642**	**6,642**
MK 32 surface vessel torpedo tube (SVTT) remanufacture			3,000	2,000
115 EXPLOSIVE ORDNANCE DISPOSAL EQUIPMENT	**21,494**	**21,494**	**24,494**	**23,444**
SCOUT system for Navy EOD			3,000	1,950
117 ANTI-SHIP MISSILE DECOY SYSTEM	**54,131**	**54,131**	**59,631**	**56,631**
MK 53 (Nulka) decoy system			5,500	2,500
119 SUBMARINE TRAINING DEVICE MODS	**24,776**	**24,776**	**24,776**	**27,526**
Intelligent graphic data distribution training (Note: Transfer from O&M, Navy)				2,750
122 CONSTRUCTION & MAINTENANCE EQUIPMENT	**25,441**	**40,441**	**25,441**	**35,191**
U. S. Navy NCF construction equipment		15,000		9,750
129 MATERIALS HANDLING EQUIPMENT	**13,716**	**14,716**	**30,716**	**26,416**
NIROP industrial facilities materials staging area		1,000		1,000
Flight hanger/deck cleaner			4,000	3,200
Millenia military vehicle			8,000	5,200
Seabee loaders with six-ton materials handling equipment capability			5,000	3,300
130 OTHER SUPPLY SUPPORT EQUIPMENT	**12,080**	**13,080**	**12,080**	**13,080**
Serial number tracking system		1,000		1,000
133 TRAINING SUPPORT EQUIPMENT	**18,222**	**20,222**	**18,222**	**19,222**
Laser marksmanship training system (LMTS) for the Navy Reserve		2,000		1,000
134 COMMAND SUPPORT EQUIPMENT	**58,576**	**60,576**	**67,076**	**63,326**
EMPRS IT COOP (Note: Conference funding is provided under "Electronic military personnel records system (EMPRS)")		2,000		0
Command and support equipment			4,000	1,800
Electronic military personnel records system (EMPRS)			4,500	2,950
136 MEDICAL SUPPORT EQUIPMENT	**5,590**	**9,590**	**11,590**	**9,290**
Catastrophic response and accountability 21		2,000		1,000
Combat casualty care equipment upgrade		2,000	6,000	2,700
141 PHYSICAL SECURITY EQUIPMENT	**166,302**	**139,237**	**160,769**	**140,587**
WRAS and SPS program adjustment		-28,865		-28,865
SPS program restructure			-8,533	0
Body armor – procurement with side, under arm, and extremity protection		1,800		1,450
SEAFOX remote controlled surface vehicle			3,000	1,700

P-1	Budget Request	House	Senate	Conference
142 ENTERPRISE INFORMATION TECHNOLOGY	**3,995**	**7,995**	**6,495**	**6,595**
NAVRES IT COOP		4,000	2,500	2,600
147 SPARES AND REPAIR PARTS	**219,886**	**219,886**	**213,750**	**213,750**
Buying ahead of need			-6,136	-6,136

WEAPONS RANGE SUPPORT EQUIPMENT

The reduction of $1,665,000 in this program element deletes funding for the East Coast Undersea Warfare Training Range (USWTR). The House had proposed no funding for this project. None of the reduction is to be allocated against the Southern California ASW Range (SOAR) or the Barking Sands Underwater Range Expansion (BSURE) projects. In addition, the conferees direct that no fiscal year 2007 or prior year funding be obligated for the East Coast USWTR project except for activities directly associated with the National Environmental Policy Act (NEPA) process. The conferees further direct the Navy to clearly identify funding for the East Coast USWTR in future budget submissions.

PROCUREMENT, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars)			
		Budget	House	Senate	Conference
	PROCUREMENT, MARINE CORPS				
	WEAPONS AND COMBAT VEHICLES				
	TRACKED COMBAT VEHICLES				
1	AAV7A1 PIP	12,481	12,481	12,481	12,481
2	EXPEDITIONARY FIGHTING VEHICLE	230,622	166,622	230,622	---
3	EXPEDITIONARY FIGHTING VEHICLE ADVANCE PROC (CY)	25,582	25,582	25,582	---
4	LAV PIP	25,990	25,990	14,455	14,455
8	M1A1 FIREPOWER ENHANCEMENTS	19,085	19,085	19,085	19,085
	ARTILLERY AND OTHER WEAPONS				
9	EXPEDITIONARY FIRE SUPPORT SYSTEM	7,361	15,361	352	15,361
10	155MM LIGHTWEIGHT TOWED HOWITZER	94,365	94,365	94,365	94,365
13	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	57,524	57,524	5,524	5,524
14	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	8,959	4,459	1,959	3,459
	OTHER SUPPORT				
16	MODIFICATION KITS	8,968	8,968	8,968	8,968
17	WEAPONS ENHANCEMENT PROGRAM	17,051	17,051	17,051	17,051
	TOTAL, WEAPONS AND COMBAT VEHICLES	507,988	447,488	430,444	190,749
	GUIDED MISSILES AND EQUIPMENT				
	GUIDED MISSILES				
19	GROUND BASED AIR DEFENSE	3,894	3,894	3,894	3,894
22	COMPLEMENTARY LOW ALTITUDE WEAPON SYSTEM	3,155	3,155	---	---
	OTHER SUPPORT				
23	MODIFICATION KITS	3,282	3,282	3,282	3,282
	TOTAL, GUIDED MISSILES AND EQUIPMENT	10,331	10,331	7,176	7,176

		(In thousands of dollars)			
		Budget	House	Senate	Conference
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT				
	COMMAND AND CONTROL SYSTEMS				
24	UNIT OPERATIONS CENTER	7,752	7,752	1,252	1,252
	REPAIR AND TEST EQUIPMENT				
25	REPAIR AND TEST EQUIPMENT	13,088	13,088	13,088	13,088
26	AUTO TEST SYSTEM	---	---	12,000	10,000
	OTHER SUPPORT (TEL)				
29	COMBAT SUPPORT SYSTEM	14,304	14,304	14,304	14,304
30	MODIFICATION KITS	17,456	17,456	17,456	17,456
32	ITEMS UNDER $5 MILLION (COMM & ELEC)	4,061	4,061	4,061	4,061
33	AIR OPERATIONS C2 SYSTEMS	41,056	41,056	5,525	24,056
	RADAR + EQUIPMENT (NON-TEL)				
37	RADAR SYSTEMS	14,796	14,796	14,796	14,796
	INTELL/COMM EQUIPMENT (NON-TEL)				
41	FIRE SUPPORT SYSTEM	31,808	31,808	32,808	31,808
43	INTELLIGENCE SUPPORT EQUIPMENT	26,040	26,040	28,800	27,600
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)				
47	NIGHT VISION EQUIPMENT	13,675	6,825	14,675	7,825
	OTHER SUPPORT (NON-TEL)				
48	COMMON COMPUTER RESOURCES	67,230	72,230	76,130	73,380
49	COMMAND POST SYSTEMS	19,747	19,747	19,747	19,747
50	RADIO SYSTEMS	53,521	32,271	45,096	21,921
51	COMM SWITCHING & CONTROL SYSTEMS	49,190	49,190	49,190	49,190
52	COMM & ELEC INFRASTRUCTURE SUPPORT	17,137	17,137	17,137	17,137
	TOTAL, COMMUNICATIONS AND ELECTRONICS EQUIPMENT	390,861	367,761	366,065	352,621

(In thousands of dollars)

		Budget	House	Senate	Conference
	SUPPORT VEHICLES				
	ADMINISTRATIVE VEHICLES				
54	COMMERCIAL PASSENGER VEHICLES..........................	351	351	351	351
55	COMMERCIAL CARGO VEHICLES............................	12,035	12,035	12,035	12,035
	TACTICAL VEHICLES				
56	5/4T TRUCK HMMWV (MYP)................................	72,351	36,151	72,351	36,151
58	MEDIUM TACTICAL VEHICLE REPLACEMENT..................	656	656	656	656
59	LIGHTWEIGHT PRIME MOVER...............................	11	11	11	11
60	LOGISTICS VEHICLE SYSTEM REP..........................	68,785	47,085	47,085	47,085
61	FAMILY OF TACTICAL TRAILERS...........................	12,664	12,664	12,664	12,664
	OTHER SUPPORT				
62	ITEMS LESS THAN $5 MILLION............................	2,869	2,869	2,869	2,869
	TOTAL, SUPPORT VEHICLES.............................	169,722	111,822	148,022	111,822
	ENGINEER AND OTHER EQUIPMENT				
	ENGINEER AND OTHER EQUIPMENT				
63	ENVIRONMENTAL CONTROL EQUIP ASSORT....................	2,039	2,039	2,039	2,039
65	BULK LIQUID EQUIPMENT.................................	17,543	17,543	17,543	17,543
66	TACTICAL FUEL SYSTEMS.................................	4,064	5,064	4,064	5,064
68	POWER EQUIPMENT ASSORTED..............................	9,999	13,999	9,999	13,199
69	AMPHIBIOUS SUPPORT EQUIPMENT..........................	13,218	13,218	15,218	13,218
70	EOD SYSTEMS...	14,838	7,438	14,838	7,438
	MATERIALS HANDLING EQUIPMENT				
72	PHYSICAL SECURITY EQUIPMENT...........................	5,205	5,205	11,205	9,105
73	GARRISON MOBILE ENGR EQUIP............................	11,161	11,161	11,161	11,161
74	MATERIAL HANDLING EQUIP...............................	17,031	17,031	17,031	17,031
75	FIRST DESTINATION TRANSPORTATION......................	5,216	5,216	5,216	5,216

(In thousands of dollars)

		Budget	House	Senate	Conference
77	GENERAL PROPERTY FIELD MEDICAL EQUIPMENT	3,224	5,224	3,224	5,224
79	TRAINING DEVICES	13,797	73,297	13,797	61,397
80	CONTAINER FAMILY	3,011	3,011	3,011	3,011
81	FAMILY OF CONSTRUCTION EQUIPMENT	20,058	20,058	20,058	20,058
82	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV)	2,759	2,759	2,759	2,759
84	RAPID DEPLOYABLE KITCHEN	5,148	5,148	5,148	5,148
86	OTHER SUPPORT ITEMS LESS THAN $5 MILLION	10,463	10,463	10,463	10,463
	TOTAL, ENGINEER AND OTHER EQUIPMENT	158,774	217,874	166,774	209,074
88	SPARES AND REPAIR PARTS	35,837	35,837	32,837	23,129
	TOTAL, PROCUREMENT, MARINE CORPS	1,273,513	1,191,113	1,151,318	894,571

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

P-1	Budget Request	House	Senate	Conference
2 EXPEDITIONARY FIGHTING VEHICLE	**230,622**	**166,622**	**230,622**	**0**
Adjustment to acquisition strategy		-64,000		-75,622
Transfer to RDTE,N Line for continued SDD effort				-155,000
3 EXPEDITIONARY FIGHTING VEHICLE ADVANCE PROC (CY)	**25,582**	**25,582**	**25,582**	**0**
Adjustment to acquisition strategy		-64,000		-25,582
4 LAV PIP	**25,990**	**25,990**	**14,455**	**14,455**
C2 Upgrade program deceleration			-11,535	-11,535
9 EXPEDITIONARY FIRE SUPPORT SYSTEM	**7,361**	**15,361**	**352**	**15,361**
Armor Kits for Expeditionary Fire Support System (EFSS)/ITV		8,000		8,000
Program deceleration			-7,009	0
13 HIGH MOBILITY ARTILLERY ROCKET SYSTEM	**57,524**	**57,524**	**5,524**	**5,524**
Budget Realignment			-52,000	-52,000
14 WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	**8,959**	**4,459**	**1,959**	**3,459**
Authorization Adjustment		-4,500		0
Execution delays			-7,000	-5,500
22 COMPLEMENTARY LOW ALTITUDE WEAPON SYSTEM	**3,155**	**3,155**	**0**	**0**
Program delay			-3,155	-3,155
24 UNIT OPERATIONS CENTER	**7,752**	**7,752**	**1,252**	**1,252**
Program growth			-6,500	-6,500
26 AUTO TEST SYSTEM	**0**	**0**	**12,000**	**10,000**
Digitization of DoD Manuals			12,000	10,000
33 AIR OPERATIONS C2 SYSTEMS	**41,056**	**41,056**	**5,525**	**24,056**
CAC2S premature LRIP			-35,531	-17,000
41 FIRE SUPPORT SYSTEM	**31,808**	**31,808**	**32,808**	**31,808**
Laser Designator LITES (Transfer to RDTE,N Line 21)			1,000	0
43 INTELLIGENCE SUPPORT EQUIPMENT	**26,040**	**26,040**	**28,800**	**27,600**
Distributed Common Ground Station Integration delays			-3,240	-3,240
Carbon Composite Expandable Two Side ISO Shelter for USMC			6,000	4,800
47 NIGHT VISION EQUIPMENT	**13,675**	**6,825**	**14,675**	**7,825**
Authorization Adjustment		-6,850		-6,850
Commanders Handheld Thermal Sensor			1,000	1,000
48 COMMON COMPUTER RESOURCES	**67,230**	**72,230**	**76,130**	**78,380**
Marine Corps Enterprise IT Service COOP		5,000		4,000
Performance Enhancements for Information Assurance and Information Systems			8,900	7,150

P-1	Budget Request	House	Senate	Conference
50 RADIO SYSTEMS	**53,521**	**32,271**	**45,096**	**21,921**
Authorization Adjustment		-26,750		-26,750
Miniature Multi-band Beacons (MMB)		5,500		3,575
Condor delays			-8,425	-8,425
56 5/4T TRUCK HMMWV (MYP)	**72,351**	**36,151**	**72,351**	**36,151**
Authorization Adjustment		-36,200		-36,200
60 LOGISTICS VEHICLE SYSTEM REP	**68,785**	**47,085**	**47,085**	**47,085**
Schedule Slip/Excessive Unit Cost Growth		-21,700	-21,700	-21,700
66 TACTICAL FUEL SYSTEMS	**4,064**	**5,064**	**4,064**	**5,064**
Nitrile Rubber Collapsible Storage Units		1,000		1,000
68 POWER EQUIPMENT ASSORTED	**9,999**	**13,999**	**9,999**	**13,199**
Range Modernization Air Sensor Tracking System		4,000		3,200
69 AMPHIBIOUS SUPPORT EQUIPMENT	**13,218**	**13,218**	**15,218**	**13,218**
Virtual Combat Convoy Trainer (VCCT) (Transfer to P,MC Line 79)			2,000	0
70 EOD SYSTEMS	**14,838**	**7,438**	**14,838**	**7,438**
Authorization Adjustment		-7,400		-7,400
72 PHYSICAL SECURITY EQUIPMENT	**5,205**	**5,205**	**11,205**	**9,105**
Marine Corps Flight Line Security acceleration			6,000	3,900
77 FIELD MEDICAL EQUIPMENT	**3,224**	**5,224**	**3,224**	**5,224**
Rapid Intravenous (IV) Infusion Pump		2,000		2,000
79 TRAINING DEVICES	**13,797**	**73,297**	**13,797**	**61,397**
MAGTFTC Range Transformation Initiative		54,000		43,200
MCB Virtual Combat Convoy Trainer (VCCT) (includes transfer from P,MC Line 69)		5,500		4,400
88 SPARES AND REPAIR PARTS	**35,837**	**35,837**	**32,837**	**23,129**
Funding ahead of need			-3,000	-3,000
Adjustment to EFV acquisition strategy				-9,708

AIRCRAFT PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars)			
		Budget	House	Senate	Conference
	AIRCRAFT PROCUREMENT, AIR FORCE				
	COMBAT AIRCRAFT				
	TACTICAL FORCES				
1	F-35	869,704	729,704	---	480,000
2	F-35 (AP-CY)	145,310	73,310	---	94,000
3	F-22A	1,503,898	2,903,898	2,921,898	2,710,398
4	F-22A (AP-CY)	477,404	477,404	409,804	687,404
	TOTAL, COMBAT AIRCRAFT	2,996,316	4,184,316	3,331,702	3,971,802
	AIRLIFT AIRCRAFT				
	TACTICAL AIRLIFT				
7	C-17A (MYP)	2,636,192	2,246,192	2,306,692	2,264,692
	OTHER AIRLIFT				
11	C-130J	697,287	697,287	697,287	697,287
12	C-130J ADVANCE PROCUREMENT (CY)	90,000	90,000	90,000	90,000
13	KC-X ADVANCE PROCUREMENT (CY)	36,130	---	---	---
14	LIGHT CARGO AIRCRAFT	15,783	---	---	---
	TOTAL, AIRLIFT AIRCRAFT	3,475,392	3,033,479	3,093,979	3,051,979
	TRAINER AIRCRAFT				
	OPERATIONAL TRAINERS				
17	JPATS	305,129	305,129	305,129	305,129
	OTHER AIRCRAFT				
	HELICOPTERS				
18	V-22 OSPREY	208,573	208,573	208,573	208,573
19	V-22 OSPREY (AP-CY)	34,390	34,390	34,390	34,390
	MISSION SUPPORT AIRCRAFT				
20	CIVIL AIR PATROL A/C	2,193	10,193	10,193	10,193
	OTHER AIRCRAFT				
21	TARGET DRONES	82,042	82,042	82,042	82,042
23	GLOBAL HAWK	429,288	341,288	392,288	398,988
24	GLOBAL HAWK (AP-CY)	63,903	45,903	50,903	50,903
25	PREDATOR UAV	229,095	37,865	152,415	37,865
	TOTAL, OTHER AIRCRAFT	1,049,484	760,254	930,804	822,954

		(In thousands of dollars) Budget	House	Senate	Conference
	MODIFICATION OF INSERVICE AIRCRAFT				
	STRATEGIC AIRCRAFT				
26	B-2A	191,282	191,282	191,282	191,282
27	B-1B	53,255	55,255	55,255	55,255
28	B-52	70,147	70,147	70,147	70,147
29	F-117	24,422	24,422	2,022	2,022
	TACTICAL AIRCRAFT				
30	A-10	107,432	89,832	120,132	107,332
31	F-15	92,901	149,901	179,901	164,901
32	F-16	352,054	371,054	363,054	374,154
33	F-22A	216,095	156,095	146,095	146,095
	AIRLIFT AIRCRAFT				
35	C-5	156,378	156,378	168,378	161,778
36	C-5 (AP-CY)	66,700	66,700	66,700	66,700
38	C-17A	251,404	251,404	251,404	251,404
39	C-21	1,322	1,322	1,322	1,322
40	C-32A	198	5,198	198	5,198
41	C-37A	404	404	404	404
	TRAINER AIRCRAFT				
42	GLIDER MODS	115	115	115	115
43	T6	6,164	6,164	6,164	6,164
44	T-1	188	188	188	188
45	T-38	143,701	143,701	143,701	143,701
47	T-43	2,139	2,139	2,139	2,139
	OTHER AIRCRAFT				
48	KC-10A (ATCA)	6,761	6,761	6,761	6,761
49	C-12	929	929	929	929
50	C-20 MODS	513	513	513	513
51	VC-25A MOD	1,027	1,027	1,027	1,027
52	C-40	198	198	198	198
53	C-130	217,677	192,677	156,777	183,277
54	C130J MODS	39,001	25,001	2,001	19,001
55	C-135	83,541	86,541	86,541	86,541
56	COMPASS CALL MODS	46,818	46,818	46,818	46,818
58	DARP	89,796	89,796	89,796	89,796
59	E-3	64,547	64,547	64,547	64,547

(In thousands of dollars)

		Budget	House	Senate	Conference
60	E-4	5,640	5,640	5,640	5,640
61	E-8	138,162	135,162	138,162	138,162
62	H-1	40,421	40,421	40,421	40,421
63	H-60	16,738	16,738	16,738	16,738
64	GLOBAL HAWK MODS	11,309	4,609	4,609	4,609
65	OTHER AIRCRAFT	43,733	49,333	51,733	54,333
66	PREDATOR MODS	58,255	58,255	58,255	58,255
67	CV-22 MODS	451	451	451	451
	TOTAL, MODIFICATION OF INSERVICE AIRCRAFT	2,601,818	2,567,118	2,540,518	2,568,318
	AIRCRAFT SPARES AND REPAIR PARTS				
69	INITIAL SPARES/REPAIR PARTS	305,207	260,207	205,507	240,507
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES				
	COMMON SUPPORT EQUIPMENT				
70	COMMON SUPPORT EQUIPMENT	138,918	134,418	106,521	102,021
	POST PRODUCTION SUPPORT				
71	B-1	10,320	10,320	10,320	10,320
72	B-2A	7,693	7,693	7,693	7,693
73	B-2A	11,709	11,709	11,709	11,709
74	B-52	8,081	8,081	8,081	8,081
76	F-15 POST PRODUCTION SUPPORT	10,741	10,741	10,741	10,741
77	F-16 POST PRODUCTION SUPPORT	12,245	12,245	12,245	12,245
78	INDUSTRIAL PREPAREDNESS	23.524	23,524	23,524	23,524
	WAR CONSUMABLES				
79	WAR CONSUMABLES	25,438	25,438	25,438	25,438
	OTHER PRODUCTION CHARGES				
80	OTHER PRODUCTION CHARGES	474,853	474,853	449,553	447,953
81	DEPOT MODERNIZATION	1,370	1,370	1,370	1,370
	DARP				
86	DARP	13,000	13,000	13,000	13,000
	TOTAL, AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES	737,892	733,392	680,195	674,095
999	CLASSIFIED PROGRAMS	8,572	8,572	8,572	8,572
	TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	11,479,810	11,852,467	11,096,406	11,643,356

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
1	**F-35**	**869,704**	**729,704**	**0**	**480,000**
	Reduction of 1 Aircraft		-140,000		
	Delay Production			-869,704	
	Reduction of 3 Aircraft				-389,704
2	**F-35 (AP-CY)**	**145,310**	**73,310**	**0**	**94,000**
	Reduction of 4 Aircraft		-72,000		
	Delay Production			-145,310	
	Reduction of 2 Aircraft				-51,310
3	**F-22A**	**1,503,898**	**2,903,898**	**2,921,898**	**2,710,398**
	Full Funding for 20 Aircraft		1,400,000	1,400,000	1,190,000
	Flight Simulator, EAFB			18,000	16,500
4	**F-22A (AP-CY)**	**477,404**	**477,404**	**409,804**	**687,404**
	Pricing Reduction			-67,600	0
	MYP EOQ				210,000
7	**C-17A (MYP)**	**2,636,192**	**2,246,192**	**2,306,692**	**2,264,692**
	Shutdown Funding Request		-390,000	-348,000	-390,000
	PACAF C-17 Maintenance Training System			18,500	18,500
13	**KC-X ADVANCE PROCUREMENT (CY)**	**36,130**	**0**	**0**	**0**
	Funding Early to Need		-36,130	-36,130	-36,130
14	**LIGHT CARGO AIRCRAFT**	**15,783**	**0**	**0**	**0**
	Air Force requested transfer to new line RDTE, AF		-15,783	-15,783	-15,783
20	**CIVIL AIR PATROL AIRCRAFT**	**2,193**	**10,193**	**10,193**	**10,193**
	Civil Air Patrol Aircraft		8,000	8,000	8,000
23	**GLOBAL HAWK**	**429,288**	**341,288**	**392,288**	**398,988**
	Reduction of 2 aircraft		-88,000		0
	Fund Approved Program			-37,000	-37,000
	AF Requested Transfer from Line P-64				6,700
24	**GLOBAL HAWK (AP-CY)**	**63,903**	**45,903**	**50,903**	**50,903**
	Reduction of 2 aircraft		-18,000		0
	Fund Approved Program			-13,000	-13,000
25	**PREDATOR UAV**	**229,095**	**37,865**	**152,415**	**37,865**
	Acceleration of SOF capability		-76,680	-76,680	-76,680
	Authorization Adjustment		-114,550		-114,550
27	**B-1B**	**53,255**	**55,255**	**55,255**	**55,255**
	B-1B MSOGS Reliability Improvement Program		2,000	2,000	2,000
29	**F-117**	**24,422**	**24,422**	**2,022**	**2,022**
	Program Reduction			-22,400	-22,400
30	**A-10**	**107,432**	**89,832**	**120,132**	**107,332**
	Precision Engagement		-17,600	-17,600	-17,600
	Wing Replacement			20,300	11,000
	On-Board Oxygen Generation Retrofit			10,000	6,500

P-1		Budget Request	House	Senate	Conference
31	**F-15**	**92,901**	**149,901**	**179,901**	**164,901**
	AESA V3 Radar Procurement		57,000	87,000	72,000
32	**F-16**	**352,054**	**371,054**	**363,054**	**374,154**
	ARC-210 Radio		4,000		2,600
	ANG Block 42 Engine Upgrade		15,000		12,000
	Thunder Radar Pod for Air National Guard			1,000	1,000
	LITENING Target Pod for Air National Guard F-16s			10,000	6,500
33	**F-22A**	**216,095**	**156,095**	**146,095**	**146,095**
	Common Configuration		-60,000	-70,000	-70,000
35	**C-5**	**156,378**	**156,378**	**168,378**	**161,778**
	C-5B AMP			12,000	5,400
40	**C-32A**	**198**	**5,198**	**198**	**5,198**
	Winglet Integration and Modification on 4 Aircraft		5,000		5,000
53	**C-130**	**217,677**	**192,677**	**154,977**	**183,277**
	ALR-69 RWR		-17,000		0
	Center Wing Box		-27,800		-2,000
	Airborne Synthetic Aperture Radar for 109th Air National Guard		1,000		1,000
	MC-130P Survivability and Capability Upgrades (LAIRCM) Systems for the 129th Air National Guard Rescue Wing		5,000		2,300
	Reasoning and Assessment of Intelligence for Counter-Narcotics and Anti-Terrorism		3,000		1,700
	APN-241 Color Weather Radar - AFRC		3,000		2,000
	APN-241 Color Weather Radar - ANG		4,000		2,600
	C-130 Active Noise Control System for the ANG		2,000		1,300
	C-130 Scathe View Communications System (Note: only for the Nevada Air National Guard)		1,800	1,800	1,800
	Program Growth			-79,700	-54,100
	APN 241 Radar for C-130H2 aircraft			7,000	3,200
	LAIRCM for Nevada NG			5,000	3,300
	Senior Scout, Special Signal Processing			3,000	1,400
	EC-130 Senior Scout RF Distribution			2,000	1,100
54	**C130J MODIFICATIONS**	**39,001**	**25,001**	**2,001**	**19,001**
	Block 6.0 Upgrade		-14,000	-37,000	-20,000
55	**C-135**	**83,541**	**86,541**	**86,541**	**86,541**
	Emergency Vision Assurance System (EVAS)		3,000	3,000	3,000
61	**E-8**	**138,162**	**135,162**	**138,162**	**138,162**
	Affordable Moving Surface Target Indicator		-3,000		0
64	**GLOBAL HAWK MODIFICATIONS**	**11,309**	**4,609**	**4,609**	**4,609**
	Air Force requested transfer to P-23		-6,700		-6,700
	Program Reduction			-6,700	0
65	**OTHER AIRCRAFT**	**43,733**	**49,333**	**51,733**	**54,333**
	ANG RC-26B Modernization Program		5,600		3,600
	SA-90 Airship Persistent Surveillance Program			8,000	7,000

P-1		Budget Request	House	Senate	Conference
69	**INITIAL SPARES/REPAIR PARTS**	305,207	260,207	205,507	240,507
	Joint Strike Fighter		-45,000		0
	Program Reduction			-99,700	-64,700
70	**COMMON SUPPORT EQUIPMENT**	138,918	134,418	106,521	102,021
	Air Force requested transfer to R-91		-4,500		-4,500
	Program Growth			-12,500	-12,500
	Delete Common Low Observable Maintenance			-19,897	-19,897
80	**OTHER PRODUCTION CHARGES**	474,853	474,853	449,553	447,953
	Program Reduction			-30,000	-30,000
	P5 Combat Training system, Montana 120th Fighter Wing			4,700	3,100

JOINT STRIKE FIGHTER

The conference agreement provides $480,000,000 in Aircraft Procurement, Air Force, for the procurement of 2 conventional take-off and landing (CTOL) variant F-35 Joint Strike Fighters in fiscal year 2007. In addition, $94,000,000 is provided for advance procurement of 6 CTOL variants in fiscal year 2008. The conference agreement also provides $125,000,000 in Aircraft Procurement, Navy, for advance procurement of 6 short take-off and vertical landing (STOVL) variants. Combined, these quantities will allow F-35 production to continue to ramp up, but at a more modest rate and with less program risk than the program requested by the Department.

F–22A RAPTOR PROCUREMENT

The conference agreement includes authority for a multiyear procurement of 60 F-22A aircraft, beginning with 20 fully funded aircraft in fiscal year 2007. The conferees anticipate that the Department will budget for two subsequent lots of 20 aircraft in fiscal years 2008 and 2009. To enable this strategy, $210,000,000 of additional funds provided by both the House and the Senate were realigned from the F–22A budget line to the F-22A Advance Procurement line to provide the required funds for economic order quantity items, bringing the total budget for Advance Procurement to $687,404,000. The conferees expect that the Department of the Air Force will continue to seek improved efficiencies in this program.

F–15 ADVANCED ELECTRONICALLY SCANNED ARRAY (AESA) RADARS

The conference agreement provides $72,000,000 to procure and install Advanced Electronically Scanned Array (AESA) radars only for the Air National Guard F–15C fleet. The Department of Defense is strongly encouraged to develop a plan for keeping the F-15 inventory updated with current technologies for its expected active service life.

MISSILE PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

		Budget	House	Senate	Conference
	MISSILE PROCUREMENT, AIR FORCE				
	BALLISTIC MISSILES				
	MISSILE REPLACEMENT EQUIPMENT - BALLISTIC				
1	MISSILE REPLACEMENT EQ-BALLISTIC......................	34,344	34,344	34,344	34,344
	OTHER MISSILES				
	TACTICAL				
2	JASSM..	187,165	187,165	147,165	167,165
4	SIDEWINDER (AIM-9X)..................................	43,834	43,834	43,834	43,834
5	AMRAAM...	135,869	135,869	65,869	115,869
6	PREDATOR HELLFIRE MISSILE............................	65,312	32,662	39,912	32,662
7	SMALL DIAMETER BOMB..................................	99,062	99,062	54,062	99,062
	INDUSTRIAL FACILITIES				
8	INDUSTRIAL PREPAREDNESS/POLLUTION PREVENTION.........	2,236	2,236	2,236	2,236
	TOTAL, OTHER MISSILES..............................	533,478	500,828	353,078	460,828
	MODIFICATION OF INSERVICE MISSILES				
	CLASS IV				
9	ADVANCED CRUISE MISSILE..............................	1,352	1,352	1,352	1,352
10	MISSILE REPLACEMENT EQ-BALLISTIC.....................	833	833	---	---
11	MM III MODIFICATIONS.................................	691,657	625,257	702,657	651,257
12	AGM-65D MAVERICK.....................................	246	246	---	246
13	AIR LAUNCH CRUISE MISSILE............................	9,708	9,708	9,708	9,708
	TOTAL, MODIFICATION OF INSERVICE MISSILES..........	703,796	637,396	713,717	662,563

		(In thousands of dollars)			
		Budget	House	Senate	Conference
	SPARES AND REPAIR PARTS				
14	INITIAL SPARES/REPAIR PARTS............................	50,602	50,602	50,602	50,602
	OTHER SUPPORT				
	SPACE PROGRAMS				
17	WIDEBAND GAPFILLER SATELLITES..........................	363,651	363,651	363,651	363,651
18	WIDEBAND GAPFILLER SATELLITES (AP-CY).................	50,700	50,700	50,700	50,700
19	SPACEBORNE EQUIP (COMSEC).............................	10,085	10,085	10,085	10,085
20	GLOBAL POSITIONING (SPACE)............................	97,182	67,182	97,182	85,882
21	GLOBAL POSITIONING (SPACE) (AP-CY)....................	43,259	---	---	---
22	DEF METEOROLOGICAL SAT PROG (SPACE)...................	86,720	86,720	86,720	86,720
23	DEFENSE SUPPORT PROGRAM (SPACE).......................	38,391	38,391	38,391	38,391
25	TITAN SPACE BOOSTERS (SPACE)..........................	31,126	31,126	31,126	31,126
26	EVOLVED EXPENDABLE LAUNCH VEH (SPACE).................	936,490	692,290	936,490	856,490
27	MEDIUM LAUNCH VEHICLE (SPACE).........................	102,004	102,004	102,004	102,004
	SPECIAL PROGRAMS				
29	DEFENSE SPACE RECONN PROGRAM..........................	214,262	214,262	214,262	214,262
33	SPECIAL UPDATE PROGRAMS...............................	131,362	131,362	131,362	131,362
	TOTAL, OTHER SUPPORT..................................	2,105,232	1,787,773	2,061,973	1,970,673
999	CLASSIFIED PROGRAMS...................................	776,693	735,693	761,693	735,693
	TOTAL, MISSILE PROCUREMENT, AIR FORCE..............	4,204,145	3,746,636	3,975,407	3,914,703

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
2	**JASSM**	**187,165**	**187,165**	**147,165**	**167,165**
	JASSM-ER testing concurrency			-40,000	-20,000
5	**AMRAAM**	**135,869**	**135,869**	**65,869**	**115,869**
	Excessive program delays			-70,000	-20,000
6	**PREDATOR HELLFIRE MISSILE**	**65,312**	**32,662**	**39,912**	**32,662**
	Authorization Adjustment		-32,650		-32,650
	Program adjustment			-25,400	0
7	**SMALL DIAMETER BOMB**	**99,062**	**99,062**	**54,062**	**99,062**
	Maintain LRIP			-45,000	0
10	**MISSILE REPLACEMENT EQ-BALLISTIC**	**833**	**833**	**0**	**0**
	Unjustified request			-833	-833
11	**MM III MODIFICATIONS**	**691,657**	**625,257**	**702,657**	**651,257**
	Minuteman Propulsion Replacement Program		-66,400		-46,400
	Minuteman III Mod. for Propulsion Replacement Program			11,000	6,000
12	**AGM-65D MAVERICK**	**246**	**246**	**0**	**246**
	Unjustified request			-246	0
20	**GLOBAL POSITIONING (SPACE)**	**97,182**	**67,182**	**97,182**	**85,882**
	Program Slip (SV10-12)		-30,000		-11,300
21	**GLOBAL POSITIONING (SPACE) (AP-CY)**	**43,259**	**0**	**0**	**0**
	Program Slip (SV10-12)		-43,259		0
	SV 16 - 18 procurement ahead of need			-43,259	-43,259
26	**EVOLVED EXPENDABLE LAUNCH VEHICLE (SPACE)**	**936,490**	**692,290**	**936,490**	**856,490**
	Launch Delay Infrastructure Reduction		-244,200		-80,000

MINUTEMAN III PROPULSION REPLACEMENT PROGRAM

The conference agreement provides $651,257,000 for Minuteman III modifications, including modifications to replace the missile propulsion system. The conferees disagree with proposals to terminate the program after fiscal year 2007 and expect that the Department of Defense will budget for the remaining requirements identified in the fiscal year 2007 budget justifications in the fiscal year 2008 budget submission.

GLOBAL POSITIONING SYSTEM (GPS)

The budget request includes $97,182,000 in missile procurement with an additional $43,259,000 in advance procurement for GPS vehicles 16 through 18. The conferees note that the GPS IIF program has been troubled by cost growth and significant delays, and the Department of Defense has chosen not to pursue vehicles 13 through 18. Consequently, the conferees recommend $85,882,000 in missile procurement and no funding in advance procurement, a reduction of $11,300,000 and $43,259,000 respectively.

The conferees share the Department's concerns regarding the short-term risk associated with the current constellation, and also the long-term risk of gaps in capability, especially as the country moves toward a transition to the GPS III system. The conferees note that, in general, on-orbit models of GPS are living longer than expected. Accordingly, the conferees believe that through proper constellation planning and management, and launching based on constellation need rather than on payload delivery, the Department can strike the right balance between short and long-term risks with the goal of maximizing constellation coverage. Therefore, the conferees encourage the Department to use this strategy in order to minimize risk and maximize coverage as it endeavors to maintain the current constellation, complete the development and fielding of the GPS IIF satellites, and transition to the new GPS III satellites.

EVOLVED EXPENDABLE LAUNCH VEHICLE (EELV)

The budget request includes $936,490,000 for EELV. The conferees recommend $856,490,000, a reduction of $80,000,000, and intend to monitor the balance between risk and return for costs and activities associated with launch preparation and capability. The conferees believe the Air Force should challenge the national launch government and industry team to develop and implement a strategy to eliminate unnecessary practices and excessive costs while protecting the viability of the program.

Additionally, the conferees maintain interest in execution of the acquisition strategy for the Buy-3 contract. The conferees direct the Department of the Air Force to adopt acquisition practices for space launch relative to the EELV program that will maximize economic efficiencies through fiscal year 2010. Further, the conferees support open competition for launch services from qualified bidders. Therefore, the conferees direct the Department to create, adopt, and promote a set of criteria by which new entrants might more readily qualify for the EELV program, including opportunities to compete for demonstration launches, which will facilitate competition and promote assured access.

PROCUREMENT OF AMMUNITION, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) Budget	House	Senate	Conference
	PROCUREMENT OF AMMUNITION, AIR FORCE				
	PROCUREMENT OF AMMO, AIR FORCE				
1	ROCKETS	58,671	58,671	51,391	51,391
2	CARTRIDGES	168,499	154,999	164,832	161,332
	BOMBS				
3	PRACTICE BOMBS	15,036	15,036	15,036	15,036
4	GENERAL PURPOSE BOMBS	235,533	255,533	240,533	251,533
5	SENSOR FUZED WEAPON	118,887	118,887	118,887	118,887
6	JOINT DIRECT ATTACK MUNITION	175,013	175,013	175,013	175,013
7	WIND CORRECTED MUNITIONS DISPENSER	34,704	34,704	14,704	14,704
	FLARE, IR MJU-7B				
8	CAD/PAD	29,909	29,909	29,909	29,909
9	EXPLOSIVE ORDINANCE DISPOSAL (EOD)	3,091	3,091	3,091	3,091
10	SPARES AND REPAIR PARTS	4,705	4,705	4,705	4,705
12	MODIFICATIONS	919	919	919	919
13	ITEMS LESS THAN $2,000,000	4,083	4,083	4,083	4,083
	FUZES				
14	FLARES	161,958	161,958	161,958	161,958
15	FUZES	56,777	56,777	56,777	56,777
	TOTAL, PROCUREMENT OF AMMO, AIR FORCE	1,067,785	1,074,285	1,041,838	1,049,338
	WEAPONS				
16	SMALL ARMS	4,964	4,964	4,964	4,964
	TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE	1,072,749	1,079,249	1,046,802	1,054,302

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
1	**ROCKETS**	**58,671**	**58,671**	**51,391**	**51,391**
	2.75 Inch Rocket Motor (HA07)			-3,000	-3,000
	2.75 Inch Rocket Warhead (H855)			-4,280	-4,280
2	**CARTRIDGES**	**168,499**	**154,999**	**164,832**	**161,332**
	Program Growth		-13,500		-3,500
	Type Adjustment			-3,667	-3,667
4	**GENERAL PURPOSE BOMBS**	**235,533**	**255,533**	**240,533**	**251,533**
	MK-80 Series General Purpose Bombs		20,000	5,000	16,000
7	**WIND CORRECTED MUNITIONS DISPENSER**	**34,704**	**34,704**	**14,704**	**14,704**
	WCMD-ER Program Delays			-20,000	-20,000

OTHER PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

		Budget	House	Senate	Conference
		(In thousands of dollars)			
	OTHER PROCUREMENT, AIR FORCE				
	VEHICULAR EQUIPMENT				
	PASSENGER CARRYING VEHICLES				
1	ARMORED VEHICLE	487	487	487	487
2	PASSENGER CARRYING VEHICLE	14,373	14,373	14,373	14,373
	CARGO + UTILITY VEHICLES				
8	FAMILY MEDIUM TACTICAL VEHICLE	21,003	21,003	21,003	21,003
9	HIGH MOBILITY VEHICLE (MYP)	4,072	4,072	4,072	4,072
11	CAP VEHICLES	695	695	695	695
	SPECIAL PURPOSE VEHICLES				
15	HMMWV, ARMORED	8,432	4,232	8,432	4,232
17	HMWWV, UP-ARMORED	11,334	5,684	11,334	5,684
	FIRE FIGHTING EQUIPMENT				
22	FIRE FIGHTING/CRASH RESCUE VEHICLES	21,492	21,492	21,492	21,492
	MATERIALS HANDLING EQUIPMENT				
26	HALVERSEN LOADER	8,211	13,011	8,211	10,411
	BASE MAINTENANCE SUPPORT				
31	RUNWAY SNOW REMOVAL & CLEANING EQUIP	30,260	30,260	30,260	30,260
34	ITEMS LESS THAN $5M	27,918	27,918	27,918	27,918
35	TOTAL, VEHICULAR EQUIPMENT	148,277	143,227	148,277	140,627
	ELECTRONICS AND TELECOMMUNICATIONS EQUIP				
	COMM SECURITY EQUIPMENT(COMSEC)				
36	COMSEC EQUIPMENT	121,763	121,763	121,763	121,763
37	MODIFICATIONS (COMSEC)	692	692	692	692
	INTELLIGENCE PROGRAMS				
38	INTELLIGENCE TRAINING EQUIPMENT	5,235	5,235	5.235	5.235
39	INTELLIGENCE COMM EQUIP	1,576	6,576	9.076	6.576
	ELECTRONICS PROGRAMS				
40	TRAFFIC CONTROL/LANDING	6,241	15,541	3,241	12,241
41	NATIONAL AIRSPACE SYSTEM	53,761	53.761	53,761	53.761
42	THEATER AIR CONTROL SYS IMPRO	77,184	77,184	77,184	77.184
43	WEATHER OBSERVATION FORECAST	35,093	35,093	41,093	39.393
44	STRATEGIC COMMAND AND CONTROL	27,076	27,076	27.076	27,076
45	CHEYENNE MOUNTAIN COMPLEX	19.257	11,257	19.257	11,257
47	DRUG INTERDICTION SUPPORT	431	431	431	431

		(In thousands of dollars) Budget	House	Senate	Conference
	SPECIAL COMM-ELECTRONICS PROJECTS				
48	GENERAL INFORMATION TECHNOLOGY	120,406	130,406	133,906	133,406
49	AF GLOBAL COMMAND & CONTROL SYSTEM	13,877	13,877	16,377	16,377
50	MOBILITY COMMAND AND CONTROL	10,060	10,060	10,060	10,060
51	AIR FORCE PHYSICAL SECURITY SYSTEM	41,382	45,882	44,582	47,382
52	COMBAT TRAINING RANGES	35,382	53,382	53,882	58,682
53	MINIMUM ESSENTIAL EMERGENCY COM	3,413	3,413	3,413	3,413
54	C3 COUNTERMEASURES	4,657	4,657	4,657	4,657
55	GCSS-AF FOS	31,994	31,994	31,994	31,994
56	THEATER BATTLE MGT C2 SYS	23,586	23,586	23,586	23,586
57	AIR OPERATIONS CENTER (AOC)	25,183	25,683	25,183	25,683
	AIR FORCE COMMUNICATIONS				
58	BASE INFORMATION INFRASTRUCTURE	334,655	334,655	334,655	334,655
59	USCENTCOM	32,558	32,558	32,558	32,558
	DISA PROGRAMS				
61	SPACE BASED IR SENSOR PROG SPACE	4,219	4,219	4,219	4,219
62	NAVSTAR GPS SPACE	6,004	6,004	6,004	6,004
63	NUDET DETECTION SYS (NDS) SPACE	13,456	13,456	13,456	13,456
64	AF SATELLITE CONTROL NETWORK SPACE	85,512	85,512	85,512	85,512
65	SPACELIFT RANGE SYSTEM SPACE	120,450	120,450	120,450	120,450
66	MILSATCOM SPACE	75,846	75,846	75,846	75,846
67	SPACE MODS SPACE	25,153	25,153	25,153	25,153
68	COUNTERSPACE SYSTEM	31,434	31,434	31,434	31,434
	ORGANIZATION AND BASE				
69	TACTICAL C-E EQUIPMENT	147,658	147,658	149,658	148,758
70	COMBAT SURVIVOR EVADER LOCATER	27,225	27,225	30,725	29,525
71	RADIO EQUIPMENT	7,730	8,730	7,730	8,730
72	TV EQUIPMENT (AFRTV)	2,743	2,743	2,743	2,743
73	CCTV/AUDIOVISUAL EQUIPMENT	8,416	8,416	8,416	8,416
74	BASE COMM INFRASTRUCTURE	135,169	143,169	138,169	139,969
75	ITEMS LESS THAN $2M	3,795	3,795	3,795	3,795
	MODIFICATIONS				
76	COMM ELECT MODS	28,344	28,344	28,344	28,344
	TOTAL, ELECTRONICS AND TELECOMMUNICATIONS EQUIP	1,748,616	1,796,916	1,805,316	1,809,416

		(In thousands of dollars) Budget	House	Senate	Conference
	OTHER BASE MAINTENANCE AND SUPPORT EQUIP				
	PERSONAL SAFETY AND RESCUE EQUIP				
80	NIGHT VISION GOGGLES	19,304	19,304	31,304	26,104
81	ITEMS LESS THAN $2M (SAFETY)	---	7,600	4,000	6,700
	DEPOT PLANT + MATERIALS HANDLING EQ				
82	MECHANIZED MATERIAL HANDLING	14,593	14,593	14,593	14,593
	BASE SUPPORT EQUIPMENT				
86	BASE PROCURED EQUIPMENT	11,417	13,417	17,417	16,317
87	MEDICAL/DENTAL EQUIPMENT	16,377	17,377	20,377	19,977
88	AIR BASE OPERABILITY	5,063	5,063	8,563	9,263
90	PRODUCTIVITY CAPITAL INVESTMENT	5,401	5,401	5,401	5,401
91	MOBILITY EQUIPMENT	26,043	26,043	26,043	26,043
93	ITEMS LESS THAN $2M (BASE SUPPORT)	30,876	30,876	30,876	30,876
	SPECIAL SUPPORT PROJECTS				
96	DARP RC135	21,204	21,204	21,204	21,204
97	DARP, MRIGS	195,723	195,723	195,723	195,723
99	SPECIAL UPDATE PROGRAM	467,601	467,601	467,601	467,601
100	DEFENSE SPACE RECONNAISSANCE PROGRAM	15,171	15,171	15,171	15,171
	TOTAL, OTHER BASE MAINTENANCE AND SUPPORT EQUIP	828,773	839,373	858,273	854,973
	SPARE AND REPAIR PARTS				
102	SPARES AND REPAIR PARTS	28,634	28,634	28,634	28,634
999	CLASSIFIED PROGRAMS	12,653,786	12,615,386	12,669,786	12,659,836
	TOTAL, OTHER PROCUREMENT, AIR FORCE	15,408,086	15,423,536	15,510,286	15,493,486

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
15	**HMMWV, ARMORED**	**8,432**	**4,232**	**8,432**	**4,232**
	Authorization Adjustment		-4,200		-4,200
17	**HMWWV, UP-ARMORED**	**11,334**	**5,684**	**11,334**	**5,684**
	Authorization Adjustment		-5,650		-5,650
26	**HALVERSEN LOADER**	**8,211**	**13,011**	**8,211**	**10,411**
	Halversen 25K Loader		4,800		2,200
39	**INTELLIGENCE COMMUNICATIONS EQUIPMENT**	**1,576**	**6,576**	**9,076**	**6,576**
	161st Intelligence Squadron Equipment		5,000	7,500	5,000
40	**TRAFFIC CONTROL/LANDING**	**6,241**	**15,541**	**3,241**	**12,241**
	ANG Mobile Approach Control System		9,300		6,000
	MACS Readiness			-3,000	0
43	**WEATHER OBSERVATION FORECAST**	**35,093**	**35,093**	**41,093**	**38,393**
	Fixed Base System Weather Observation Systems			6,000	3,300
45	**CHEYENNE MOUNTAIN COMPLEX**	**19,257**	**11,257**	**19,257**	**11,257**
	CCIC2S		-8,000		-8,000
48	**GENERAL INFORMATION TECHNOLOGY**	**120,406**	**130,406**	**133,906**	**133,406**
	Eagle Vision		3,500	3,500	3,500
	Pocket J for NORAD		4,500		3,600
	Worldwide Warehouse Redistribution System		2,000		1,300
	Pocket J			3,000	1,400
	Palmtop Emergency Action for Chemicals (PEAC)			7,000	3,200
49	**AF GLOBAL COMMAND & CONTROL SYSTEM**	**13,877**	**13,877**	**16,377**	**16,377**
	Scathe View Upgrade			2,500	2,500
51	**AIR FORCE PHYSICAL SECURITY SYSTEM**	**41,382**	**45,882**	**44,582**	**47,382**
	Advanced Video Surveillance Equipment - Moffett Federal Airfield		1,000		1,000
	Force Protection Near Real Time Surveillance System		1,000		2,000
	IBDSS INITIAL MOODY		2,500		1,600
	Schriever Air Force Base, Ground Space Electronic Security System Replacement			3,200	1,400
52	**COMBAT TRAINING RANGES**	**35,382**	**53,382**	**53,882**	**58,682**
	P5 Combat Training System (CTS) Infrastructure Assets		4,000		2,600
	UMTE Modernization		4,000		2,600
	Joint Threat Emitter		10,000		4,500
	Joint Threat Emitter, Mountain Home AFB			10,000	5,500
	Red Flag AK - PARC Upgrades			8,500	8,100
57	**AIR OPERATIONS CENTER (AOC)**	**25,183**	**25,683**	**25,183**	**25,683**
	AOC Multifunction Information Distribution System Low Volume Terminal		500		500
69	**TACTICAL C-E EQUIPMENT**	**147,658**	**147,658**	**149,658**	**148,758**
	Rover III Receiver			2,000	1,100

P-1		Budget Request	House	Senate	Conference
70	**COMBAT SURVIVOR EVADER LOCATER**	**27,225**	**27,225**	**30,725**	**29,525**
	Life Support Radio Test Sets			3,500	2,300
71	**RADIO EQUIPMENT**	**7,730**	**8,730**	**7,730**	**8,730**
	High Frequency Ground Control Stations (Note: Only for Guam)		1,000		1,000
74	**BASE COMMUNICATIONS INFRASTRUCTURE**	**135,169**	**143,169**	**138,169**	**139,969**
	Secure Wireless LAN Infrastructure for Point of Maintenance, 182 AW (IL ANG)		3,000	2,000	2,000
	ANG Network Operations Security Center		1,000	1,000	1,000
	Digital Deployed Training Campus for the Air National Guard		4,000		1,800
80	**NIGHT VISION GOGGLES**	**19,304**	**19,304**	**31,304**	**26,104**
	Advanced Mission Extender Device (AMXD) Kits			2,000	1,300
	Air Force Academy Telescope			10,000	5,500
81	**ITEMS LESS THAN $2M (SAFETY)**	**0**	**7,600**	**4,000**	**6,700**
	Self-Deploying Infrared Streamer		4,000	4,000	4,000
	Virtual Reality Parachute Simulator		1,000		1,000
	Life Support Radio Test Sets for the ANG		2,600		1,700
86	**BASE PROCURED EQUIPMENT**	**11,417**	**13,417**	**17,417**	**16,317**
	Combat Arms Training System - ANG		2,000		1,300
	Virtual Combat Convoy Trainer (VCCT)			2,000	1,000
	Laser Markmanship Training System			4,000	2,600
87	**MEDICAL/DENTAL EQUIPMENT**	**16,377**	**17,377**	**20,377**	**19,977**
	Mobile Oxygen Storage Tank		1,000		1,000
	Iondinated Ionic Antimicrobial Disposable Masks			4,000	2,600
88	**AIR BASE OPERABILITY**	**5,063**	**5,063**	**8,563**	**9,263**
	Radar Test Sets for the Identification of Friend or Foe (IFF)			3,500	4,200

PROCUREMENT, DEFENSE-WIDE

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

		Budget	House	Senate	Conference
	PROCUREMENT, DEFENSE-WIDE				
	MAJOR EQUIPMENT				
	MAJOR EQUIPMENT, OSD				
1	MAJOR EQUIPMENT, OSD	84,861	84,861	84,861	84,861
	MAJOR EQUIPMENT, NSA				
3	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	12,133	12,133	12,133	12,133
	MAJOR EQUIPMENT, WHS				
6	WHS MOTOR VEHICLES	175	175	175	175
7	MAJOR EQUIPMENT, WHS	23,451	23,451	23,451	23,451
	MAJOR EQUIPMENT, DISA				
9	INFORMATION SYSTEMS SECURITY	18,747	18,747	38,747	34,747
10	DEFENSE MESSAGE SYSTEM	6,247	6,247	6,247	6,247
11	GLOBAL COMMAND AND CONTROL SYS	5,584	5,584	5,584	5,584
12	GLOBAL COMBAT SUPPORT SYSTEM	2,652	2,652	2,652	2,652
13	TELEPORT PROGRAM	50,280	50,280	50,280	50,280
15	ITEMS LESS THAN $5M	41,386	41,386	42,386	42,386
16	NET CENTRIC ENTERPRISE SERVICES (NCES)	26,952	11,952	26,952	24,952
17	DEFENSE INFORMATION SYSTEMS NETWORK	29,870	29,870	29,870	29,870
18	PUBLIC KEY INFRASTRUCTURE	1,928	1,928	1,928	1,928
	MAJOR EQUIPMENT, DLA				
23	MAJOR EQUIPMENT	8,694	8,694	8,694	8,694
	MAJOR EQUIPMENT, DCAA				
24	MAJOR EQUIPMENT ITEMS LESS THAN $5M	1,520	1,520	1,520	1,520
	MAJOR EQUIPMENT, TJS				
25	MAJOR EQUIPMENT, TJS	42,988	47,988	42,988	46,988
	MAJOR EQUIPMENT, DHRA				
26	PERSONNEL ADMINISTRATION	7,915	7,915	7,915	7,915
	DEFENSE THREAT REDUCTION AGENCY				
28	VEHICLES	180	180	180	180

		(In thousands of dollars)			
		Budget	House	Senate	Conference
29	OTHER MAJOR EQUIPMENT	15,698	15,698	15,698	15,698
	DEFENSE SECURITY COOPERATION AGENCY				
30	OTHER MAJOR EQUIPMENT	507	507	507	507
	MAJOR EQUIPMENT, AFIS				
31	MAJOR EQUIPMENT, AFIS	5,636	5,636	5,636	5,636
	MAJOR EQUIPMENT, DODDE				
32	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,522	1,522	1,522	1,522
	MAJOR EQUIPMENT, DCMA				
33	MAJOR EQUIPMENT	3,257	3,257	3,257	3,257
	MAJOR EQUIPMENT, DTSA				
34	MAJOR EQUIPMENT	421	421	421	421
35	MAJOR EQUIPMENT, BTA	16,291	16,291	16,291	16,291
	TOTAL, MAJOR EQUIPMENT	408,895	398,895	429,895	427,895
	SPECIAL OPERATIONS COMMAND				
	AVIATION PROGRAMS				
36	SOF ROTARY WING UPGRADES AND SUSTAINMENT	86,758	96,058	86,758	93,058
38	MH-130H AIR REFUELING SYSTEM	1,522	1,522	1,522	1,522
39	MH-47 SLEP	59,812	59,812	59,812	59,812
40	MH-60 SOF MODERNIZATION PROGRAM	91,902	91,902	91,902	91,902
41	MC-130H COMBAT TALON II	158,824	158,824	---	122,000
42	CV-22 SOF MODIFICATION	168,780	168,780	168,780	168,780
43	AC-130U GUNSHIP ACQUISITION	1,131	1,131	1,131	1,131
44	C-130 MODIFICATIONS	49,763	46,763	49,763	46,763
45	AIRCRAFT SUPPORT	1,143	1,143	1,143	1,143
	SHIPBUILDING				
46	ADVANCED SEAL DELIVERY SYS (ASDS)	12,629	12,629	12,629	12,629
47	MK VIII MOD 1 - SEAL DELIVERY VEH	2,473	2,473	2,473	2,473
	AMMUNITION PROGRAMS				
48	SOF ORDNANCE REPLENISHMENT	43,679	47,479	43,679	46,719
49	SOF ORDNANCE ACQUISITION	13,604	13,604	17,604	15,404

(In thousands of dollars)

		Budget	House	Senate	Conference
	OTHER PROCUREMENT PROGRAMS				
50	COMM EQUIPMENT & ELECTRONICS	70,410	51,410	67,910	55,990
51	SOF INTELLIGENCE SYSTEMS	32,743	32,743	32,488	32,489
52	SMALL ARMS & WEAPONS	105,788	114,288	134,188	124,788
54	MARITIME EQUIPMENT MODS	1,831	1,831	1,831	1,831
55	SPECIAL APPLICATIONS FOR CONTINGENCIES	9,608	9,608	9,608	9,608
56	SOF COMBATANT CRAFT SYSTEMS	20,204	22,204	28,404	27,764
57	SPARES AND REPAIR PARTS	5,302	5,302	5,302	5,302
59	TACTICAL VEHICLES	13,196	13,196	13,196	13,196
60	MISSION TRAINING AND PREPARATIONS SYSTEMS	12,841	12,841	15,841	14,791
62	MILCON COLLATERAL EQUIPMENT	3,090	3,090	3,090	3,090
63	UNMANNED VEHICLES	20,700	20,700	20,700	20,700
65	SOF MARITIME EQUIPMENT	2,655	2,655	2,655	2,655
67	MISCELLANEOUS EQUIPMENT	13,074	13,074	13,074	13,074
69	SOF OPERATIONAL ENHANCEMENTS	434,472	450,272	436,272	444,892
70	PSYOP EQUIPMENT	93,881	93,881	88,270	88,270
	EMERGENT CRITICAL COMBAT MISSION NEEDS EQUIPMENT	---	22,000	---	22,000
	TOTAL, SPECIAL OPERATIONS COMMAND	1,531,815	1,571,215	1,410,025	1,543,776
	CHEMICAL/BIOLOGICAL DEFENSE				
	CBDP				
71	INSTALLATION FORCE PROTECTION	86,157	90,127	86,157	90,127
72	INDIVIDUAL PROTECTION	76,732	76,732	76,732	76,732
73	DECONTAMINATION	16,793	18,793	18,793	18,793
74	JOINT BIOLOGICAL DEFENSE PROGRAM	47,113	47,113	47,113	47,113
75	COLLECTIVE PROTECTION	43,508	43,508	43,508	43,508
76	CONTAMINATION AVOIDANCE	236,120	236,120	248,120	242,720
	TOTAL, CHEMICAL/BIOLOGICAL DEFENSE	506,423	512,393	520,423	518,993
999	CLASSIFIED PROGRAMS	414,328	408,028	402,728	412,628
	TOTAL, PROCUREMENT, DEFENSE-WIDE	2,861,461	2,890,531	2,763,071	2,903,292

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

P-1	Budget Request	House	Senate	Conference
9 INFORMATION SYSTEMS SECURITY	**18,747**	**18,747**	**38,747**	**34,747**
U.S. Forces Alaska GIG and CIP Support			20,000	16,000
15 ITEMS LESS THAN $5M	**41,386**	**41,386**	**42,386**	**42,386**
ALCOM Communications Infrastructure Diversity and Survivability			1,000	1,000
16 NET CENTRIC ENTERPRISE SERVICES (NCES)	**26,952**	**11,952**	**26,952**	**24,952**
Program adjustment		-15,000		-2,000
25 MAJOR EQUIPMENT, TJS	**42,988**	**47,988**	**42,988**	**46,988**
Mobile Forensic Laboratories and Forensic Technical Assistance and Training Support		5,000		4,000
36 SOF ROTARY WING UPGRADES AND SUSTAINMENT	**86,758**	**96,058**	**86,758**	**93,058**
Rotary Wing Mini Gun Replacements		3,300		1,500
Integrated RF Countermeasures		6,000		4,800
41 MC-130H COMBAT TALON II	**158,824**	**158,824**	**0**	**122,000**
MC-130H + 10 Program Restructure - Early to Need			-158,824	-36,824
44 C-130 MODIFICATIONS	**49,763**	**46,763**	**49,763**	**46,763**
30mm Gun		-3,000		-3,000
48 SOF ORDNANCE REPLENISHMENT	**43,679**	**47,479**	**43,679**	**46,719**
M72 Lightweight Attack Weapon System (LAW)		3,800		3,040
49 SOF ORDNANCE ACQUISITION	**13,604**	**13,604**	**17,604**	**15,404**
M153 Time Delayed firing Device/Sympathetic Detonator			4,000	1,800
50 COMM EQUIPMENT & ELECTRONICS	**70,410**	**51,410**	**67,910**	**55,990**
MBITR Radios (Transfer $9 million to RDTE,DW Line 213)		-19,000	-10,000	-19,000
Miniature Multi-band Beacons			4,500	2,930
Warfighter Pocket XP			3,000	1,650
51 SOF INTELLIGENCE SYSTEMS	**32,743**	**32,743**	**32,488**	**32,489**
CA/PYSOP transfer to Army Reserve			-255	-254
52 SMALL ARMS & WEAPONS	**105,788**	**114,288**	**134,188**	**124,788**
Durable Illumination Aiming Laser-Green/Dial 100G		3,500		1,560
Miniature Day/Night Sight (AN/PVS-24) Accelerated Procurement		5,000		2,250
LA-5/PEQ Illuminator			6,000	3,900
MK47 Mod 0 Striker 40			12.900	5,810
Special Operations Forces Laser Acquisition Marker			3,500	1,580
Thermal Clip-on Night Vision Device (CNVD-T)			6,000	3,900
56 SOF COMBATANT CRAFT SYSTEMS	**20,204**	**22,204**	**28,404**	**27,764**
Integrated Combat System for Special Operations Riverine Craft		2,000		1.000
SOCOM Craft Modification (HSAC Technology Insertion)			8,200	6.560

P-1		Budget Request	House	Senate	Conference
60	**MISSION TRAINING AND PREPARATIONS SYSTEMS**	12,841	12,841	15,841	14,791
	Northern Nevada Special Opns Training Project			3,000	1,950
69	**SOF OPERATIONAL ENHANCEMENTS**	434,472	450,272	436,272	444,892
	High Speed Assault Craft Modifications		6,000		2,700
	Secure Wireless Local Area Network Program		2,000		1,300
	Sentry HP Unmanned Aerial Vehicle System		6,800		4,420
	SWORDS Mobile Weapons Systems for Special Operations Forces		1,000		1,000
	Sec Net 54 - Secure Wireless Local Area Network			1,800	1,000
70	**PSYOP EQUIPMENT**	93,881	93,881	88,270	88,270
	PSYOP Equipment transfer to Army Reserve			-5,611	-5,611
70A	**EMERGENT CRITICAL COMBAT MISSION NEEDS EQUIPMENT**	0	22,000	0	22,000
71	**INSTALLATION FORCE PROTECTION**	86,157	90,127	86,157	90,127
	WMD CST Team - Florida National Guard		2,200		2,200
	WMD CST Team - New York National Guard		1,770		1,770
73	**DECONTAMINATION**	16,793	18,793	18,793	18,793
	M291 Skin Decontamination Kit		2,000	2,000	2,000
76	**CONTAMINATION AVOIDANCE**	236,120	236,120	248,120	242,720
	M22 ACADA for Army National Guard			12,000	6,600
999	**CLASSIFIED PROGRAMS**	414,328	408,028	402,728	412,628
	Classified Adjustment		-6,300	-11,600	-1,700

NATIONAL GUARD AND RESERVE EQUIPMENT

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars)			
		Budget	House	Senate	Conference
	NATIONAL GUARD & RESERVE EQUIPMENT				
1	MISCELLANEOUS EQUIPMENT	---	---	35,000	35,000
2	MISCELLANEOUS EQUIPMENT	---	---	35,000	35.000
3	MISCELLANEOUS EQUIPMENT	---	---	35,000	35,000
4	MISCELLANEOUS EQUIPMENT	---	---	35,000	35,000
	TOTAL, RESERVE EQUIPMENT	---	---	140,000	140,000
	NATIONAL GUARD EQUIPMENT ARMY NATIONAL GUARD				
5	MISCELLANEOUS EQUIPMENT	---	500,000	100,000	75,000
6	MISCELLANEOUS EQUIPMENT	---	---	100,000	75,000
	TOTAL, NATIONAL GUARD EQUIPMENT	---	500,000	200,000	150,000
	TOTAL, NATIONAL GUARD & RESERVE EQUIPMENT	---	500,000	340,000	290,000

NATIONAL GUARD AND RESERVE EQUIPMENT

The conferees agree that National Guard and Reserve forces are integral to our efforts in Iraq and Afghanistan and play a critical role in our Nation's response to national disasters. The conferees are aware that the equipment needs of our Reserve Component forces far exceed the amounts provided in the budget request and agree to provide an additional $290,000,000 for miscellaneous equipment for "National Guard and Reserve Equipment" as identified above.

ITEMS OF SPECIAL INTEREST

The conferees agree that the National Guard and Reserve equipment program shall be executed by the heads of the Guard and Reserve components with priority consideration for miscellaneous equipment appropriations given to the following items as identified in Senate Report 109-292: Mobile Approach Control System, Virtual Warrior Interactive Program, Block 42 F-16 Upgrades, Flex Train Combat Training, Battlefield Mobility Enhancers [MGators], M777A1 Lightweight 155mm Howitzers, Joint Threat Emitters, Line Haul Trucks, Thunder Radar Pod, Virtual Door Gunners, and Communications Equipment.

DEFENSE PRODUCTION ACT PURCHASES

The conferees agree to provide $63,184,000 for Defense Production Act Purchases instead of $39,384,000 as proposed by the House and $68,884,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

Project	House	Senate	Conference
Beryllium supply industrial base	7,500	7,500	7,500
Silicon carbide MMIC device production	3,167	3,167	3,167
Lithium ion battery production	2,433	2,433	2,433
Next generation radiation hardened microprocessors	3,462	3,462	3,462
Advanced technologies production initiative	1,922	1,922	1,922
ALON and spinnel optical ceramics	3,500		1,600
Flexible aerogel material supplier initiative	3,000	4,000	3,000
Production of affordable methanol fuel cells components	2,000		1,100
Armor and structures transformation initiative (ASTI) -- steel to titanium	3,600		2,900
Military lens fabrication and assembly	1,800		1,450
Thermal battery industrial base infrastructure	4,500		4,500
Photovoltaic solar cell encapsulant production		3,000	1,350
Reactive plastic CO2 absorbent production capabity		4,400	2,000
Titanium metal matrix and nano enhanced titanium development		10,000	8,000
Read out integrated circuit manufacturing improvement		4,000	2,200
Carbon foam		2,000	1,600
SOI substrate for next generation defense electronics		6,000	3,900
Automated composite technologies initiative (Note: House funded under "Automated composite technologies and manufacturing center")	2,500	10,000	5,500
POSS nanotechnology engineering scale-up initiative		7,000	5,600
Total	39,384	68,884	63,184

TITLE IV—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
RECAPITULATION				
Research, Development, Test and Evaluation, Army	10,855,559	11,834,882	11,245,040	11,054,958
Research, Development, Test and Evaluation, Navy......	16,912,223	17,654,518	17,048,238	18,673,894
Research, Development, Test and Evaluation, Air Force.	24,396,767	24,457,062	23,974,081	24,516,276
Research, Development, Test and Evaluation, Defense-Wide......................................	20,809,939	21,208,264	20,543,393	21,291,056
Operational Test and Evaluation, Defense.............	181,520	181,520	187,520	185,420
GRAND TOTAL..	73,156,008	75,336,246	72,998,272	75,721,604

SPECIAL INTEREST ITEMS

Items for which additional funds have been provided as shown in the project level tables or in paragraphs using the phrase "only for" or "only to" in this report are congressional interest items for the purpose of the Base for Reprogramming (DD 1414). Each of these items must be carried on the DD Form 1414 at the stated amount, specifically addressed in the conference report. These items remain special interest items whether or not they are repeated in a subsequent conference report.

REPROGRAMMING GUIDANCE FOR ACQUISITION ACCOUNTS

The conferees direct the Department of Defense to continue to follow the reprogramming guidance specified in the report accompanying the House version of the fiscal year 2006 Department of Defense Appropriations bill (H.R. 109-119). Specifically, the dollar threshold for reprogramming funds will remain at $20,000,000 for procurement, and $10,000,000 for research, development, test and evaluation. The Department shall continue to follow the limitation that prior approval reprogrammings are set at either the specified dollar threshold or 20% of the procurement or research, development, test and evaluation line, whichever is less. These thresholds are cumulative. Therefore, if the combined value of transfers into or out of a procurement (P-1) or research, development, test and evaluation (R-1) line exceeds the identified threshold, the Department of Defense must submit a prior approval reprogramming to the congressional defense committees. In addition, guidelines on the application of prior approval reprogramming procedures for congressional special interest items are established elsewhere in this report.

FUNDING INCREASES

The conferees direct that the funding increases outlined in these tables shall be provided only for the specific purposes indicated in the table.

JOINT TACTICAL RADIO SYSTEM (JTRS)

In July 2006, the Department of Defense established a new management arrangement for the JTRS program. As a result, the Department of the Navy is now the lead component for JTRS development. In support of this new arrangement, the conferees agree to transfer JTRS research and development funding from the "Research, Development, Test and Evaluation, Army" account to the "Research, Development, Test and Evaluation, Navy" account. The conferees note the JTRS Joint Program Executive Office remains in control of JTRS development funding and must approve any obligation or transfer of execution year funds for radio development associated with any of the JTRS program elements.

PROMPT GLOBAL STRIKE

The budget request includes $127,000,000 to demonstrate the feasibility of using existing TRIDENT II (D-5) missiles with conventional payloads to provide a prompt global strike capability. The conferees believe that fundamental issues about the requirement for and use of this weapon must be addressed prior to determining the efficacy of this program. Therefore, the conferees are providing $5,000,000 in Research, Development, Test and Evaluation, Defense-Wide for a study to be conducted by the National Academy of Sciences to analyze the mission requirement and, where appropriate, consider and recommend alternatives that meet the prompt global strike mission in the near term (1-2 years), the mid-term (3-5 years), and the long term. The study should include analyses of the military, political and international issues associated with each alternative. The study should consider technology options for achieving desired objectives as well as mitigating policy concerns. The study is due to the congressional defense committees by March 15, 2007. In addition, the conferees are providing $20,000,000 in Research, Development, Test and Evaluation, Navy for developmental efforts under the Conventional Trident Modification program. These funds should be used to focus on those developmental items which are common to all the global strike alternatives until the completion of the study and a determination has been made on the best course of action in this matter.

JOINT STRIKE FIGHTER ALTERNATE ENGINE DEVELOPMENT AND COST ANALYSIS

The conferees recommend an additional $170,000,000 in Research, Development, Test and Evaluation, Air Force and $170,000,000 in Research, Development, Test and Evaluation, Navy for continuing development of the F-136 engine for the Joint Strike Fighter program. The conferees direct the Under Secretary of Defense for Acquisition, Technology and Logistics to sponsor a comprehensive independent cost analysis of the Joint Strike Fighter engine program. The conferees strongly encourage the analysis be conducted by the Institute for Defense Analyses (IDA). This analysis shall include but not be limited to: (1) a comparison of costs associated with the development of the F-135 and F-136 engines; (2) an evaluation of potential savings achieved by eliminating or continuing the development and production of an alternate engine over the program's life cycle; and (3) the potential effects on the industrial base of eliminating or continuing the development and production of an alternate engine over the program's life cycle. This analysis shall be transmitted to the congressional defense committees not later than March 15, 2007.

The conferees in no way intend for this analysis to be an excuse for the Department of Defense not to fully fund the development of both the F-135 and the F-136 engines in fiscal year 2008. All evidence suggests that the development of two alternate engines will lead to cost savings through competition, increased capabilities for the warfighter, and a strengthened industrial base. Accordingly, the conferees direct the Department of Defense to fund the continued development of both the engines in the fiscal year 2008 budget submission while this cost analysis is ongoing.

DEPARTMENT OF DEFENSE BIOMETRICS PROGRAMS

The conferees reaffirm the authority of the Secretary of the Army as Executive Agent for all biometrics within the Department of Defense under Public Law 106-246, and encourage the Department of Defense to designate a Principal Staff Assistant to define policy, architecture, and interagency cooperation. The conferees look forward to receiving the final report of the Defense Science Board study on biometrics and receiving the associated recommendations of the Secretary of Defense by January 15, 2007.

ALTERNATIVE FUELS

At the behest of Congress, the Air Force initiated research into developing alternatives to jet fuels in current use. That research has paid dividends. A recent report from the Air Force indicates that substituting standard jet fuels (such as JP-4 and JP-8) with coal-based synthetic fuels and natural gas derivatives could result in savings of up to two-thirds of the cost of a gallon of JP-8. Moreover, the Air Force research shows that these alternative fuels burn cleaner than standard jet fuels, a result that portends savings from lower maintenance and engine replacement costs. In light of these findings, the Navy reports that it plans to initiate a pilot program to develop alternative fuels. Given the high costs of fuel and maintenance, the conferees are encouraged by these reports and believe that the military services should continue to pursue alternative fuels research and development. As such, the conferees encourage the Department to provide sufficient funding in its fiscal year 2008 and future budget requests to continue these important research programs.

SPECIALTY STEEL INDUSTRIAL BASE

The Department of Defense's demand for iron-based alloy aviation specialty steels has dramatically increased as a result of continuing deployments to the overseas theaters of operation. Today, there is only one domestic supplier for a unique process which utilizes vacuum inducted melt/vacuum arc remelt, the process which gives aviation grade steels their required properties. These specialty steels are critical to building high technology U.S. military weapon systems. Further, there has been a related and dramatic increase in the raw material needed to make these specialty steels. Lead times for these raw materials have grown from 3 months to 1 year. According to the Army, the overall effect on lead times for spare part deliverables has swelled in some cases to greater than 24 months. As such, the conferees encourage the Department of Defense to partner with domestic industry to develop a greater capacity to meet the delivery requirements for aviation parts to the military within an acceptable time frame. The conferees suggest that the Department explore a 50/50 cost share project between the Federal government, private industry, and/or state governments as the best means to create this capacity as rapidly as possible.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars)			
		Budget	House	Senate	Conference
	RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY				
	BASIC RESEARCH				
1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	19,402	19,402	19,402	19,402
2	DEFENSE RESEARCH SCIENCES	137,568	157,968	162,168	172,018
3	UNIVERSITY RESEARCH INITIATIVES	68,545	84,545	72,545	81,745
4	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	86,416	90,066	105,166	96,816
	TOTAL, BASIC RESEARCH	311,931	351,981	359,281	369,981
	APPLIED RESEARCH				
6	MATERIALS TECHNOLOGY	18,822	40,122	70,022	60,772
7	SENSORS AND ELECTRONIC SURVIVABILITY	38,428	52,678	45,728	49,878
8	TRACTOR HIP	8,466	8,466	8,466	8,466
9	AVIATION TECHNOLOGY	32,804	40,804	38,804	40,604
10	ELECTRONIC WARFARE TECHNOLOGY	19,218	36,018	22,718	31,318
11	MISSILE TECHNOLOGY	59,439	68,439	82,939	78,139
12	ADVANCED WEAPONS TECHNOLOGY	19,430	19,430	26,930	24,330
13	ADVANCED CONCEPTS AND SIMULATION	16,181	21,681	23,181	25,281
14	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	59,304	98,904	73,304	92,504
15	BALLISTICS TECHNOLOGY	52,221	57,021	57,221	59,221
16	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	2,212	13,212	9,212	13,062
17	JOINT SERVICE SMALL ARMS PROGRAM	6,247	6,247	6,247	6,247
18	WEAPONS AND MUNITIONS TECHNOLOGY	35,344	109,944	90,094	120,094
19	ELECTRONICS AND ELECTRONIC DEVICES	42,175	85,975	74,175	83,075
20	NIGHT VISION TECHNOLOGY	23,907	45,857	25,907	36,607
21	COUNTERMINE SYSTEMS	22,088	22,088	30,588	27,438
22	HUMAN FACTORS ENGINEERING TECHNOLOGY	18,858	41,858	25,358	41,358
23	ENVIRONMENTAL QUALITY TECHNOLOGY	17,923	17,923	17,323	19,823
24	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	21,193	57,493	26,693	49,093
25	COMPUTER AND SOFTWARE TECHNOLOGY	3,844	6,844	5,644	6,794
26	MILITARY ENGINEERING TECHNOLOGY	50,098	50,698	48,948	51,848
27	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	16,200	16,200	16,200	16,200

(In thousands of dollars)

		Budget	House	Senate	Conference
28	WARFIGHTER TECHNOLOGY	25,436	38.536	42,236	44,536
29	MEDICAL TECHNOLOGY	75,407	252.907	105,107	232,457
	TOTAL, APPLIED RESEARCH	685,245	1,209,345	973,045	1,219,145
	ADVANCED TECHNOLOGY DEVELOPMENT				
30	WARFIGHTER ADVANCED TECHNOLOGY	45,666	63,666	62,166	66,366
31	MEDICAL ADVANCED TECHNOLOGY	50,757	357,907	114,257	302,357
32	AVIATION ADVANCED TECHNOLOGY	64,654	95,654	101,454	97,654
33	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	74,717	100.117	77,717	93,117
34	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	109,952	185,802	181,052	207,202
35	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	10,851	12,651	10,851	12,301
36	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	6,794	6,794	11,794	9,444
37	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	44,022	55,322	51,022	53,722
38	TRACTOR HIKE	9,324	9,324	9,324	9.324
39	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	18,296	19,296	22,296	21.096
40	TRACTOR ROSE	5,183	5,183	5,183	5,183
41	IED DEFEAT TECHNOLOGY DEVELOPMENT	---	1,800	---	---
42	EXPLOSIVES DEMILITARIZATION TECHNOLOGY	10,376	18,376	26,276	25,926
43	MILITARY HIV RESEARCH	7,042	15,042	7,042	13,042
44	COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT	7,497	9,497	7,497	8,597
45	GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISION STRIKE TECHN	12,995	12,995	12,995	12,995
46	ELECTRONIC WARFARE TECHNOLOGY	18,612	28,412	18,612	25,562
47	MISSILE AND ROCKET ADVANCED TECHNOLOGY	42,127	65,627	55,294	63,644
48	TRACTOR CAGE	19,192	19,192	19,192	19,192
49	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	25,554	27,054	30,554	30,554
50	JOINT SERVICE SMALL ARMS PROGRAM	7,202	9,202	7,202	8,202
51	NIGHT VISION ADVANCED TECHNOLOGY	44,307	68,107	64,307	76,457
52	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	14,089	18,089	14,089	17,289
53	MILITARY ENGINEERING ADVANCED TECHNOLOGY	7,848	19,848	26,348	27,998

		(In thousands of dollars)			
		Budget	House	Senate	Conference
54	ADVANCED TACTICAL COMPUTER SCIENCE & SENSOR TECHNOLOGY	64,604	76,004	60,736	71,054
	TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT.............	721,661	1,300,961	997,260	1,278,278
	DEMONSTRATION & VALIDATION				
55	UNIQUE ITEM IDENTIFICATION (UID)......................	1,520	9,520	1,520	4,120
56	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION.............	11,233	68,933	75,233	88,983
57	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE)......	11,771	11,771	33,771	39,171
58	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING...........	143,417	149,117	121,417	138,667
59	LANDMINE WARFARE AND BARRIER - ADV DEV................	8,439	8,439	8,439	8,439
60	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV.....	10,714	10,714	5,714	5,714
61	TANK AND MEDIUM CALIBER AMMUNITION....................	---	2,000	2,000	2,600
62	ADVANCED TANK ARMAMENT SYSTEM (ATAS)..................	5,415	11,215	5,415	8,665
63	SOLDIER SUPPORT AND SURVIVABILITY.....................	2,778	5,278	2,778	4,378
64	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM - ADV DEV.....	20,077	20,077	20,077	20,077
65	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT.............	5,337	5,337	5,337	5,337
66	ENVIRONMENTAL QUALITY TECHNOLOGY......................	5,166	28,566	11,866	24,466
67	WARFIGHTER INFORMATION NETWORK-TACTICAL...............	158,157	118,157	128,157	123,157
68	NATO RESEARCH AND DEVELOPMENT.........................	4,946	4,946	4,946	4,946
69	AVIATION - ADV DEV....................................	6,542	6,542	10,442	9,642
71	LOGISTICS AND ENGINEER EQUIPMENT - ADV DEV............	13,216	13,216	10,216	10,216
72	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION......	8,645	8,645	8,645	8,645
73	MEDICAL SYSTEMS - ADV DEV.............................	11,973	27,373	21,973	23,873
74	SOLDIER SYSTEMS - ADVANCED DEVELOPMENT................	10,605	12,605	10,605	11,605
75	INTEGRATED BROADCAST SERVICE..........................	1,135	1,135	1,135	1,135
	TOTAL, DEMONSTRATION & VALIDATION....................	441,086	523,586	489,686	543,836

		(In thousands of dollars) Budget	House	Senate	Conference
	ENGINEERING & MANUFACTURING DEVELOPMENT				
78	AIRCRAFT AVIONICS	61,946	44,646	51,946	49,096
79	ARMED, DEPLOYABLE OH-58D	132,781	112,781	132,781	132,781
80	ELECTRONIC WARFARE DEVELOPMENT	41,655	47,255	41,655	45,555
81	JOINT TACTICAL RADIO	832,259	797,259	832,259	---
82	ALL SOURCE ANALYSIS SYSTEM	7,074	7,074	7,074	7,074
83	TRACTOR CAGE	16,057	16,057	16,057	16,057
84	COMMON MISSILE	---	30,000	---	25,000
85	INFANTRY SUPPORT WEAPONS	31,748	37,648	48,748	43,648
86	MEDIUM TACTICAL VEHICLES	1,925	5,925	13,925	13,025
87	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-SDD	5,297	5,297	5,297	5,297
89	FAMILY OF HEAVY TACTICAL VEHICLES	3,960	8,660	17,360	13,460
90	AIR TRAFFIC CONTROL	4,527	4,527	4,527	4,527
91	LIGHT TACTICAL WHEELED VEHICLES	---	10,000	---	4,500
92	ARMORED SYSTEMS MODERNIZATION (ASM)-SDD	3,310,477	2,984,677	3,064,677	2,989,977
93	NON-LIGHT OF SIGHT LAUNCH SYSTEM	322,880	322,880	325,880	324,230
94	NON-LINE OF SIGHT CANNON	112,237	112,237	112,237	112,237
95	NIGHT VISION SYSTEMS - SDD	38,821	43,621	38,821	41,621
96	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	3,017	3,017	3,017	3,017
97	NON-SYSTEM TRAINING DEVICES - SDD	121,553	121,553	127,553	125,453
100	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE -SDD	21,757	21,757	21,757	21,757
101	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	40,006	40,006	40,006	40,006
102	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	8,136	8,136	8,136	8,136
103	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS) - SDD	19,596	21,896	19,596	20,646
107	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	39,901	40,901	38,801	38,901
108	JOINT NETWORK MANAGEMENT SYSTEM	5,187	5,187	5,187	5,187
110	WEAPONS AND MUNITIONS - SDD	130,581	138,081	80,739	122,781
111	LOGISTICS AND ENGINEER EQUIPMENT - SDD	40,301	43,801	41,801	42,801
112	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS - SDD	10,783	15,283	10,783	13,183
113	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT	14,509	24,109	19,009	24,809

(In thousands of dollars)

	Budget	House	Senate	Conference
114 LANDMINE WARFARE/BARRIER - SDD	118,078	122,078	90,078	93,278
115 ARTILLERY MUNITIONS	102,554	102,554	102,554	102,554
116 COMBAT IDENTIFICATION	39	39	39	39
117 ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	69,172	69,172	61,172	60,572
119 RADAR DEVELOPMENT	2,527	2,527	2,527	2,527
120 GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	61,194	21,994	---	21,994
121 FIREFINDER	70,151	70,151	55,151	55,151
122 SOLDIER SYSTEMS - WARRIOR DEM/VAL	27,498	27,498	30,498	29,148
123 ARTILLERY SYSTEMS	1,650	1,650	1,650	1,650
125 PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP)	329,583	329,583	329,583	329,583
126 NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK	7,428	7,428	7,428	7,428
127 INFORMATION TECHNOLOGY DEVELOPMENT	70,185	61,385	63,685	62,385
TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT	6,239,030	5,890,330	5,873,994	5,061,071
RDT&E MANAGEMENT SUPPORT				
128 THREAT SIMULATOR DEVELOPMENT	21,180	23,180	23,180	23,780
129 TARGET SYSTEMS DEVELOPMENT	10,928	13,928	12,928	12,928
130 MAJOR T&E INVESTMENT	64,953	67,453	64,953	66,053
131 RAND ARROYO CENTER	20,171	20,171	22,171	21,471
132 ARMY KWAJALEIN ATOLL	178,891	178,891	178,891	178,891
133 CONCEPTS EXPERIMENTATION PROGRAM	21,626	25,126	24,626	25,576
135 ARMY TEST RANGES AND FACILITIES	389,840	389,840	389,840	389,840
136 ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	74,066	77,066	83,066	81,366
137 SURVIVABILITY/LETHALITY ANALYSIS	40,780	42,780	45,780	44,030
138 DOD HIGH ENERGY LASER TEST FACILITY	16,622	16,622	16,622	16,622
139 AIRCRAFT CERTIFICATION	4,580	4,580	4,580	4,580
140 METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	8,571	8,571	8,571	8,571
141 MATERIEL SYSTEMS ANALYSIS	16,526	16,526	16,526	16,526
142 EXPLOITATION OF FOREIGN ITEMS	4,993	4,993	4,993	4,993
143 SUPPORT OF OPERATIONAL TESTING	80,057	81,057	80,057	81,057
144 ARMY EVALUATION CENTER	60,129	60,129	60,129	60,129

	(In thousands of dollars) Budget	House	Senate	Conference
145 SIMULATION & MODELING FOR ACQ, RQTS, & TNG (SMART)	5,441	5,441	5,441	5,441
147 PROGRAMWIDE ACTIVITIES	72,214	72,214	72,214	72,214
148 TECHNICAL INFORMATION ACTIVITIES	34,834	51,834	38,334	47,884
149 MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	18,726	36,126	33,626	37,326
150 ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	4,418	4,418	4,418	4,418
151 MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	14,092	14,092	14,092	14,092
TOTAL, RDT&E MANAGEMENT SUPPORT	1,163,638	1,215,038	1,205,038	1,217,788
OPERATIONAL SYSTEMS DEVELOPMENT				
153 MLRS PRODUCT IMPROVEMENT PROGRAM	74,506	74,506	74,506	75,506
154 WEAPONS CAPABILITY MODIFICATIONS UAV	16,532	16,532	3,500	1,600
155 AEROSTAT JOINT PROJECT OFFICE	264,491	245,491	264,491	245,491
156 ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	17,394	18,394	17,394	18,394
157 COMBAT VEHICLE IMPROVEMENT PROGRAMS	12,741	16,741	12,741	14,541
158 MANEUVER CONTROL SYSTEM	37,976	37,976	34,976	34,976
159 AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	301,739	295,939	307,139	307,239
160 AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	860	860	860	860
161 DIGITIZATION	13,373	16,073	13,373	14,873
162 FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2)	26,375	26,375	26,375	26,375
163 MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	10,770	10,770	10,770	10,770
164 OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	19,706	19,706	17,606	22,806
166 TRACTOR CARD	7,242	7,242	7,242	7,242
167 JOINT TACTICAL COMMUNICATIONS PROGRAM (TRI-TAC)	5,804	5,804	5,804	5,804
168 JOINT TACTICAL GROUND SYSTEM	15,044	15,044	15,044	15,044
169 JOINT HIGH SPEED VESSEL (JHSV)	20,397	20,397	20,397	20,397
173 SECURITY AND INTELLIGENCE ACTIVITIES	3,170	6,670	7,170	8,420
174 INFORMATION SYSTEMS SECURITY PROGRAM	23,828	24,751	25,828	25,751
175 GLOBAL COMBAT SUPPORT SYSTEM	55,272	58,272	39,272	48,522
176 SATCOM GROUND ENVIRONMENT (SPACE)	41,336	41,336	33,336	33,336
177 WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	12,200	12,200	12,200	12,200

	(In thousands of dollars)			
	Budget	House	Senate	Conference
178 JOINT COMMAND AND CONTROL PROGRAM (JC2)	4,057	4,057	4,057	4,057
179 TACTICAL UNMANNED AERIAL VEHICLES	114,087	117,087	158,087	154,937
180 AIRBORNE RECONNAISSANCE SYSTEMS	12	12	1,012	1,012
181 DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	120,562	140,112	125,562	135,812
182 AVIONICS COMPONENT IMPROVEMENT PROGRAM	1,031	1,031	1,031	1,031
183 END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	68,075	101,375	102,575	113,475
184 NATO JOINT STARS	688	688	688	688
TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	1,289,268	1,335,441	1,343,036	1,361,159
999 CLASSIFIED PROGRAMS	3,700	8,200	3,700	3,700
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	10,855,559	11,834,882	11,245,040	11,054,958

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request	House	Senate	Conference
2	**DEFENSE RESEARCH SCIENCES**	**137,568**	**157,968**	**162,168**	**172,018**
	Reduce program growth		-13,000		-7,000
	Perpetually Assailable and Secure Information Systems (PASIS)		5,000		5,000
	Technology Commercialization and Management Network		2,000		1,600
	Cyber-Threat Analytics only for Cyber TA Phase 3 real-time detection/prevention of emerging internet threats including incorporation of IASM capabilities to guard against cyber-attack		5,000		4,000
	Advanced Research and Technology Initiative (ARTI)		4,000	5,500	4,000
	Advanced Carbon Nanotechnology Program		2,500	4,000	2,600
	Broad Spectrum Anti-Viral Host Oriented Therapeutics		1,000		1,000
	Functionally Integrated Reactive Surface Technologies (FIRST)		3,000		3,000
	Optical Technologies Research		2,000	2,000	2,000
	Imaging Research Center for Research of Disorders due to military training and performance		900		900
	Combat Mental Health Initiative		4,000		2,600
	Plasti-Bone Research		2,000		1,500
	Viral Biosensors		1,000		1,000
	Chemical Mechanical Planarization		1,000		1,000
	Sci Prob with Military Applications/Network Behavior Research			-2,000	0
	Army Landscape Dynamics Support Program			1,000	1,000
	Biological Raman and Optical Imaging			1,000	1,000
	Document Exploitation			1,000	1,000
	Flexible Electronics Research Initiative			1,000	1,000
	Fuel Logistics Reduction through Enhanced Engine Performance			1,000	1,000
	Illicit Narcotics Lab Detection System			3,000	1,950
	Integrated Nanosensor Technologies for NBC Detection Applications			2,000	1,000
	Nanomaterials for ISR			1,000	1,000
	Organic Semiconductor Modeling and Simulation Research			2,100	1,000
	Terrain Atmosphere Research to Optimize Battlefield Operations			2,000	1,300

R-1		Budget Request	House	Senate	Conference
3	**UNIVERSITY RESEARCH INITIATIVES**	**68,545**	**84,545**	**72,545**	**81,745**
	Cyber Enabled Technology Program		1,000		1,000
	Desert Environmental Research only for the University-based GIS program initiative to enhance knowledge, skills and technology for DoD research facilities		2,500		2,000
	Collaboration Skills for Time Critical Teams - only to build on the success of the High-Rise Evacuation Learning Platform (HELP) program		1,500		1,000
	Nanosystems through Optical Biosensors		4,000		1,800
	Laboratory for Engineered Human Protection		2,000		1,100
	Physical and Behavioral Rehabilitation		1,000		1,000
	Nanomedical Technologies Research		2,000		1,000
	Nanocrystal Therapeutic Agents and Screening Tools		1,000	1,000	1,000
	Transmission Electron Microscope		1,000		1,000
	Advanced Precision Supply Parts Manufacturing			2,000	1,300
	Low Temperature Vehicle Performance Research			1,000	1,000
4	**UNIVERSITY AND INDUSTRY RESEARCH CENTERS**	**86,416**	**90,066**	**105,166**	**96,816**
	Program adjustment		-6,000		-5,000
	Center for Ferroelectric Electronic-Photonic Nanodevices		1,600	3,000	1,600
	Nanosensor Stagegate Accelerator - U.S. Army Benet Laboratories, Watervliet Arsenal		1,000		1,000
	Northern California Institute for Research and Education (Transferred to RDTE, Army, Line 29)		4,000		0
	Center for Advanced Sensors		1,500		1,000
	Florida Collaborative Development of Advanced Materials for defense applications		300		300
	Western Hemisphere Security Analysis Center (WHSAC)		1,000		1,000
	Transparent Nanocomposite Armor		250	250	250
	Army Corrosion Control: Inhibition and Detection			1,500	1,000
	Automotive Research			2,000	1,300
	Center for Education in Nanoscience and Nanotechnology			2,000	1,300
	Center for Information Assurance and Cyberwarfare			1,000	1,000
	Integrated Systems in Sensing, Imaging and Communications Research			1,000	1,000
	Nanotubes Composite Materials Research			3,000	1,350
	National Center for Infotonics			2,000	1,000
	National Network Security Test Bed			2,000	1,300
	Visualization for Training and Simulation in Urban Terrains			1,000	1,000

R-1		Budget Request	House	Senate	Conference
6	**MATERIALS TECHNOLOGY**	**18,822**	**40,122**	**70,022**	**60,772**
	Spinel Tactical Armor Manufacturing Production Technology		2,000	5,000	3,250
	Cutting Tools for Aerospace Materials		3,000		2,350
	FCA Advanced Ballistic Technology Program		3,000		1,650
	Future Affordable Multi-Utility Materials for the Army Future Combat Systems		2,000	2,000	2,000
	Control System for Laser Powder Deposition		300	300	300
	Improvised Explosive Device Simulation in Different Soils		500	500	500
	Production of Turtle Shell Armor for E-SAPI and Future AP Threats		3,000		1,350
	Lightweight Transparent Armor for Force Protection		1,500		1,000
	Nanomanufacturing of Multifunctional Sensors		2,000	2,000	2,000
	Defense Materials Technology Center (Transferred to line 149)		1,000		0
	MEMS Sensors for Rolling Element Bearings		3,000	3,000	3,000
	Airfield Matting System Replacement			2,900	1,900
	Composite Materials Technology for Future Combat System			2,000	1,000
	Erosion Resistant Surface Engineering for Helicopter Compressor Blades			4,000	2,600
	LASSO Ground Mobility Vehicle Testing			5,000	4,000
	Materials Joining for Army Weapons Systems			3,000	1,650
	Multifunctional Nanostructured Materials for Future Combat System			4,000	2,200
	Munitions Shape Charge Control Research			6,000	2,700
	Precision Polishing of Large Optics			2,000	1,300
	Structural Reliability of Smart Munitions and Lightweight Structures			2,000	1,300
	Thermal Sprays for Polymeric-Based Ballistic Mitigation Materials			4,000	2,600
	Ultrasonic Consolidation for Advanced Materials Fabrication			3,500	2,300
	Thermo Plastic Body Armor (From Senate section 8154)				1,000
7	**SENSORS AND ELECTRONIC SURVIVABILITY**	**38,428**	**52,678**	**45,728**	**49,878**
	Program adjustment		-5,000		-3,000
	Vertical/Horizontal Integration of Space Technologies and Applications (VISTA)		3,200		1,450
	Advanced Detection of Explosives (ADE) Program		1,350		1,100
	High Brightness Diode Source (HiBriDS)		3,000		1,350
	Wearable Video Capture System		1,000		1,000
	Graphics Simulation Hardware		1,000		0
	ONYX OPTICS - Advanced Bonded Diamond for Optical Applications		3,000		1,950
	Single Crystal Chemical Vapor Deposition Diamond Lens Elements for High Energy Lasers		1,000		1,000
	Roll-to-Roll (R2R) Microelectronics in Support of FDI		1,700		1,000
	Network Enabled Combat Identification Program		4,000		2,200

R-1		Budget Request	House	Senate	Conference
	Biotechnology Applied Research			-2,000	-2,000
	Center for Advanced Microelectronics Manufacturing			3,000	1,950
	Lighter-Than-Air Unmanned Aerial Vehicle Multirole Technologies			3,300	1,500
	Prometheus Spectrometer System and THazer Free Electron Laser			3,000	1,950
9	**AVIATION TECHNOLOGY**	**32,804**	**40,804**	**38,804**	**40,604**
	Aircraft Structural Condition Monitoring System (ASCM) for Diagnostics and Prognostics		2,000		1,100
	Center for Rotorcraft Innovation		4,000		1,800
	Test and Evaluation of Energy Attenuating Seat for Military Aircraft		2,000		1,000
	Composite Small Main Rotor Blades			4,000	2,600
	Limited Visibility Landing System			2,000	1,300
10	**ELECTRONIC WARFARE TECHNOLOGY**	**19,218**	**36,018**	**22,718**	**31,318**
	Dominant MOUT Viewer (DMV)		7,000		3,850
	Silver Fox Unmanned Aerial Vehicle - Army		3,500	3,500	3,500
	Integrated Information Technology Policy Analyses Research		2,000		1,600
	Xenon Light Source for Non Lethal Deterrence from Small Unmanned Aerial Vehicle		2,300		1,850
	Battlefield Connectivity, Multi-Level Secure Networks		2,000		1,300
11	**MISSILE TECHNOLOGY**	**59,439**	**68,439**	**82,939**	**78,139**
	Materials Applications Research Center (UAB)		2,000		1,000
	Jam Resistent Technology for INS/GPS Precision		2,000		1,300
	Mariah II Hypersonic Wind Tunnel Development		5,000	3,000	3,000
	Enhanced Area Protection and Survivability			2,500	1,650
	LENS X Hypervelocity Ground Testing			3,500	1,600
	Missile Aero-propulsion Computer System Modernization			10,000	6,500
	Nanotechnology Research with AMRDEC			1,000	1,000
	Novel Lightweight Armor Material for Insensitive Munitions			1,000	1,000
	Unmanned Systems Initiative at AMRDEC			2,500	1,650
12	**ADVANCED WEAPONS TECHNOLOGY**	**19,430**	**19,430**	**26,930**	**24,330**
	Army Missile and Space Technology Initiative			7,500	4,900
13	**ADVANCED CONCEPTS AND SIMULATION**	**16,181**	**21,681**	**23,181**	**25,281**
	Automated MIST -- Man-in-Simulant		1,000		1,000
	Photonics Center		4,500		3,600
	RedOwl Acoustic Targeting Device/Photonics Center			7,000	4,500

R-1		Budget Request	House	Senate	Conference
14	**COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY**	**59,304**	**98,904**	**73,304**	**92,504**
	Mobile Secure Wireless Sensor		1,200		1,000
	Component Optimization for Ground Systems (COGS)		2,000		1,000
	Liquid Desiccant-Based Atmospheric Water Generation		2,000		1,600
	Turbo Fuel Cell Engine		1,800		1,450
	Multi-Sensor Payloads for Unmanned Systems		1,800		1,450
	Nanofluids for Advanced Military Mobility Systems		1,300		1,000
	Defense Transportation Energy Research		3,000		1,350
	Transportable Synthetic Fuel Manufacturing Modules		2,000		1,300
	Defect-Free Commercially Viable Si/C Semiconductors Using Superlattice Technology		1,000		1,000
	HAMMER		6,000		3,900
	Rapid Product Development and Deployment Portal		1,000		1,000
	Globally Accessible Manufacturing Activty (GAMMA) for military repair parts		7,000		3,850
	Plasma JP-8 Fuel Reformer for military auxilary power		2,700		1,500
	50% Weight Reduced, Multi-Hit Capable Transparent Vehicle Armor		1,800		1,000
	HMMWV Hybrid Technology Conversion Kits (IIT)		1,000	1,000	1,000
	Hydrogen PEM Ambient Pressure Fuel Cell Medium/Heavy Duty Vehicles		3,000	3,000	3,000
	Advanced Composite Materials Research for Air and Ground Vehicles		1,000	5,000	2,250
	Program Reduction			-5,000	-2,500
	Advanced Electrical Drive			2,500	1,100
	Advanced Manufacture of Lightweight Materials and Components			1,000	1,000
	Ground Vehicle Reliability Prediction and Optimization			1,000	1,000
	Light Weight Composite Brake for Armored Wheeled Vehicles			1,500	1,000
	Maturation and User Evaluation of Hybrid Electric XM1124 HMMWVs			3,000	1,950
	Military Fuels Research Program			1,000	1,000
15	**BALLISTICS TECHNOLOGY**	**52,221**	**57,021**	**57,221**	**59,221**
	StandOff Explosives Detector		1,000		1,000
	Advanced Tungsten Penetrators and Ballistic Materials		1,800		1,450
	TAC-C Robotic Vehicles for Special Operations Forces		2,000		1,300
	Laser Based Explosives - Chem/Bio Standoff and Point Detector			5,000	3,250

R-1		Budget Request	House	Senate	Conference
16	**CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY**	**2,212**	**13,212**	**9,212**	**13,062**
	Biomarker Molecular Toxicology Initiative		3,000		2,400
	Bioaerosol Sampling for Base Protection		2,000		1,100
	Application of CHP-105 to Class A Biowarfare Agents		1,000		1,000
	Rapid and Accurate Pathogen Identification/Detection (RAPID) Program		2,000		1,300
	Thermal Acceleration Decontamination with modified Vaporous Hydrogen Peroxide		3,000		1,350
	Battlefield Production of Improved Vaporous Hydrogen Peroxide			6,000	2,700
	Nanocrystalline Solid Decontamination Technology			1,000	1,000
18	**WEAPONS AND MUNITIONS TECHNOLOGY**	**35,344**	**109,944**	**90,094**	**120,094**
	Electrolytic Super-Capacitors, Polymer for FCS application		2,000	4,000	2,600
	Weapon System Integration Force Protection Vehicle		1,500		1,000
	High Speed Data Communications System (HSDCS)		4,000		4,000
	Nanoparticle Development for Energetic Materials and Protective Systems for Military Munitions and Armor Applications		2,300		1,850
	Integrated Command Operations Program (ICOP)		4,500		3,600
	Improved Airborne Command and Control System (IACCS) only for the Pennsylvania Army National Guard		1,800		1,450
	SOSSEC Demonstration only for the Pennsylvania Army National Guard		1,800		1,450
	Civilian Military Incident Management (CMIM) automated information tool - only for integration with the Integrated Command Operations Program		1,000		1,000
	Sculpted Transparent Armor		2,700		2,150
	Seamless Data to Display (SDD)		2,000		1,000
	Energetic Formulation and Fabrication		3,000		2,950
	Developmental Mission Integration		6,000		3,900
	Remotely Operated Weapon/Sensor Technology		6,000		3,900
	Perimeter Defense Technologies		4,000		2,600
	Armament Manufacturing Model/Science		3,000		1,950
	Armaments Systems Information Assurance		3,000		1,950
	Green Armaments/Rangesafe Technology		3,000	3,000	3,000
	Armament Systems Engineering - ASEI2		4,000		2,600
	Lightweight Munitions and Surveillance System for Unmanned Air and Ground Vehicles		2,000		1,000
	Advanced Rarefaction Weapon Engineered System		3,000		1,950
	Advanced Materials and Process For Armament Structures (AMPAS)		8,000		4,400
	Plasma Acoustic Dazzler Denial Systems Initiative (PADDS)		6,000		2,700
	Hospital Emergency Planning and Integration System (Transferred from line 24)				1,000
	Active Coatings Technology			2,000	1,000

R-1		Budget Request	House	Senate	Conference
	Army Center of Excellence in Acoustics			5,700	4,600
	Center for Micro/Nano Systems and Nanotechnology			3,500	2,300
	Electroconversion of Energetic Materials			5,000	2,250
	Engineered Surfaces for Weapons Life Extension			5,000	4,250
	Fatigue Odometer for Vehicle Components and Gun Barrels Project			3,000	1,650
	Non-Nuclear Earth Penetrator			3,000	1,950
	Parts-on-Demand for CONUS Operations			3,850	2,500
	Precision Manufacturing Initiative			3,000	1,950
	Rarefaction Wave Gun			2,500	1,100
	Steering Guided Munitions and Projectiles with Microactuators			2,000	1,100
	Titanium Extraction Mining and Process Engineering Research			4,000	2,600
	Toxin Guard Research			1,700	1,400
	Transition Laser Engineered Shaping Technology			1,000	1,000
	Unmanned Ground Vehicle Weaponization			2,500	1,100
19	**ELECTRONICS AND ELECTRONIC DEVICES**	**42,175**	**85,975**	**74,175**	**83,075**
	Program adjustment		-5,000		-5,000
	Tactical Jet-Fueled Fuel Cell Generator		3,000	3,000	3,000
	PEM Fuel Cell Tactical Generators		2,500	2,500	2,500
	Advanced High Energy Rechargeable Lithium Metal Air Battery		5,000		2,250
	Weapons of Mass Destruction Marking Set		2,000		1,600
	Flexible Polymer Multi-Laminate Packaging		2,000		1,600
	Direct Methanol Fuel Cell – Battery Recharger Program		1,000		1,000
	Soldier Fuel Cell System		2,000		1,300
	Non-Flammable, High Energy Density, Low Temperature Warrior Battery		1,000		2,000
	Pulse Tech Army Battery Management for Lithium Batteries		2,000		1,300
	Conformal Lithium Ion Polymer Battery Belt		2,000		1,000
	Renewable Energy for Military Applications		1,500	1,500	1,500
	Miniature Tactical Energy Systems Development		1,000	1,700	1,000
	Field-Ruggedized Mid-Range Direct Methanol Fuel Cells		1,000		1,000
	Advanced Portable Power Institute		2,000		1,000
	Portable Solid Oxide Fuel Cell (SOFC)/JP-8 Demonstrator		2,000	2,000	2,000
	Revolutionary 1.5 Volt Alkaline Battery		1,500	1,500	1,500
	Thin Lithium-Iron Disulfide Primary Batteries		1,000		1,000
	Defense Systems Modernization and Sustainment Initiative		2,700		1,200
	E-Beam Reticle and Lithography Inspection Tool		4,000		1,800
	Nanofluidic Electronic BioSensor Technologies for Defense Applications		1,000		1,000
	Micromachined Switches in Support of Tranformational Communications Architecture		2,000		1,000
	Manufacturing Technology Development of Advanced Components for High Power Solid State Lasers		3,600		1,600
	Q-Band Millimeter Wave Power Module for Tactical Satellite Communications		1,000		1,000
	Novel Zinc Air Power Sources for Military Applications		2,000	2,000	2,000

R-1		Budget Request	House	Senate	Conference
	Compact Tactical Laser Program			3,000	1,950
	Portable Energy Devices			4,800	2,000
	Revolutionary Lithium Metal Air Technology			2,000	1,100
	Soldier Portable Solid Fuel Hydrogen Generator			3,000	1,950
	Transcritical Carbon Dioxide Environmental Control Unit			5,000	2,750
20	**NIGHT VISION TECHNOLOGY**	**23,907**	**45,857**	**25,907**	**36,607**
	Millimeter/Terahertz Imaging Arrays		2,250		1,800
	Advanced Multi-Spectral Fusion Sensors		1,350		1,100
	Eyesafe Pulsed Fiber Laser for LADAR		1,350		1,100
	Multispectrum Sensor Protection		1,350		1,100
	Mid-Wave Infrared Sensor Technologies		1,350		1,100
	Sensor Solutions for Unattended Surveillance		1,500		1,000
	Enhanced Micro-Image Display Technology		3,000		1,350
	Power Efficient Microdisplay Development for US Army Night Vision		3,000		1,350
	ISR - Radar Module Cooling System (Transferred to RDTE, Navy)		3,000		0
	Miniaturized Sensors for Small and Tactical Unmanned Aerial Vehicles (MINISENS)		2,000		1,000
	Small Business Infrared Materials Manufacturing - Silicon Alternative Substrate		1,800	2,000	1,800
21	**COUNTERMINE SYSTEMS**	**22,088**	**22,088**	**30,588**	**27,438**
	Biological Detection of Unexploded Ordnance and Land Mines			5,000	3,250
	Mapping and Detection of Unexploded Ordnance			2,500	1,100
	Small Synthetic Aperture Radar Buried Mine Detection			1,000	1,000
22	**HUMAN FACTORS ENGINEERING TECHNOLOGY**	**18,858**	**41,858**	**25,358**	**41,358**
	Leonard Wood Research Institute		20,000		16,800
	MANPRINT		3,000		2,000
	High Optempo Performance Soldier Training			4,000	2,600
	Team Performance and Optimization Research			2,500	1,100
23	**ENVIRONMENTAL QUALITY TECHNOLOGY**	**17,923**	**17,923**	**17,323**	**19,823**
	Program Reduction			-3,000	0
	Chemical Materials and Environmental Modeling Project			2,400	1,900
24	**COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY**	**21,193**	**57,493**	**26,693**	**49,093**
	Integrated Lightweight Electronics Shelter		1,800		1,000
	Lightweight, Intra-theater Transportable Tactical Operations Center (TOC)		4,500		3,600
	Lightweight 10-Meter Antenna Mast		1,000		1,000
	Ruggedized Cylinders for Expandable Mobile Shelters		3,500		2,800
	Tactical Bandwidth Booster for Mobile Network Centric Warfare		2,000		1,600
	Improved Bandwidth for Battle Command Communications		4,000		3,200

R-1		Budget Request	House	Senate	Conference
	Enhanced Wireless Digital Communications for Urban First Responders		5,000		4,000
	Ultra Wideband Chipset Technology		1,000		1,000
	C4ISR Integrated Digital Environment Service Model (IDESM) (Incorrectly identified as "Communications Electronic Cost Module for Quick Response (CECM)" in the House report)		2,000		1,000
	Digital Alert Display for Army Commanders		3,000		1,950
	USB Data Acquistion for Voice Recognition/Response		2,000		1,000
	Hospital Emergency Planning and Integration System (Transferred to line 18)		2,000		0
	Highly Mobile Large-Scale C41SR Command Post Systems, C-130 Compatible Command Trailer		3,000		1,650
	Dynamically Managed Data Dissemination (DMDD)		1,500		1,000
	Innovative Wireless Technologies			2,000	1,000
	Nanophotonic Device Development			1,000	1,000
	Portable Flexible Communication Display Devices			2,500	1,100
25	**COMPUTER AND SOFTWARE TECHNOLOGY**	**3,844**	**6,844**	**5,644**	**6,794**
	Commercial Off The Shelf Military (COTS-M) Scout Robot		3,000		1,950
	Biologically-Inspired Security Infrastructure for Tactical Environments			1,800	1,000
26	**MILITARY ENGINEERING TECHNOLOGY**	**50,098**	**50,698**	**48,948**	**51,848**
	Program adjustment		-4,000		-3,000
	Army Power and Energy Initiative		3,600		2,900
	National Fuel Cell Research Center to advance fuel cell technology for military applications		1,000		1,000
	Topographical Research			-2,000	0
	Airborne Threats			850	850
28	**WARFIGHTER TECHNOLOGY**	**25,436**	**38,536**	**42,236**	**44,536**
	Development of Protective Textile Fabric		1,500		1,000
	Precision Guided Air-Dropped Equipment		3,600		2,900
	Chemical and Biological-Protective Hangers (CAB-PH)		2,000		1,000
	Advanced Warfighter Sustainment Systems for the 21st Century (AWSS-21)		2,000	2,000	2,000
	Solar Powered Refridgerated Container for Food and Medicine Storage		2,000		1,000
	Army Combat Uniform Advanced Fabric Treatment Technology Demonstration		1,000		1,000
	Center of Excellence for High Performance Fibers at Natick Soldier Center		1,000		1,000
	Biosecurity Research for Soldier Food Safety			2,000	1,300
	Combat Effective Facial Armor			2,000	1,000
	Electrochemical Field-Deployable System for Potable Water Generation			1,000	1,000
	Flexible Monolithically Integrated Solar Panels on a Polymer Substrate			3,000	1,950
	Improved Shelf-life for Vegetables			3,000	1,650
	Inorganic Metallic Barriers for Chem-Bio Structures			2,000	1,300
	Next Generation Chem-Bio Protection Suit			1,800	1,000

R-1	Budget Request	House	Senate	Conference
29 MEDICAL TECHNOLOGY	**75,407**	**252,907**	**105,107**	**232,457**
Advanced Antimicrobial-Nano Technology		1,000		1,000
Advanced Proteomics for Military Clinical Applications		1,500		1,000
Applied and Clinical Prosthetic Research Program at the Walter Reed Amputee Center		6,000		6,000
DoD Biological and Immunological Infectious Agent and Cancer Vaccine Research		2,500		1,900
Biomarkers: Evaluating and Treating Acute and Chronic TBI		2,250		1,800
Biomedical Materials Initiative		2,000		1,000
Bone and Tissure Repair and Regeneration Center		1,000		1,000
Bone Health and Military Medical Readiness		1,000		1,000
Center for Advanced Surgical and Interventional Technology (CASIT)		3,000		2,400
Center for Diagnosis of Pathogens		2,000		1,300
Center for Research on Integrative Medicine in the Military (CRIMM)		2,000		1,300
Center for Respiratory Biodefense		1,000		1,000
Center for the Advanced Studies of Brain Injury		1,500		1,000
CIC Interdisciplinary Research for Prevention, Diagnosis and Treatment of Cancer		5,000		2,250
Combat Stress Intervention Program		1,800		1,500
Comprehensive Management Initiative for Chronic Diseases (CMICD)		1,800		1,500
Computer-Based Training Methods for Surgical Training		1,000		1,000
CRF Spinal Cord Injury Clinical Trials DoD Research Initiative		2,500		2,000
Development of Minimally Invasive Cardiac-Assist Devices		1,000		1,000
Diabetes Research - Madigan Army Medical Center		500		500
Early and Rapid Analyzer for Diagnosis of Heart Attacks		1,000		1,000
Elgen Gene-based Vaccine Delivery Technology Program		1,500		1,100
Epigenetic Origin of Disease Research for Casualty Detection, Avoidance, Evacuation and Treatment		500		500
DoD Evaluation of p75 protein for Non-surgical Treatment of Central Nervous System Trauma		1,000		1,000
Hydrogen Sulfide Human Health and Disease Research		500		500
IDEAnet		1,000		1,000
Immunostimulating HIV Therapy		1,000		1,000
Improving Musculoskeletal Health and Function		2,000		1,000
Infectious Disease Research		1,000		1,000
Northern California Institute for Research and Education		4,000		2,600
Integrated Medicine, Communications, Compassion, Chronic Care Program (IC4)		2,500		1,600
Integrated Multimedia Medical Record		2,500		1,600
Lehman Injury Research Center/Ryder Trauma Center		1,300		2,000
Life Science Research Initiative		1,000		1,000
MCIS Portable Clinical Information Initiative		1,000		1,000

R-1	Budget Request	House	Senate	Conference
Medical Area Network for Virtual Technology		5,400		4,300
Medical Image Database Holographic Archiving Library System (MID-HALS)		1,000	1,000	1,000
Medical Resources Conservation Technology System		2,500		1,600
Military Interoperable Digital Hospital Testbed		5,000		4,000
Military Molecular Medicine Initiative (M3I) (To include funds for a pilot project to improve the operational readiness of Army National Guard and Reserve personnel through Integrative Cardiac Health Project (ICHP) prevention strategies at the Walter Reed Army Medical center)		20,000		17,400
Nanofabricated Bioartificial Kidney		2,700		1,500
National Center for Cancer Prevention through Remote Biological Sensing		2,000		1,100
National Eye Evaluation and Research for Defense Applications		5,000		4,000
Neural Controlled Prosthetic Device for Amputees		1,800		1,450
Neutron/Hadron Particle Therapy		5,000		3,300
Non-Electric Disposable IV Infusion Pump		2,000		1,800
Online Health Services Optimization		1,000		1,000
Orthopedic Extremity Trauma Research		9,000	4,000	6,800
Orthopedic Implant Design and Manufacturing for Traumatic Injuries		1,000		1,000
Pain and Neuroscience Center Research (Only for a public/private effort among the Department of Defense Medical Treatment Facilities and a primary health care center to provide a comprehensive program in pain and neurosciences for Department of Defense medical beneficiaries)		13,000		10,400
Parallelavax Rapid Vaccine Testing Technology		2,000		1,000
Preventive Medicine Research Institute		2,000		1,800
Protein Hydrogel		1,500		1,000
Rapid Prototyping Prosthetic Limbs		1,500		1,000
Rapid Wound Healing Technology Development		1,000	1,000	1,000
Rare Blood Program		1,000		1,000
Reservist Medical Simulation Training		1,500		1,000
Robotic Surgical Systems		1,000		1,000
Silver Foam Technologies Healing Program		1,000		1,000
Storage Area Network Implemenation - Eisenhower Medical Center		2,000		1,000
Synchrotron-Based Scanning Research		10,000		8,000
Synthetic Malaria Vaccine Research		2,000		1,000
Targeted Nanotherapy for Advanced Breast and Prostate Cancers		1,000		1,000
Transportable Pathogen Reduction and Blood Safety System		2,250		1,100
Type 1 Diabetes Regeneration Project		2,700		2,100
Ultrafiltration Catheter for Prevention of Compartment Syndrome in Battlefield Injuries		1,000		1,000
Viral Immunology Center Rapid Pathogen Identification		1,000		1,000
Weapons Agents Bio-Defense Analysis Program		4,500		2,100
Blast Protection Research (From Senate section 8141)				1,000

R-1		Budget Request	House	Senate	Conference
	Advanced Bio-Engineering for Enhancement of Soldier Survivability			1,000	1,000
	Carbon Nanotube Production			1,000	1,000
	Combat Casualty Care - Battlefield Wounds			6,000	3,900
	Hibernation Genomics			3,500	2,800
	High Technology Mass Spectrometry Laboratory			1,500	1,000
	Military Alternative Medicine Research			5,000	4,500
	Neuroprosthetics and BioMEMS Development Project			1,000	1,000
	Respiratory Bio-Defense			3,000	1,650
	Science, Humanitarian Intervention, Education, and Leadership for Disasters			1,700	1,100
30	**WARFIGHTER ADVANCED TECHNOLOGY**	**45,666**	**63,666**	**62,166**	**66,366**
	Joint Precision Airdrop Systems – 2 K lb. Resupply Requirements and Support		2,500		1,100
	Monolithic Breatheable Film for Chemical and Biological Protective Clothing		2,000		1,600
	Multi-Layer Coextrusion for High Performance Packaging Film		4,000		3,200
	Ration Packaging Materials and Systems for Meals Ready-to-Eat		3,000		2,400
	Multifunctional Protective Packaging Technology		3,000	3,000	3,000
	Silicon Based Micro Fuel Cell on a Chip		1,000	3,000	1,350
	Rapid Fielding of Precision Airdrop Technology to Iraq and Afghanistan		1,000		1,000
	Center for Excellence for High Performance Fibers		1,500		1,000
	Future Force Warrior			-5,000	-5,000
	Chemical/Biological Agent Protection			3,000	1,950
	High-Pressure/Microwave Meals-Ready-to-Eat Processing			6,000	3,300
	Mosaic Extremity Protection			1,000	1,000
	NBC Integrated Protection Membrane-Shelters			3,500	2,800
	Small Business Development and Transition			2,000	2,000
31	**MEDICAL ADVANCED TECHNOLOGY**	**50,757**	**357,907**	**114,257**	**302,357**
	Acellular Matrix Constructs for Military Casualties		1,500		1,000
	Advance of Non-Invasive Glucose Monitoring		1,800		1,450
	Advanced Lower Limb Prosthesis for Battlefield Amputees		1,000	2,000	1,000
	Advanced Proteomics Program		3,000		1,350
	Advanced Regenerative Medicine, Skin Cell Therapies: Burn, Limb and Digit Treatment		1,800		1,450
	Advanced Diagnostic and Therapeutic Digital Technologies		2,000		1,600
	Advanced Restoration Therapies in Spinal Cord Injuries		3,000		1,350
	Alliance for Nanohealth		2,000		1,100
	ALS Therapy Development for Gulf War Research		1,500		1,000
	Anthrax Skin Patch Vaccine		2,000		1,000
	Anti-Terror Medical Technology Program		2,000		1,000

R-1	Budget Request	House	Senate	Conference
Assistive Technology Research Center at the National Rehabilitation Hospital (Note: Only for assistive technology to support innovative applied technology programs for veterans, service members and their families at the Assistive Technology and Research Center at the National Rehabilitation Hospital)		2,700		2,200
Research on Autism Spectrum Disorder in the Military		7,500		7,500
Battlefield Extraction and Retrevial for Medical Intervention		2,500		1,100
Armed Forces and Dependants Behavorial Health Readiness Portal		2,000		1,000
Biodefense Vaccine Development and Engineering		1,000		1,000
Biomarker-Guided Therapy for Traumatic Brain Injury		2,000		1,000
Blood Safety and Decontamination Technology		1,000		1,000
Brain, Biology, and Machine Initiative		2,500	2,500	2,500
Cancer Biomolecular Markers Research		1,000		1,000
Warfighter Cancer Care Engineering		2,700		1,200
Candida/Staphylococcus Vaccine (Note: only to develop Candida and S.Sureus Vaccine based on recombinant DNA technologies)		1,000		1,000
Center for Integrated Functional Materials Research		1,000		1,000
Center for Integration of Medicine and Innovative Technology (CIMIT)		12,000	5,000	9,600
Center for Proteomics		1,800		1,400
Center for Resuscitation Research		3,000	3,000	3,000
Center for Targeted Cancer Therapy (NCTCT)		1,000		1,000
Center for Untethered Healthcare in the Military		1,000		1,000
Cancer Genomics Center for Women in the Military		4,000		1,800
Opthamology Research on Surgical Techniques and Treatment Modalities for Wounded Soldiers at Wills Eye Center		2,500		2,500
Military Dependant Childhood Cancer Research (USOC/COG)		3,000		3,000
Chitosan Hemmorrhage Control Dressing		3,000		1,400
Combat Casualty Care Medical Technology Surgical Skills Lab		1,900		1,000
Combat Medic Training		1,350		1,000
Consortium on Preparedness Infectious Disease Research and Emergency, Bioterrorism and Pandemic Preparedness		1,000		1,000
Cooperative International Neuromuscular Research		3,000		1,900
Diabetes Management Program		100		100
Diagnostic and Therapeutic Cancer Care Equipment		5,000		3,000
DMCT Medical/Training Technolgy Enhancement Initiative - Pocket PC		2,000		1,300
Duchenne Muscular Dystrophy (DMD) Repair and Regeneration Clinical Trials		1,800		1,500
Durable Antimicrobial Technology for Healthcare Environments		2,000		1,000
Exceptional Family Transition (EFTT) for Soldiers, Sailors, Marines, and Airmen		1,000		1,000

R-1	**Budget Request**	**House**	**Senate**	**Conference**
Fibrinogen Bandages for Military Use		4,000		1,800
Field Medical Robotics for Military Combat Casualty Care		1,000		1,000
Genomic Medicine and Gene Therapy		4,000		1,800
Gynecological Disease Program		4,500		3,600
Hospital of the Future Program		2,700		1,200
Human Organ and Tissue Preservation Technology		2,000		1,000
Institute for Human Genetics and Military Health		4,000		1,800
Intelligent Orthopedic Fracture Implant Program		1,000		1,000
Joint Collaborative Medical Information System (JCMIS)		2,700		2,200
Joint US-Norwegian Telemedicine Program		2,000		1,300
Joslin Diabetes Center		2,700		2,200
Medvisor Secure Telemedicine		2,000		1,300
Metadata Language and Toolset		2,400		1,100
Military Low Vision Research		2,000		2,000
Model Patient Care Workflow		3,000		1,650
Modeling and Managing the Impact of Sleep Deprivation (MMISD)		3,600		2,800
National Bioterrorism Civilian Medical Response Center (CIMERC)		2,000	5,000	3,250
National Functional Genomics Center - Molecular Signature and Proteomics Research		12,000		9,000
National Functional Genomics Center - SNCC		2,500		1,100
Neurofibromatosis (NF) Research		15,000		10,000
Neuroprosthetics and Solutions for Spinal Cord Dysfunction		2,250		1,800
Neurotoxin Exposure Treatment Research Program (Note: only for the continuation of current program)		26,500		26,500
Next Generation Injury Creation Science		1,000		1,000
Smart Sensing Technologies for On-Body Sensing of Critical or Traumatic/Life Threatening Events		2,000		1,100
NVCI New Radiation Therapy Systems		2,000		1,000
Obesity in the military Medical Research Program at WRAMC		3,000		1,350
Oncogenomics Imaging Center - NFGC		4,500		2,500
Oxygen Diffusion Dressing for Accelerated Healing of Battlefield and Other Wounds		1,000		1,000
Military Dependant Pediatric Brain Tumor and Neurological Disease Research		2,700		1,200
Robotics Medical Simulation for defense applications		1,000		1,000
Personnel Readiness and Warfighter Performance		3,000		1,650
Post Traumatic Stress Disorder Research		2,000		1,000
Prader-Willi Syndrome (PWS) Resesarch		1,000		1,000
Project Battlefield Exercise and Combat Related Spinal Chord Injury Resesarch		2,700		1,200

R-1	Budget Request	House	Senate	Conference
Project Genesis Patient-Centric Healthcare Delivery System		1,300		1,000
Prostate Cancer DNA Detection Initiative		2,800		1,200
Proton Beam Therapy (Note: Only to continue a civilian-military collaborative proton beam therapy initiative on the East Coast of the United States in conjunction with WRAMC to provide state-of-the-art radiation treatment as well as clinical and non-clinical research)		7,200		5,800
Rapid Detection of Pathogens		1,000		1,000
Remote Bio-Medical Detector		1,500		1,200
Rural Health - CERMUSA		5,400		4,300
SEATreat - Cervical Cancer Research for the Military		2,000		1,600
Smart Bedside IV Pumps Automated Dose Error Reduction		2,500		1,600
Soldier Health Promotion and Preventative Medicine Strategies		2,000		1,100
Spinal Muscular Atrophy Research		3,500		3,300
Surgical Wound Disinfection and Biological Agents		1,000		1,000
Targeted Radiation Therapy for Cancer Initiative		3,000		2,000
Technologies for Metabolic Monitoring of Solider Physiology (JWF Initiative)		3,000		1,900
Electronic Medical Records Technology Infrastruture		1,500		1,000
Telehealth and Medical Applications for Combat Injuries		2,000		1,000
Patient Monitor/Defibrillator for the Wounded Warrior		3,000		1,400
Tissue and Limb Transplantation Medical Technology Development		2,500		1,400
Trauma Insitute of San Antonio (TRISTAT)		1,000		1,000
California Gallo Center Neurological Research		6,000		5,500
Ultra Hgh Resolution Display for Army Medicine		3,000		1,400
Ultra High-Speed MEMS Electromagnetic Cell Sorter		3,000	3,000	3,000
Universal Medical/Surgical Product Catalog for the Department of Defense		3,500		2,300
Veterinary Manpower Development for Defense		500		500
Walter Reed Army Hospital Research Sustainment		10,000		10,000
Weight Measurements and Standards for Military Personnel		1,750		1,000
WFU Health Sciences Regenerative Research for Military Medicine		2,000		1,000
Wireless Personal Information Carrier (WPIC) (Note: Only to complete development and to productionize the WPIC wireless dog tag system)		2,500		2,000
Advanced Surface Technologies for Prosthetic Development			3,000	1,950
Biochemical-Organic-Radiological-Disaster Educational Response			2,000	1,300
Bio-Surveillance in a Highly Mobile Population			2,000	1,300
Chitosan Based Burn Dressing			4,800	2,150
Enhanced Blood Delivery and Preservation System			2,000	1,600
Extra Corporeal Membrane Oxygenation at Tripler			2,000	1,600
Fort Detrick Technology Transfer Initiative			1,500	1,500

R-1		Budget Request	House	Senate	Conference
	Hand Transplant Technologies			3,000	1,400
	Intravenous Membrane Oxygenator			1,000	1,000
	Medical Imaging			1,000	1,000
	Medical Modeling and Simulation Through Synthetic Genes			2,000	1,100
	Minimally Invasive Removal of Ballistic Foreign Bodies			1,200	1,000
	Pharmacological Countermeasures to Ionizing Radiation			4,000	1,800
	Plasma Sterilizer (Transferred to line 113)			1,000	0
	Robotic Telesurgery Research			5,000	2,250
	Soldier Biomaterials Institute for Acute and Regenerative Care			4,000	1,800
	Soldier Mounted Eye Tracking and Control Systems			2,500	1,650
	Troop Recruitment Improvement			1,000	1,000
32	**AVIATION ADVANCED TECHNOLOGY**	**64,654**	**95,654**	**101,454**	**97,654**
	Composite Tail for Armed Reconnaissance Helicopter		1,000	2,000	1,300
	Process Technologies for Replacement Part Production		6,000	4,000	4,800
	Small Heavy Fuel Engine (SHFE) VAATE Program		2,000		1,600
	Drive System Composite Structural Component Reduction Program		2,000		2,000
	Lightweight Sapphire Transparent Armor for Rotorcraft		1,000		1,000
	Heavy Fuel Burning Engines for UAVs - to complete engine testing and flight tests with UAV prototypes		4,000		1,800
	Rapid Prototyping for Special Projects		6,000		4,900
	Helicopter Nanocrystalline Diamond Rotor Blade Leading Edge Protection - Army		1,500		1,000
	Fuel Cells for Mobile Robotic Systems Project		1,000	1,000	1,000
	Universal Control - Full Authority Digital Engine Control		4,000	2,000	3,000
	Alternative Payload Bomb Live Unit (AP-BLU)		2,000		1,000
	Directed Energy Systems for UAV Payloads		500		500
	UAV Systems Demonstration			-15,700	-15,700
	Joint Heavy Lift			-3,000	-3,000
	Excalibur Unmanned Combat Aerial Vehicle			10,000	6,500
	Helmet-Mounted Display/Visor Projection			3,000	1,950
	Improved VAROC/UAV Compression System Development			4,000	2,600
	Integrated Aircraft Test Bed			3,000	1,950
	Mission Execution Technology Implementation			6,000	3,900
	Quick-Materiel Express Delivery System			2,500	1,100
	Rapid Tactical Integration and Fielding of Systems Initiative			3,000	1,950
	Reconfigurable Tooling Systems			2,000	1,000
	Unmanned Aerial Vehicle Resupply			5,000	2,250
	Vertical Takeoff and Landing Unmanned Aerial Vehicle			3,000	1,350
	VTDP Compound Helicopter Technology Flight Demonstration			5,000	3,250

R-1		Budget Request	House	Senate	Conference
33	**WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY**	**74,717**	**100,117**	**77,717**	**93,117**
	Program adjustment		-4,000		-4,000
	Armament Titanium Casting Advancement Program (ATCAP)		2,700		2,150
	Telepresent Rapid Aiming Platform (TRAP)		3,000		2,400
	Mid-Range Munition (MRM)		2,000		2,000
	Rapid Insertion of Development Tech		4,000		3,600
	Manufacturing of Precision Aspheric Optics for Military Use		1,000	1,000	1,000
	Disruptive Technology Acceleration		4,000		3,600
	Electromagnetic Gun Initiative to further develop advanced lightweight silicon switch technology for use as the primary pulse-power switching element in a mobile electromagnetic gun system, in conjunction with U.S. Army, ARDEC.		2,000		1,000
	Terramechanics Research to Reduce Vehicle Rollovers		1,700		1,000
	Optical Processing Realization for Army Armaments Systems		3,000		1,350
	National Nanotechnology Manufacturing Center		2,000	2,000	2,000
	Reactive Nanocomposite Materials		2,000		1,000
	Production-Class Nanopowder Processing Facility		2,000		1,300
34	**COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY**	**109,952**	**185,802**	**181,052**	**207,202**
	Program adjustment		-5,000	-10,000	-4,000
	High Speed Machining of Ceramics for military application		4,700		3,100
	Battery Charging Technology		3,000		2,400
	Battery System Development		1,000		1,000
	Battlefield Requirements Management Support System		1,800		1,450
	Lightweight Aluminum Structures for Tactical Vehicles		2,550		2,050
	Vehicle Maintenance Prognostics System		1,800		1,450
	HMMWV Equipment Innovations in Lighting and Towing		1,000		1,000
	HAZ-MAT Material Vacuum Truck		1,000		1,000
	Secure Pervasive Computing for Advanced Combat Vehicles		2,000		1,300
	Mobile Armor Plant: In-Theater Battlefield Expedient Armor Manufacturing		2,000		1,000
	Advanced Drivetrains for Enhanced Mobility and Safety		1,500	1,500	1,500
	Light Weight Structural Composite Armor for Blast and Ballistic Protection		4,000	4,000	4,000
	Development of Logistical Fuel Processors to Meet Army/TARDEC/TACOM Needs		3,700	1,500	1,700
	Cross-Cue APS Radar		2,000		1,300
	Advanced Thermal Management System		5,000	2,000	3,000
	Fire Resistant Fuels		2,000		2,000
	Army Tactical RPG Airbag Protection System (TRAPS)		3,500	3,000	3,000
	LEAN Digital Product Development		1,000		1,000
	Antiballistic Windshield Armor (AWA)		2,000	3,000	2,000
	Fuel Cell Ground Support Equipment		2,000	6,000	3,900

R-1		Budget Request	House	Senate	Conference
	Mobile Information Distribution and Access-Control System (MIDAS)		2,800		1,250
	Light Weight Medium Tactical Trailer - Advanced Technology Development		1,000		1,000
	Lightweight Armor Ready Composite Cab		3,000		1,950
	Versatile Utility Vehicle		4,000		2,600
	Advanced Tactical Vehicle Safety and Reliability		2,100		1,150
	3D Advanced Battery Technology (3D ABT)		5,000		3,250
	High Speed Diesel Combustion		5,500		3,600
	Digital Humans and Virtual Reality for Future Combat Systems		1,200	3,000	1,950
	Center for Innovative Materials Research (CIMR) Vehicle Armor Application Development		1,000	1,000	1,000
	Low Quantity Precision Fabrication		3,000	3,000	3,000
	National Center for Titanium Machining		2,000		1,000
	CCMMC Lightweight Diesel Engine Initiative for Army Ground Vehicles		2,700		1,200
	Advanced Lightweight Composite Armor			1,000	1,000
	Alternative Fuels Validation Program/Military Ground Vehicles			2,000	1,600
	Amphibious Personal Mobility Vehicle			4,500	3,600
	Center for Military Vehicle Technologies			7,100	8,100
	Composite Armored Cab Program			4,000	1,800
	Compressible Magneto-Rheological Fluids			1,000	1,000
	Heat Dissipation for Electronic Systems and Enclosures			3,000	1,950
	Lightweight Road Wheels			1,000	1,000
	Next Generation Non-Tactical Vehicle Propulsion			3,000	1,950
	Pacific Rim Environmental Degradation of Materials			3,000	1,350
	Purpose Built Armored Tractor Test and Evaluation			3,000	2,400
	Segmented Band Track			1,500	1,000
	Solid Oxide Fuel Cell Materials and Manufacturing			2,000	1,300
	Tactical Vehicle Design Tools			2,000	1,300
	Tactical Vehicle Fleet Management			2,000	1,300
	Unmanned Ground Vehicle Initiative			10,000	6,500
	Unmanned Ground Vehicle/Unmanned Air Vehicle Collaborative Operations			1,000	1,000
	Vehicle Information Manager Display for Drivers			2,000	1,000
35	**COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY**	**10,851**	**12,651**	**10,851**	**12,301**
	Exportable Combat Training Centers (E-CTC) - only for NTC to expand RIPPLE Program		1,800		1,450
36	**MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY**	**6,794**	**6,794**	**11,794**	**9,444**
	Adaptive Command and Control Team Training			2,000	1,300
	Modeling and Simulation Technologies for Homeland Defense/Security Training			3,000	1,350

R-1		Budget Request	House	Senate	Conference
37	**ELECTRONIC WARFARE ADVANCED TECHNOLOGY**	**44,022**	**55,322**	**51,022**	**53,722**
	Applied Communications and Information Networking (ACIN) Program		6,000		2,700
	Joint Unified Maritime Protection system (JUMPS)		1,800		1,450
	Portable Mobile Emergency Broadband Systems		2,000	5,000	3,250
	Advanced Wireless Technologies		1,500		1,000
	JEM Radio Communications Range Extension			2,000	1,300
39	**NEXT GENERATION TRAINING & SIMULATION SYSTEMS**	**18,296**	**19,296**	**22,296**	**21,096**
	Vigilant Auto-ID and Access Control System		1,000		1,000
	Joint Fires and Effects Training System			4,000	1,800
41	**IED DEFEAT TECHNOLOGY DEVELOPMENT**	**0**	**1,800**	**0**	**0**
	IED Electronic Signature Detection (Transferred to RDTE,D-W Line 17)		1,800		0
42	**EXPLOSIVES DEMILITARIZATION TECHNOLOGY**	**10,376**	**18,376**	**26,276**	**25,926**
	Sierra Army Depot (SIAD) Cryofracture/Plasma Arc System		2,000		1,100
	Demilitarization of Obsolete Munitions		4,000		2,200
	Missile Recycling Capability - Ammonium Perchlorate Recycling and Reuse		2,000	2,000	2,000
	Combined Bomb Unit Decasing			3,000	1,950
	Contained Static Rocket Motor			1,500	1,000
	Demilitarization of Hazardous Munitions			5000	4,000
	HMX Requalification Program			2,000	1,300
	Missile Recycling Capability - Letterkenny Munitions Center			1,400	1,000
	Small Rocket Motor Disposal			1,000	1,000
43	**MILITARY HIV RESEARCH**	**7,042**	**15,042**	**7,042**	**13,042**
	Test, Treatment and Preventive Vaccines		8,000		6,000
44	**COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT**	**7,497**	**9,497**	**7,497**	**8,597**
	Advanced Mobile Microgrid Fueler		2,000		1,100
46	**ELECTRONIC WARFARE TECHNOLOGY**	**18,612**	**28,412**	**18,612**	**25,562**
	Advanced IED Jammer Research and Development Program		2,000		1,000
	Portable Level I Fusion Toolset		2,300		1,850
	US Army Future Force ELINT		2,500		1,600
	Aerial Canopy MASINT System (ACMS)		1,000		1,000
	WIZARD -- Remotely Controlled Improvised Explosive Device Countermeasures (RCIED) Equipment for Dismounted Soldiers		2,000		1,500

R-1		Budget Request	House	Senate	Conference
47	**MISSILE AND ROCKET ADVANCED TECHNOLOGY**	**42,127**	**65,627**	**55,294**	**63,644**
	Persistent Surveillance for Active Protection of Army Ground and Air Vehicles		4,000		2,200
	General Aviation Demonstration Optionally Piloted Aircraft including Reconnaissance, Surveillance, and Target Acquisition (RSTA) integration		10,000		8,000
	Close Combat Lethal Recon (CCLR)		2,000		1,300
	FTT50 High Efficiency Turbine Engine		3,000		1,350
	Compact Kinetic Energy Missile (Only for finalizing Fire Control-Net integration, demonstration and rapid field deployment of the stabilized Compact Mobile Multi-missile Launcher with independent ITAS elevation drive and adaptive load tuning)		2,500		1,350
	Smart Energetics Architecture for Missile Systems		2,000		1,000
	Army Hypersonics Advanced Technology (Transferred $2,000,000 to RDTE,D-W)			-8,833	-8,833
	Loitering Attack Missile Development			-5,000	-5,000
	Applied Counterspace Technology Testbed			17,000	13,600
	Missile Simulation Technology Rapid Assessment and Deployment of Systems Initiative			7,000	4,600
	Warfighter Protection and Homeland Security Lab			3,000	1,950
49	**LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY**	**25,554**	**27,054**	**30,554**	**30,554**
	EDIT Advanced Landmine Detection		1,500		1,000
	Advanced Demining Technology			5,000	4,000
50	**JOINT SERVICE SMALL ARMS PROGRAM**	**7,202**	**9,202**	**7,202**	**8,202**
	Lightweight Small Arms Technology (LSAT)		2,000		1,000
51	**NIGHT VISION ADVANCED TECHNOLOGY**	**44,307**	**68,107**	**64,307**	**76,457**
	Buster Backpack		5,000		4,250
	Camera Assisted Monitoring System (CAMS)		7,000		7,000
	EO Sensor Technology for Suicide Bomber Detection		4,000		4,000
	Additive Night Vision Capabilities for Deployed Systems		1,800		1,450
	Ubiquitously Persistent Surveillance (UPS) for Force Protection		2,000		1,300
	Intelligent Surveillance Sensor Suite (Cerberus)		4,000		1,800
	Collimated Infrared Weapon Sniper Sight/Spotter Scope			2,500	1,600
	Cost Effective Targeting System			3,000	1,350
	Electron Bombarded Active Pixel Sensor Camera			2,000	1,300
	Enhanced Digital Electronic Night Vision for Unmanned Ground Vehicles			6,000	3,900
	Passive Millimeter Wave Imaging (PMMW)			2,500	1,600
	Real-Time Geospatial Video Sensor Intelligence			4,000	2,600
52	**ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS**	**14,089**	**18,089**	**14,089**	**17,289**
	Alternate Power Fuel Cell Demonstration at Fort Irwin only to continue and expand the High Electric Efficiency Planar Solid Oxide Fuel Cell System Cluster Demonstration		4,000		3,200

R-1		Budget Request	House	Senate	Conference
53	**MILITARY ENGINEERING ADVANCED TECHNOLOGY**	**7,848**	**19,848**	**26,348**	**27,998**
	Frameworks for Rapid Engineering Design Optimization Management Software for military vehicle application		1,000		1,000
	Defense Applications of Carbonate Fuel Cells		3,000		1,350
	Accelerating the Transition of Fuel Cell Systems Through Life-Cycle Engineering		3,000		1,350
	Counter Rocket, Artillery, Mortar (C-RAM) Armor Development		1,000		1,000
	Advanced Structures and Composites in Construction		2,000	2,000	3,000
	Fuel Cell Hybrid Generation System - Ramgen Technology		2,000		1,000
	Advanced Tactical Fuels			5,000	3,250
	Concrete Sealing System			1,500	1,000
	Defense Applications for Thermo-Electric Energy Devices			1,000	1,000
	Fuel Cell Mobile Electric Power System			2,000	1,300
	Fuel Cell Power for Continuity of Operations			6,000	3,900
	Real-Time Drinking Water Security Program			1,000	1,000
54	**ADVANCED TACTICAL COMPUTER SCIENCE & SENSOR TECHNOLOGY**	**64,604**	**76,004**	**60,736**	**71,054**
	Bi-Directional English-Iraqi Instant Language Translation System for the Warfighter		2,400	2,400	2,400
	Digital Array Radar (DAR) Technology Development		2,000		1,000
	Communications Electronics Cost Module for Quick Response (CECM) for military force structure/systems development		7,000		3,150
	Foliage Penetrating Radar for Unmanned Aerial Vehicles			-25,268	-12,000
	Aviation Responsive Maintenance System			1,000	1,000
	Handheld Phraselator Translator Technology			2,000	1,000
	Hyperspectral Imaging and Synthetic Aperture Radar			7,000	4,600
	Lightweight Counter-Mortar Radar Base Protection Systems			1,500	1,000
	Radar Tag Emitter			1,500	1,000
	Sensor Visualization and Data Fusion			3,000	1,350
	SharedVision			3,000	1,950
55	**UNIQUE ITEM IDENTIFICATION (UID)**	**1,520**	**9,520**	**1,520**	**4,120**
	AERAM Turbine Engine Development		4,000		2,600
	Geospatial Airship Research Platform (GARP) (Transferred to line 56)		4,000		0
56	**ARMY MISSILE DEFENSE SYSTEMS INTEGRATION**	**11,233**	**68,933**	**75,233**	**88,983**
	Standoff Sensor for Radionuclide ID (SSRID) Program		3,000		1,650
	Multiple Component Army Flight Test		3,000		2,400
	Advanced Battery Technology		3,000		2,400
	Modeling Environment for Target Scenario Testing		1,000		1,000
	Combustion Driven Compaction		1,000		1,000
	Orion High Altitude Long Loiter UAV		11,000		7,150
	Ultra Light UAV Sensor Platform		4,500		2,900
	Next Generation Passive Sensors		2,500		1,650
	Dielectric Enhanced Sensor Systems		2,500		1,650
	Aero Acoustic Test Facility (Phase II)		3,000		1,950

R-1		Budget Request	House	Senate	Conference
	Geospatial Airship Research Platform (GARP) (Transferred from line 55)				2,600
	Technology Transfer from Missile Defense for Improved Medical Imaging		2,000		1,000
	Hypersonic Thermal Protection Materials Development		2,000		1,000
	Standoff Hazardous Agent Detection and Evaluations System (SHADES)		2,000	4,000	2,000
	Joint Wavelet Transform of Hyperspectral Data for space and missile defense		2,700		1,200
	Army Missile Defense Systems Integration (Non Space) - Integrated Modeling of Air and Ground Environments (IMAGE)		3,000		1,650
	Radiation Hardening Technology Knowledge Based (HardBase)		2,000		1,100
	Micro Seeker System for Small Steerable Projectiles		2,000		1,000
	Advanced Hypersonic Weapon BMC2 Hardware in the Loop HWIL Technology Demonstration		3,000	6,000	3,900
	Next Generation Advanced Materials Research		2,000		1,000
	Thermal and Electrical Nanoscale Transport (TENT)		1,500		1,000
	Advanced Fuel Cell Research Program		1,000	4,000	2,600
	Advanced Cavitation Power Technology			4,100	3,300
	Advanced Electronics Integration Center			5,000	2,750
	Carbon Foam Program - Missile Defense			5,000	4,000
	Extended Range Attack Missile			2,000	1,100
	Future Tactical Operations Center Hardware/Software Integration			3,000	1,950
	Global Infrasound Monitoring			4,800	3,850
	Integrated Air and Missile Defense BMC4I Hardware in the Loop Test Bed			3,000	1,950
	Low Cost Avionics			2,000	1,000
	Low Cost Uncooled Infrared Camera for Missile Defense and UAVs			2,000	1,300
	Low-Earth Orbit Nanosatellite Integrated Defense Autonomous Systems			5,000	4,000
	Missile and Space Modeling and Simulation Technology			4,000	1,600
	P3 Micro-Power Devices			2,000	1,100
	Reagan Test Site Distributed Operations Control Center			3,000	1,950
	Transfer Missile Power System			5,100	4,100
57	**ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE)**	**11,771**	**11,771**	**33,771**	**39,171**
	Advanced Hypersonic Weapon Kill Vehicle Integration			5,000	4,000
	Allen Army Airfield (Expeditionary Capability)			8,000	16,500
	Divert Barriers at Allen Army Airfield			3,000	3,000
	Low Cost Interceptor			6,000	3,900

R-1		Budget Request	House	Senate	Conference
58	**AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING**	**143,417**	**149,117**	**121,417**	**138,667**
	MultiView Integrated Engineering Environment Pilot		3,700		1,650
	Joint Awareness Warfighter - Space (JAWS)		2,000		1,000
	Joint SIAP System Engineering - Program Growth with no Acquistion Strategy			-25,000	-10,000
	Area Security and Defense Systems Research			1,000	1,000
	Command Responder			2,000	1,600
60	**SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV**	**10,714**	**10,714**	**5,714**	**5,714**
	Program Execution/Milestone B Delay			-5,000	-5,000
61	**TANK AND MEDIUM CALIBER AMMUNITION**	**0**	**2,000**	**2,000**	**2,600**
	Mid-Range Munition - CE		2,000		1,300
	High Explosive Air Burst Munition			2,000	1,300
62	**ADVANCED TANK ARMAMENT SYSTEM (ATAS)**	**5,415**	**11,215**	**5,415**	**8,665**
	M151E2 Protector Integration on Light Tactical Vehicle Program		1,800		1,450
	Stryker Vehicle Open Architecture Electronic Enhancements		4,000		1,800
63	**SOLDIER SUPPORT AND SURVIVABILITY**	**2,778**	**5,278**	**2,778**	**4,378**
	Biodegradable Soil Penetrant Dust Palliative for Land Surfaces		2,500		1,600
66	**ENVIRONMENTAL QUALITY TECHNOLOGY**	**5,166**	**28,566**	**11,866**	**24,466**
	Strategic Biofuel Supply Program		3,000		1,950
	Arsenic Removal		2,000		1,600
	Biowastes to Bioenergy		1,000		1,000
	Biodiesel Plastic Recycling for Reduction of Battlefield Clutter		5,000	3,700	3,700
	No Rinse Decontamination of Battlefield Equipment		1,000		1,000
	Vanadium Technology Partnership		3,000		1,350
	Regional Sustainability Solutions		2,700		2,150
	Mission Critical ESOH Technology Transition		2,700		2,150
	Western Hemisphere Information Exchange Program		2,000		1,000
	Plasma Energy Pyrolysis System(PEPS) Gasification Unit		1,000		1,000
	HI Undersea Chemical Weapons Assessment Program			3,000	2,400
67	**WARFIGHTER INFORMATION NETWORK-TACTICAL**	**158,157**	**118,157**	**128,157**	**123,157**
	Program decrease		-40,000	-30,000	-35,000
69	**AVIATION - ADV DEV**	**6,542**	**6,542**	**10,442**	**9,642**
	Aviation Ground Power Unit II			3,900	3,100
71	**LOGISTICS AND ENGINEER EQUIPMENT - ADV DEV**	**13,216**	**13,216**	**10,216**	**10,216**
	Marine Oriented Logistics			-3,000	-3,000

R-1		Budget Request	House	Senate	Conference
73	**MEDICAL SYSTEMS - ADVANCED DEVELOPMENT**	**11,973**	**27,373**	**21,973**	**23,873**
	Electroosmotic Pain Therapy System Adjustable Rate Implantable Drug Delivery System		1,000		1,000
	Future Medical Shelter System		10,000	5,000	6,500
	Future Medical Shelter System - 44/48 Bed Combat Support Hospital		3,400	5,000	3,400
	Iraqi Skin Disease Test		1,000		1,000
74	**SOLDIER SYSTEMS - ADVANCED DEVELOPMENT**	**10,605**	**12,605**	**10,605**	**11,605**
	Nickel Boron Metal Coating Technology for Crew Served Weapons		2,000		1,000
78	**AIRCRAFT AVIONICS**	**61,946**	**44,646**	**51,946**	**49,096**
	Program adjustment		-20,000	-10,000	-15,000
	Army Airborne Avionics (AAA) Improved Data Modem		2,700		2,150
79	**ARMED, DEPLOYABLE OH-58D**	**132,781**	**112,781**	**132,781**	**132,781**
	Program adjustment		-20,000		0
80	**ELECTRONIC WARFARE DEVELOPMENT**	**41,655**	**47,255**	**41,655**	**45,555**
	AN/APR-39A(V)X Digital Receiver Upgrade		1,800		1,450
	Warrior SIGINT Capability		2,000		1,000
	Blue Marauder System		1,800		1,450
81	**JOINT TACTICAL RADIO**	**832,259**	**797,259**	**832,259**	**0**
	Program adjustment		-35,000		-35,000
	Transferred to RDTE,Navy Line 100				-797,259
84	**COMMON MISSILE**	**0**	**30,000**	**0**	**25,000**
	Program sustainment		30,000		25,000
85	**INFANTRY SUPPORT WEAPONS**	**31,748**	**37,648**	**48,748**	**43,648**
	Durable Nylon/Cotton Army Combat Uniform Fabric		2,400		1,100
	CROWS Lightning Integrated Acoustic Sensor		2,000	5,000	3,250
	Development of Enhanced Self-Sintered Silicon Carbide Body Armor		1,500	1,000	1,000
	Polymer Cased Small Arms Ammunition Production Program			6,000	3,300
	XM307 25mm Advanced Crew Served Weapon System			5,000	3,250
86	**MEDIUM TACTICAL VEHICLES**	**1,925**	**5,925**	**13,925**	**13,025**
	Future Track Over Tire System		400		400
	Universal Diagnostic Data Management system (UDDMS)		3,600		2,900
	Family of Medium Tactical Vehicles - A2			7,000	4,550
	Tactical Vehicle Technology Demonstrator Trucks			5,000	3,250

R-1		Budget Request	House	Senate	Conference
89	**FAMILY OF HEAVY TACTICAL VEHICLES**	**3,960**	**8,660**	**17,360**	**13,460**
	Heavy Expanded Mobility Tactical Truck A3 (HEMTT A3) System Deployment and Demonstration Project		2,000	11,500	6,350
	Family of Army Scalable Trailers (FAST)		2,700		2,150
	Off Road Navigation Software For Augmenting Soldiers Decision Making			1,900	1,000
91	**LIGHT TACTICAL WHEELED VEHICLES**	**0**	**10,000**	**0**	**4,500**
	PM Program for Bloc Improvement Program (HMMWV)		10,000		4,500
92	**ARMORED SYSTEMS MODERNIZATION (ASM)-SYSTEM DEVELOPMENT AND DEMONSTRATION**	**3,310,477**	**2,984,677**	**3,064,677**	**2,989,977**
	Program Reduction		-325,800	-254,000	-325,800
	Micro Air Vehicle			8,200	5,300
93	**NON-LIGHT OF SIGHT LAUNCH SYSTEM**	**322,880**	**322,880**	**325,880**	**324,230**
	EnforcIT Anti-Tamper Software			3,000	1,350
95	**NIGHT VISION SYSTEMS - SYSTEM DEVELOPMENT AND DEMONSTRATION**	**38,821**	**43,621**	**38,821**	**41,621**
	Digital Enhanced Night Vision Goggle		3,000		1,350
	Soldier Wearable Acoustic Targeting System (SWATS)		1,800		1,450
97	**NON-SYSTEM TRAINING DEVICES - SDD**	**121,553**	**121,553**	**127,553**	**125,453**
	Jamming Effects Training Module			6,000	3,900
103	**DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS) - SYSTEM DEVELOPMENT AND DEMONSTRATION**	**19,596**	**21,896**	**19,596**	**20,646**
	Joint Training Integration and Evaluation Center (JTIEC)		2,300		1,050
107	**COMBINED ARMS TACTICAL TRAINER (CATT) CORE**	**39,901**	**40,901**	**38,801**	**38,901**
	Gunner Crew Chief Station Program		1,000		1,000
	Synthetic Environment Core Execution			-3,000	-3,000
	Longbow Block III - Aviation Combined Arms Tactical Trainer			1,900	1,000
110	**WEAPONS AND MUNITIONS - SYSTEM DEVELOPMENT AND DEMONSTRATION**	**130,581**	**138,081**	**80,739**	**122,781**
	HYBRID Propellant		4,000		2,200
	XM932 120mm Mortar - Short Range Practice Cartridge		1,500		1,000
	30mm Airburst Ammunition		2,000		1,000
	Advanced Precision Kill Weapon System			-44,742	-10,000
	Course Correcting Fuze Contract Award Delay			-5,100	-2,000
111	**LOGISTICS AND ENGINEER EQUIPMENT - SYSTEM DEVELOPMENT AND DEMONSTRATION**	**40,301**	**43,801**	**41,801**	**42,801**
	2kw Military Tactical Generator Improvements		1,500	1,500	1,500
	Improved Environmental Control Unit		2,000		1,000

R-1		Budget Request	House	Senate	Conference
112	**COMMAND, CONTROL, COMMUNICATIONS SYSTEMS - SYSTEM DEVELOPMENT AND DEMONSTRATION**	**10,783**	**15,283**	**10,783**	**13,183**
	Software Based VOIP only for Army Reserve implementation and deployment of Sphericall JITC/DISA certified VOIP PBX-1 Technology		3,000		2,400
	HIMARS Enhanced Command and Control (C2), XM142 (Transferred to line 153)		1,500		0
113	**MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT**	**14,509**	**24,109**	**19,009**	**24,809**
	Battlefield Respirator and Ventilator (BRAV)		3,600		1,600
	Life Support for Trauma and Transport (LSTAT)		4,000		2,200
	Plasma Sterilizer		1,000		1,000
	Oxygen Generation Systems Advanced Development		1,000		1,000
	Chitosan Bandage Component			4,500	4,500
114	**LANDMINE WARFARE/BARRIER - SYSTEM DEVELOPMENT AND DEMONSTRATION**	**118,078**	**122,078**	**90,078**	**93,278**
	Magneto Inductive Remote Activation Munition System (MI-RAMS) XM40 Hybrid		4,000		3,200
	Intelligent Munition System Contract Award Delay			-28,000	-28,000
117	**ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE**	**69,172**	**69,172**	**61,172**	**60,572**
	Mounted Battle Command on the Move (MBCOTM)			-6,500	-6,500
	Program Reductions - Redundancies with DJC2			-4,500	-4,500
	C34 Cross Domain Strategic and Operational Solution			3,000	2,400
120	**GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)**	**61,194**	**21,994**	**0**	**21,994**
	Program adjustment		-39,200	-61,194	-39,200
121	**FIREFINDER**	**70,151**	**70,151**	**55,151**	**55,151**
	Enhanced AN/TPQ-36 SDD Contract Award Delay			-15,000	-15,000
122	**SOLDIER SYSTEMS - WARRIOR DEM/VAL**	**27,498**	**27,498**	**30,498**	**29,148**
	Mounted Warrior Command and Control Heads Up Display			3,000	1,650
127	**INFORMATION TECHNOLOGY DEVELOPMENT**	**70,185**	**61,385**	**63,685**	**62,385**
	Future Business System		-9,800	-7,500	-9,800
	ARDEC Knowledgebase System		1,000		1,000
	Electronic Commodity Project			1,000	1,000
128	**THREAT SIMULATOR DEVELOPMENT**	**21,180**	**23,180**	**23,180**	**23,780**
	Integration of Live and Virtual Threats -Towsend Range		2,000		1,300
	Integrated RF/SAM Threat Environment			2,000	1,300

R-1		Budget Request	House	Senate	Conference
129	**TARGET SYSTEMS DEVELOPMENT**	**10,928**	**13,928**	**12,928**	**12,928**
	Next Generation Ice Protection Technologies for Unmanned Aerial Vehicles		3,000	2,000	2,000
130	**MAJOR TEST AND EVALUATION INVESTMENT**	**64,953**	**67,453**	**64,953**	**66,053**
	US Army Network Centric Warfare-Digital Battlefield Instrumentation		2,500		1,100
131	**RAND ARROYO CENTER**	**20,171**	**20,171**	**22,171**	**21,471**
	Analytical and Technical Support			2,000	1,300
133	**CONCEPTS EXPERIMENTATION PROGRAM**	**21,626**	**25,126**	**24,626**	**25,576**
	Automated Language Translation (Only for automated translation software proven in deployments within the Federal Government and employing a new statistical approach to machine translation)		3,500		2,300
	Online Arabic Language Learning Community-Pilot			3,000	1,650
136	**ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS**	**74,066**	**77,066**	**83,066**	**81,366**
	Mobile Optical Tracking System		3,000		1,950
	Chemical Biological Defense Material Test and Evaluation Initiative			3,000	1,650
	Dugway Testing and Infrastructure Upgrade			2,000	1,100
	White Sands Missile Range Study			4,000	2,600
137	**SURVIVABILITY/LETHALITY ANALYSIS**	**40,780**	**42,780**	**45,780**	**44,030**
	Rotorcraft Survivability Assessment Facility		2,000	5,000	3,250
143	**SUPPORT OF OPERATIONAL TESTING**	**80,057**	**81,057**	**80,057**	**81,057**
	Track Conversion System for Light Wheeled Vehicles and Unmanned Ground Vehicles		1,000		1,000
148	**TECHNICAL INFORMATION ACTIVITIES**	**34,834**	**51,834**	**38,334**	**47,884**
	Knowledge Integration and Management Center of Excellence - only for improving Actionable Intelligence and Fusion for Situational Understanding		2,000		1,000
	Army High Performance Computing Research Center		15,000		9,750
	Knowledge System and Relational Database			3,500	2,300
149	**MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY**	**18,726**	**36,126**	**33,626**	**37,326**
	Mitigation of Energetic Single Point Failures		3,500		2,800
	Advanced Cluster Energetics (ACE)		4,000	4,000	4,000
	Cadmium Zinc Telluride Detectors for Automated Munitions Inspection		2,000		1,000
	Munitions Standarization, Effectiveness and Safety		1,400	1,400	1,400
	Defense Materials Technology Center (Transferred from line 6)				1,000
	Gun Propellant Demilitarization		2,500	2,400	2,400
	Medium Caliber Metal Parts Upgrade			3,100	2,000
	MEMS Technology Applications - Nano Consortium		4,000	4,000	4,000

R-1		Budget Request	House	Senate	Conference
153	**MLRS PRODUCT IMPROVEMENT PROGRAM**	**74,506**	**74,506**	**74,506**	**75,506**
	HIMARS Enhanced Command and Control (C2), XM142 (Transferred from line 112)				1,000
154	**WEAPONS CAPABILITY MODIFICATIONS UAV**	**16,532**	**16,532**	**3,500**	**1,600**
	Transferred to line 164			-7,700	-7,700
	Program Reduction			-8,832	-8,832
	Guided Dispenser System for Tactical Unmanned Aerial Vehicles			3,500	1,600
155	**AEROSTAT JOINT PROJECT OFFICE**	**264,491**	**245,491**	**264,491**	**245,491**
	Joint Land Attack Cruise Missile Defense (JLENS)		-20,000		-20,000
	MEMS Demonstration Radar System (MEMS DRS)		1,000		1,000
156	**ADVANCED FIELD ARTILLERY TACTICAL DATA SYSTEM**	**17,394**	**18,394**	**17,394**	**18,394**
	Fire Support Technology Improvement		1,000		1,000
157	**COMBAT VEHICLE IMPROVEMENT PROGRAMS**	**12,741**	**16,741**	**12,741**	**14,541**
	Bradley Fighting Vehicle Turret Drive Electronics System on Chip Consolidation		4,000		1,800
158	**MANEUVER CONTROL SYSTEM**	**37,976**	**37,976**	**34,976**	**34,976**
	JTCW Development			-3,000	-3,000
159	**AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS**	**301,739**	**295,939**	**307,139**	**307,239**
	Aerial Common Sensor		-12,300	-9,600	-12,300
	CH-47 Maintenance Analysis Safety and Training Program		4,000		3,200
	Advanced Communications Intelligence for Army Intelligence Aircraft (COMINT)		2,500		1,600
	CH-47 IVHMS-HUMS Demonstration			15,000	13,000
161	**DIGITIZATION**	**13,373**	**16,073**	**13,373**	**14,873**
	Digitization Support to Fort Hood-University XXI		2,700		1,500
164	**OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS**	**19,706**	**19,706**	**17,606**	**22,806**
	ATACMS PIP SDD Contract Award Delay			-9,800	-4,600
	Transferred from line 154			7,700	7,700
173	**SECURITY AND INTELLIGENCE ACTIVITIES**	**3,170**	**6,670**	**7,170**	**8,420**
	Mobile Objects for Net-Centric Operations		3,500		2,300
	Portable Iris Enrollment and Recognition Device			3,000	1,950
	Type-I TACTI-NET System Development			1,000	1,000

R-1	Budget Request	House	Senate	Conference
174 INFORMATION SYSTEMS SECURITY PROGRAM	**23,828**	**24,751**	**25,828**	**25,751**
MILS Separation Kernel Technology Demonstration		923		923
Retinal/Iris Multimodal Biometrics Technology			2,000	1,000
175 GLOBAL COMBAT SUPPORT SYSTEM	**55,272**	**58,272**	**39,272**	**48,522**
Army Legacy Systems Modernization (SAMS-E)-Standard Army Retail Supply Systems (SARSS)/Standard Army Ammunition System (SAAS) Integration		3,000	5,000	3,250
Product Life Cycle Management Plus (PLM+) Delay			-21,000	-10,000
176 SATCOM GROUND ENVIRONMENT (SPACE)	**41,336**	**41,336**	**33,336**	**33,336**
MIST Program			-8,000	-8,000
179 TACTICAL UNMANNED AERIAL VEHICLES	**114,087**	**117,087**	**158,087**	**154,937**
Smart Machine Platform Initiative (Transferred to line 183.)		3,000		0
Heavy Fuel Engine for Shadow Tactical UAV			5,000	3,250
Tactical Signals Intelligence Payload			4,000	2,600
Army Requested Transfer from Other Procurement, Army Lines 62 and 120			35,000	35,000
180 AIRBORNE RECONNAISSANCE SYSTEMS	**12**	**12**	**1,012**	**1,012**
Sentinel UAV, Phase II			1,000	1,000
181 DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	**120,562**	**140,112**	**125,562**	**135,812**
Asymmetric Threat Response and Analysis Project (ATRAP)		4,500		2,500
Joint Visualization System (JVS)		2,700		2,150
IMaG-ATC and Net-Centric Imagery Applications for Fixed and Mobile Sites of Multi-Service Distributed Common Ground System - Army (DCGS-A)		5,000		2,750
Intelligence Data Exchange for Execution and Planning, Distributed Common Ground Systems		5,000		4,000
Blast Risk Analysis and Mitigation Application		2,350		1,050
Effects Based Approach to Operations			1,000	1,000
National Defense Imagery Processing Program			4,000	1,800
183 END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	**68,075**	**101,375**	**102,575**	**113,475**
Manufacturing Systems Demonstration for military machined parts application		3,000	3,000	3,000
National Center for Defense Manufacturing and Machining		3,600		2,900
Durable Gun Barrel Steel		1,000		1,000
Advanced Ceramic Manufacturing and Machining Process Developoment		1,800		1,450
Small Heavy Fuel Engines for Tactical UAVs		2,000		1,600
Spring Suspended Airless Tires for Convoy Protection		6,000		4,800
Reactive Atom Plasma Manufacturing of Silicon Carbide for Optics and Electronics		2,700		2,150

R-1	Budget Request	House	Senate	Conference
Replicable Defense Manufacturing Management and Solutions System		1,800		1,450
Industrial Prepardeness		1,000		1,000
Vehicle Common Armor Manufacturing Process (VCAMP)		4,400		2,000
Short Pulse Laser Technology for Pulse Laser System Development for Turbine Engine Applications		2,000	3,500	2,000
Virtual Parts Engineering Research Center (VPERC)		1,000		1,000
Advanced Modeling Technology for Large StructureTitanium Machining		3,000	2,900	2,900
Electrodeposited Coatings Systems for Munitions			2,000	1,100
High Performance Alloy Materials/Advanced Manufacturing of Steel Castings			2,000	1,300
Laser Peening for Army Helicopters			4,000	2,200
Legacy Aerospace Gear Drive Re-Engineering Initiative			1,500	1,000
Low Cost Domestic Titanium Reduction to Powder Initiative			5,000	4,450
Next Generation Combat Helmet			2,000	1,300
Packaging and Interconnection Technologies			3,000	1,350
Rigid-Rod Polyphenylene Compositions for Light Weight Cartridge Cases			3,100	2,500
Solid Free Form Fabrication of Components from Low-Cost Titanium			2,500	1,600
Smart Machine Platform Initiative (Transferred from line 179.)				1,350
999 CLASSIFIED PROGRAMS	**3,700**	**8,200**	**3,700**	**3,700**
Program adjustment		4,500		0

MEDICAL COUNTERMEASURES AGAINST ACUTE RADIATION SYNDROME AND SIMILAR THREATS

The conferees recognize that acute radiation syndrome and other forms of radiation sickness could potentially afflict forward deployed members of the military, and that currently there are no effective means of treating individuals exposed to radiation or a nuclear attack. Therefore, the conferees direct the Secretary of Defense to submit to the congressional defense committees a report that outlines a plan for procuring medical countermeasures that will treat forward deployed service members against the lethal effects of acute radiation syndrome, to include neutropenia and thrombocytopenia. This report will also identify the countermeasures required to protect service members in the event of a nuclear or bioterrorist attack, a plan to forward deploy those countermeasures, and an assessment of costs associated with implementing this plan. This report should be provided no later than March 15, 2007.

STRYKER UPGRADES

The conferees are pleased with the performance of the Stryker armored vehicle in Iraq and encourage the Army to pursue new technologies and capabilities for the Stryker to improve the capabilities of the vehicle on the battlefield. The conferees encourage the Army to pursue these technology upgrades including an integrated power management system, increased improvised explosive device and mine blast protection, improved situational awareness, new brakes and suspension, and the addition of the XM307 gun, Javelin missile and target detection capabilities.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

		Budget	House	Senate	Conference
	RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY				
	BASIC RESEARCH				
1	UNIVERSITY RESEARCH INITIATIVES	73,322	96,822	81,822	92,072
2	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	15,916	15,916	15,916	15,916
3	DEFENSE RESEARCH SCIENCES	366,649	386,149	380,649	385,649
	TOTAL, BASIC RESEARCH	455,887	498,887	478,387	493,637
	APPLIED RESEARCH				
4	POWER PROJECTION APPLIED RESEARCH	84,914	116,714	97,914	114,514
5	FORCE PROTECTION APPLIED RESEARCH	123,443	123,243	172,943	160,793
6	MARINE CORPS LANDING FORCE TECHNOLOGY	37,741	38,741	45,741	42,191
8	MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY	---	1,000	---	1,000
9	COMMON PICTURE APPLIED RESEARCH	68,352	74,241	87,852	89,291
10	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	89,964	115,664	104,264	120,214
11	RF SYSTEMS APPLIED RESEARCH	42,619	47,619	46,919	50,519
12	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	48,718	55,718	48,718	53,718
13	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,036	6,036	6,036	6,036
14	UNDERSEA WARFARE APPLIED RESEARCH	83,435	85,235	89,435	93,585
15	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	53,435	63,135	57,435	57,085
	TOTAL, APPLIED RESEARCH	638,657	727,348	757,257	788,946
	ADVANCED TECHNOLOGY DEVELOPMENT				
16	POWER PROJECTION ADVANCED TECHNOLOGY	76,806	89,306	115,306	114,656
17	FORCE PROTECTION ADVANCED TECHNOLOGY	61,504	162,104	108,004	147,704
18	COMMON PICTURE ADVANCED TECHNOLOGY	61,725	63,725	64,725	63,975
19	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY	82,035	89,735	92,035	99,134
20	RF SYSTEMS ADVANCED TECHNOLOGY	45,317	77,417	73,817	98,437
21	MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	59,170	78,670	86,670	83,320
22	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	1,405	1,405	405	1,405
24	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	17,982	58,482	17,982	58,332
25	UNDERSEA WARFARE ADVANCED TECHNOLOGY	35,055	35,055	38,055	35,055
27	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	41,308	41,308	41,308	41,308

		(In thousands of dollars)			
		Budget	House	Senate	Conference
28	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	21,326	24,926	24,126	25,426
29	JOINT COMMAND AND CONTROL PROGRAM (JC2)	1,001	1,001	1,001	1,001
	TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	504,634	723,134	663,434	769,753
	DEMONSTRATION & VALIDATION				
30	AIR/OCEAN TACTICAL APPLICATIONS	31,778	28,278	31,778	32,778
31	AVIATION SURVIVABILITY	6,177	31,377	21,677	29,627
32	DEPLOYABLE JOINT COMMAND AND CONTROL	16,383	16,383	16,383	16,383
33	ASW SYSTEMS DEVELOPMENT	16,782	22,782	23,482	25,432
34	TACTICAL AIRBORNE RECONNAISSANCE	3,959	3,959	3,959	3,959
35	ADVANCED COMBAT SYSTEMS TECHNOLOGY	12,398	12,398	12,398	12,398
36	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	130,265	134,765	114,365	116,565
37	SURFACE SHIP TORPEDO DEFENSE	40,627	55,027	48,627	57,727
38	CARRIER SYSTEMS DEVELOPMENT	153,894	158,394	153,894	156,844
39	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	14,135	34,235	39,935	50,185
40	PILOT FISH	134,550	134,550	134,550	134,550
41	RETRACT LARCH	87,180	87,180	87,180	87,180
42	RETRACT JUNIPER	38,462	38,462	38,462	38,462
43	RADIOLOGICAL CONTROL	1,901	1,901	1,901	1,901
44	SURFACE ASW	38,696	42,696	35,696	34,146
45	SSGN CONVERSION	25,953	25,953	25,953	25,953
46	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	140,432	155,432	158,932	157,582
47	SUBMARINE TACTICAL WARFARE SYSTEMS	10,357	10,357	10,357	10,357
48	SHIP CONCEPT ADVANCED DESIGN	21,549	14,721	26,649	21,771
49	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	21,314	24,314	28,314	25,864
50	ADVANCED NUCLEAR POWER SYSTEMS	174,648	174,648	174,648	174,648
51	ADVANCED SURFACE MACHINERY SYSTEMS	---	5,800	---	2,800
52	CHALK EAGLE	139,017	139,017	139,017	139,017
53	LITTORAL COMBAT SHIP (LCS)	319,671	332,271	321,471	330,671
54	COMBAT SYSTEM INTEGRATION	62,095	74,745	63,095	72,195
55	CONVENTIONAL MUNITIONS	22,385	23,885	22,385	23,385

(In thousands of dollars)

		Budget	House	Senate	Conference
56	MARINE CORPS ASSAULT VEHICLES........................	188,306	194,906	191,306	349,206
57	MARINE CORPS MINE/COUNTERMEASURES SYSTEMS - ADV DEV...	3,777	3,777	3,777	3,777
58	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM............	503	2,003	19,503	12,953
59	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT..........	24,467	24,467	24,467	24,467
60	COOPERATIVE ENGAGEMENT...............................	53,406	67,406	48,106	64,606
61	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT.............	16,324	18,324	16,324	17,324
62	ENVIRONMENTAL PROTECTION.............................	20,271	26,771	24,271	26,071
63	NAVY ENERGY PROGRAM..................................	1,600	1,600	1,600	1,600
64	FACILITIES IMPROVEMENT...............................	4,194	6,194	6,194	8,294
65	CHALK CORAL..	28,578	28,578	28,578	28,578
66	NAVY LOGISTIC PRODUCTIVITY...........................	6,306	26,206	11,306	24,706
67	RETRACT MAPLE..	344,912	344,912	344,912	344,912
68	LINK PLUMERIA..	80,662	70,662	80,662	80,662
69	RETRACT ELM..	64,133	64,133	64,133	64,133
70	SHIP SELF DEFENSE	8,897	8,897	8,897	8,897
71	LINK EVERGREEN.......................................	55,051	55,051	55,051	55,051
72	SPECIAL PROCESSES....................................	47,180	47,180	47,180	47,180
73	NATO RESEARCH AND DEVELOPMENT........................	9,784	9,784	9,784	9,784
74	LAND ATTACK TECHNOLOGY...............................	18,571	48,171	36,571	56,471
75	NONLETHAL WEAPONS....................................	44,815	48,515	46,815	49,315
77	JOINT PRECISION APPROACH AND LANDING SYSTEMS..........	41,242	41,242	33,242	33,242
78	SINGLE INTEGRATED AIR PICTURE (SIAP) SYSTEM ENGINEER..	50,282	42,500	37,282	41,650
79	COUNTER-DRUG RDT&E PROJECTS..........................	---	4,000	---	2,200
80	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES	20,527	20,527	17,527	17,527
81	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS)..	77,000	30,000	---	20,000
82	SPACE & ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINE..	43,909	43,909	43,909	43,909
	DIRECTED ENERGY RESEARCH.............................	---	---	30,000	19,500
	TOTAL, DEMONSTRATION & VALIDATION..................	2,919,305	3,063,245	2,966,505	3,238,395

		(In thousands of dollars)			
		Budget	House	Senate	Conference
	ENGINEERING & MANUFACTURING DEVELOPMENT				
84	OTHER HELO DEVELOPMENT	86,197	86,197	86,197	86,197
85	AV-8B AIRCRAFT - ENG DEV	13,878	13,878	13,878	13,878
86	STANDARDS DEVELOPMENT	112,257	92,257	70,987	73,237
87	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	19,259	19,259	19,259	19,259
88	AIR/OCEAN EQUIPMENT ENGINEERING	5,578	5,578	5,578	5,578
89	P-3 MODERNIZATION PROGRAM	16,139	16,139	6,139	17,139
90	WARFARE SUPPORT SYSTEM	2,203	2,203	2,203	2,203
91	TACTICAL COMMAND SYSTEM	74,225	60,625	57,625	56,625
92	ADVANCED HAWKEYE	497,842	497,842	497,842	497,842
93	H-1 UPGRADES	7,844	7,844	7,844	7,844
94	ACOUSTIC SEARCH SENSORS	36,764	47,064	38,764	42,164
95	V-22A	268,461	268,461	268,461	268,461
96	AIR CREW SYSTEMS DEVELOPMENT	12,434	14,234	12,434	13,884
97	EA-18	372,363	375,363	372,363	373,713
98	ELECTRONIC WARFARE DEVELOPMENT	39,842	41,042	39,842	40,842
99	VHXX EXECUTIVE HELO DEVELOPMENT	682,597	682,597	557,597	632,597
100	JOINT TACTICAL RADIO SYSTEM - NAVY (JTRS-NAVY)	1,153	1,153	1,153	798,412
101	SC-21 TOTAL SHIP SYSTEM ENGINEERING	817,528	831,528	818,528	826,228
102	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	190,059	191,059	179,659	179,009
103	LPD-17 CLASS SYSTEMS INTEGRATION	5,960	5,960	5,960	5,960
105	SMALL DIAMETER BOMB (SDB)	10,021	10,021	10,021	10,021
106	STANDARD MISSILE IMPROVEMENTS	186,144	187,244	176,144	177,144
107	AIRBORNE MCM	56,145	62,145	56,145	58,845
108	NAVAL INTEGRATED FIRE CONTROL-COUNTER AIR SYSTEMS ENG.	14,792	14,792	---	14,792
109	SSN-688 AND TRIDENT MODERNIZATION	94,839	109,139	106,839	109,639
110	AIR CONTROL	4,603	4,603	4,603	4,603
112	SHIPBOARD AVIATION SYSTEMS	33,392	35,392	32,892	32,892
113	COMBAT INFORMATION CENTER CONVERSION	6,708	7,708	8,208	7,708
114	NEW DESIGN SSN	169,580	189,980	216,780	202,130

	(In thousands of dollars)			
	Budget	House	Senate	Conference
115 SSN-21 DEVELOPMENTS	3,260	3,260	3,260	3,260
116 SUBMARINE TACTICAL WARFARE SYSTEM	51,656	54,156	53,656	54,806
117 SHIP CONTRACT DESIGN/ LIVE FIRE T&E	72,055	73,855	72,055	73,505
119 MINE DEVELOPMENT	5,631	5,631	5,631	5,631
121 LIGHTWEIGHT TORPEDO DEVELOPMENT	40,540	40,540	35,040	40,540
122 JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	10,026	10,026	10,026	10,426
123 PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	8,754	9,754	8,754	9,754
124 BATTLE GROUP PASSIVE HORIZON EXTENSION SYSTEM	---	1,000	2,000	2,000
125 JOINT STANDOFF WEAPON SYSTEMS	27,524	27,524	27,524	27,524
126 SHIP SELF DEFENSE (DETECT & CONTROL)	10,050	25,650	15,250	26,750
127 SHIP SELF DEFENSE (ENGAGE: HARD KILL)	46,390	50,890	51,390	50,890
128 SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	11,513	12,913	27,513	21,213
129 INTELLIGENCE ENGINEERING	4,865	4,865	4,865	4,865
130 MEDICAL DEVELOPMENT	7,663	35,263	9,663	29,663
131 NAVIGATION/ID SYSTEM	47,070	47,070	47,070	47,070
132 DISTRIBUTED SURVEILLANCE SYSTEM	58,273	60,773	58,273	60,273
133 JOINT STRIKE FIGHTER (JSF)	2,030,979	2,033,679	2,172,285	2,172,135
135 INFORMATION TECHNOLOGY DEVELOPMENT	13,326	14,326	13,326	14,326
136 INFORMATION TECHNOLOGY DEVELOPMENT	88,323	92,323	127,423	115,423
137 MULTINATIONAL INFORMATION SHARING (MNIS)	20,856	20,856	20,856	20,856
138 CH-53X	362,672	362,672	357,672	357,672
139 MULTI-MISSION MARITIME AIRCRAFT (MMA)	1,131,655	1,131,655	1,131,655	1,131,655
140 TACTICAL CRYPTOLOGIC SYSTEMS	23,526	27,526	23,526	25,826
TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT	7,915,414	8,027,514	7,952,658	8,884,909

(In thousands of dollars)

	Budget	House	Senate	Conference
RDT&E MANAGEMENT SUPPORT				
141 THREAT SIMULATOR DEVELOPMENT	23,668	23,668	23,668	23,668
142 TARGET SYSTEMS DEVELOPMENT	45,666	45,666	50,666	47,916
143 MAJOR T&E INVESTMENT	39,750	47,250	48,750	48,600
144 STUDIES AND ANALYSIS SUPPORT - NAVY	7,093	7,093	7,093	7,093
145 CENTER FOR NAVAL ANALYSES	48,900	48,900	48,900	48,900
146 FLEET TACTICAL DEVELOPMENT	2,595	2,595	2,595	2,595
148 TECHNICAL INFORMATION SERVICES	670	9,170	21,670	25,070
149 MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	47,213	47,213	45,413	45,413
150 STRATEGIC TECHNICAL SUPPORT	3,347	3,347	3,347	3,347
151 RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	67,328	67,328	66,328	67,328
152 RDT&E INSTRUMENTATION MODERNIZATION	1,243	1,243	1,243	1,243
153 RDT&E SHIP AND AIRCRAFT SUPPORT	83,140	83,140	83,140	83,140
154 TEST AND EVALUATION SUPPORT	328,276	328,276	328,276	328,276
155 OPERATIONAL TEST AND EVALUATION CAPABILITY	11,532	11,532	11,532	11,532
156 NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	2,904	2,904	2,904	2,904
157 SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	20,073	20,073	18,173	18,173
158 MARINE CORPS PROGRAM WIDE SUPPORT	25,343	31,343	31,343	31,343
159 TACTICAL CRYPTOLOGIC ACTIVITIES	1,004	1,004	1,004	1,004
160 SERVICE SUPPORT TO JFCOM, JNTC	5,202	12,802	5,202	12,802
TOTAL, RDT&E MANAGEMENT SUPPORT	764,947	794,547	801,247	810,347

	(In thousands of dollars) Budget	House	Senate	Conference
OPERATIONAL SYSTEMS DEVELOPMENT				
163 HARPOON MODIFICATIONS	36,284	28,000	---	28,000
164 UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT	239,163	189,163	---	100,000
165 STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	124,522	129,522	124,522	127,172
166 SSBN SECURITY TECHNOLOGY PROGRAM	42,869	42,869	42,869	42,869
167 SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	2,131	2,131	2,131	2,131
168 NAVY STRATEGIC COMMUNICATIONS	37,464	37,464	37,464	37,464
169 RAPID TECHNOLOGY TRANSITION (RTT)	39,285	44,285	35,485	39,485
170 F/A-18 SQUADRONS	31,098	38,698	41,598	39,448
171 E-2 SQUADRONS	1,540	6,240	7,540	9,840
172 FLEET TELECOMMUNICATIONS (TACTICAL)	27,189	27,189	27,189	27,189
173 TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	18,635	25,635	18,635	24,235
174 INTEGRATED SURVEILLANCE SYSTEM	30,740	42,540	28,240	40,590
175 AMPHIBIOUS TACTICAL SUPPORT UNITS	1,812	1,812	1,812	1,812
176 CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	17,857	19,857	17,857	19,157
177 CRYPTOLOGIC DIRECT SUPPORT	1,425	1,425	1,425	1,425
178 ELECTRONIC WARFARE (EW) READINESS SUPPORT	20,673	20,673	20,673	20,673
179 HARM IMPROVEMENT	99,208	105,208	94,208	100,208
180 TACTICAL DATA LINKS	41,967	41,967	41,967	41,967
181 SURFACE ASW COMBAT SYSTEM INTEGRATION	9,417	21,667	9,417	18,617
182 MK-48 ADCAP	24,988	24,988	24,988	24,988
183 AVIATION IMPROVEMENTS	71,612	80,412	89,212	88,312
184 NAVY SCIENCE ASSISTANCE PROGRAM	3,376	3,376	3,376	3,376
185 OPERATIONAL NUCLEAR POWER SYSTEMS	69,350	69,350	69,350	69,350
186 MARINE CORPS COMMUNICATIONS SYSTEMS	218,460	241,160	219,460	234,710
187 MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	47,592	68,892	57,592	65,742
188 MARINE CORPS COMBAT SERVICES SUPPORT	17,524	17,524	17,524	17,524
189 TACTICAL AIM MISSILES	7,946	7,946	7,946	7,946
190 ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	6,705	6,705	6,705	6,705
191 JOINT HIGH SPEED VESSEL (JHSV)	14,163	14,163	14,163	14,163

	(In thousands of dollars)			
	Budget	House	Senate	Conference
195 SATELLITE COMMUNICATIONS (SPACE)	748,662	751,662	750,662	751,612
196 INFORMATION SYSTEMS SECURITY PROGRAM	23,037	27,037	26,837	29,037
197 JOINT COMMAND AND CONTROL PROGRAM (JC2)	5,073	5,073	5,073	5,073
198 COBRA JUDY	135,372	135,372	135,372	135,372
199 NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC)	7,307	9,307	7,307	8,307
201 JOINT MILITARY INTELLIGENCE PROGRAMS	6,793	6,793	6,793	6,793
202 TACTICAL UNMANNED AERIAL VEHICLES	115,950	118,950	115,950	119,550
203 ENDURANCE UNMANNED AERIAL VEHICLES	26,357	26,357	26,357	26,357
204 AIRBORNE RECONNAISSANCE SYSTEMS	35,038	36,838	39,038	39,138
205 MANNED RECONNAISSANCE SYSTEMS	22,815	35,815	32,815	29,065
206 DISTRIBUTED COMMON GROUND SYSTEMS	16,587	18,587	16,587	17,837
207 AERIAL COMMON SENSOR (ACS)	17,182	17,182	---	17,182
208 MODELING AND SIMULATION SUPPORT	7,503	7,503	7,503	7,503
209 DEPOT MAINTENANCE (NON-IF)	2,960	6,960	2,960	6,160
210 AVIONICS COMPONENT IMPROVEMENT PROGRAM	1,375	1,375	1,375	1,375
211 INDUSTRIAL PREPAREDNESS	55,048	63,848	57,048	61,048
212 MARITIME TECHNOLOGY (MARITECH)	---	22,000	16,100	20,500
TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	2,532,054	2,651,520	2,311,125	2,537,057
999 CLASSIFIED PROGRAMS	1,181,325	1,168,325	1,117,625	1,150,850
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	16,912,223	17,654,518	17,048,238	18,673,894

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request	House	Senate	Conference
1	**UNIVERSITY RESEARCH INITIATIVES**	**73,322**	**96,822**	**81,822**	**92,072**
	Center for Southeastern Tropical Advanced Remote Sensing (CSTARS)		4,000	4,000	4,000
	Research infrastructure for the Applied Physics Laboratory		5,000		3,300
	Neurotechnology Center		3,000		1,650
	National security training		2,000		1,100
	Defense Commercialization Research Initiative Technology, Research, Education and Commercialization Center (TRECC)		5,000		3,300
	Smart, remote sensing systems using nanotechnology		3,000	2,000	2,400
	Center for Nanoscience and Nanomaterials (CNN)		1,500		1,000
	Multifunctional materials for naval structures			1,500	1,000
	Blast and impact resistant composite structures for Navy ships			1,000	1,000
3	**DEFENSE RESEARCH SCIENCES**	**366,649**	**382,149**	**380,649**	**385,649**
	Base program reduction		-8,000		-8,000
	Navy use of UNOLS ships		5,000		4,400
	DoD Agile Manufacturing Center for Castings Technology (AMCast)		1,500		1,000
	ONAMI nanoelectronics and nanometrology initiative		2,500	2,500	2,500
	Standoff bio-chem agent detection		1,000		1,000
	Maritime domain awareness		2,500		1,600
	Carbon nanotube-based radiation-hard non-volatile RAM		9,000		5,900
	Mobile ad hoc data communications for unmanned systems		2,000		1,300
	Evaluation of ELF signals in deep and shallow water			1,000	1,000
	Bio-Inspired materials			5,000	3,300
	Energetics Technology Center/S&T workforce revitalization		4,000	5,500	5,000
4	**POWER PROJECTION APPLIED RESEARCH**	**84,914**	**116,714**	**97,914**	**114,514**
	Marine mammal hearing and echolocation research		1,500		1,500
	Retroreflecting optical communications for special operations		3,000		3,000
	Millimeter terahertz imaging arrays		2,800		1,250
	Multifunctional oxide materials MFMA		2,000		1,000
	Computational design tools for high power sources for directed energy applications		1,500		1,000
	Multifunctional oxide materials applications and devices		2,000		1,000
	Electronic motion actuation systems		4,000		2,200
	High performance frequency modulated (FM) fiberoptic link		2,000		1,100
	High energy density capacitors for military applications		5,500		2,500
	Device integration of wide bandgap semiconductors and multifunctional oxides		2,700		2,200
	Development processes for full scale production of silicon carbide wafers		1,800		1,450
	H.264 video compression		1,000		1,000
	High energy superior battery technology for defense applications		2,000		1,000
	Program growth			-4,500	-4,500
	Thermal management systems for high density electronics			6,000	5,000
	Combustion light gas gun projectile			5,000	4,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request	House	Senate	Conference
	Multi-sensor hyperspectral system for day/night reconnaissance			4,500	3,600
	HALOH engine			2,000	1,300
5	**FORCE PROTECTION APPLIED RESEARCH**	**123,443**	**123,243**	**172,943**	**160,793**
	Base program reduction		-20,000	-18,400	-18,400
	Advanced simulation tools for aircraft structures made of composite materials		1,500	3,000	1,950
	Mark V patrol boat replacement craft		5,000	5,000	5,000
	Direct motor driven waterjets		2,300		1,000
	Facial recognition technology		1,000		1,000
	Blast resistant anechoic sprayable elastomeric coating for ships		1,500		1,000
	Advanced material techniques for lithium ion large cell manufacturing		3,500		2,300
	UTC SimCenter solid oxide fuel cell - military applications		3,000		1,650
	Large unmanned underwater vehicle technologies		2,000		1,000
	Nanostructured composite marine coatings			3,000	2,000
	Small watercraft propulsion demonstrator			6,000	2,700
	Magnetic refrigeration technology for naval applications			3,000	1,650
	Undersea perimeter security integrated defense environment			2,000	1,000
	Shipboard production of synthetic logistics and aviation fuel			1,000	1,000
	Advanced receive-while-transmit sonar for UUVs			4,000	2,200
	Aperstructures			27,900	21,800
	Nano-magnetic materials for propulsion/energy systems			1,000	1,000
	ADPICAS			2,000	1,600
	PMRF force protection lab			4,000	3,200
	High frequency acoustic signal processor system			6,000	2,700
6	**MARINE CORPS LANDING FORCE TECHNOLOGY**	**37,741**	**38,741**	**45,741**	**42,191**
	High power lightweight zinc-air batteries (Note: only for Department of Defense military activities)		1,000	3,000	1,650
	Warfighter rapid awareness processing technology for distributed ops			4,000	1,800
	Integrated asymmetric urban warfare			1,000	1,000
8	**MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY**	**0**	**1,000**	**0**	**1,000**
	Center for Microwave Ferrites and Multifunctional Integrated Circuits		1,000		1,000
9	**COMMON PICTURE APPLIED RESEARCH**	**68,352**	**74,241**	**87,852**	**89,291**
	Base program reduction		-5,211	-2,000	-5,211
	Radio sensor module (RASM)		4,000		2,200
	Multicultural operations training and tactics systems (MCOTTS)		2,500		1,650
	Pacific missile range facility/Pearl Harbor integrated network		3,600		2,900
	Advanced panoramic sensor systems for UAVs		1,000		1,000
	M2C2			7,500	6,000
	Theater undersea warfare initiative			7,000	5,600
	PACOM agile coalition environment			7,000	6,800

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request	House	Senate	Conference
10	**WARFIGHTER SUSTAINMENT APPLIED RESEARCH**	**89,964**	**115,664**	**104,264**	**120,214**
	Base program reduction		-10,000	-14,500	-12,000
	Durability of composite materials and structures		2,500		1,100
	Low observable aircraft sealants		3,400		1,500
	Environmental microbiological energy harvesting		1,500		1,000
	Advanced fouling and corrosion control coatings		2,000	9,000	7,000
	National Center for Advanced Secure Systems Research (NCASSR)		7,500	4,000	4,900
	Magnetic resonance imaging and magnetic resonance angiography for accurate diagnosis of traumatic brain injury		1,000		1,000
	Partnership simulation laboratory for military health		3,000		1,350
	Virtual clinical learning lab reality simulation environment		2,000		1,000
	Sensory substitution for wounded service members		5,000		4,000
	Neurobiologically inspired computational architectures and methodologies		4,000		3,200
	Atmospheric water harvesting -- military applications		1,000		1,000
	Continuation of hydrate desalination technology		1,800		1,450
	Mast-mounted in-port video force protection surveillance system		1,000		1,000
	Materials and coatings enhancements through high performance materials			10,800	8,650
	Advanced reinforced materials and new materials for aircraft tires			1,000	1,000
	Friction stir welding			2,000	1,100
	Amelioration of military hearing loss			1,000	1,000
	Biosensors for defense applications			1,000	1,000
11	**RF SYSTEMS APPLIED RESEARCH**	**42,619**	**47,619**	**46,919**	**50,519**
	ND Center for the Engineering of Oxide Nitride Structures (CEONS)		2,000		1,300
	Reparative health initiative		1,000		1,000
	DoD reparative medicine initiative		1,000		1,000
	Silicon carbide MOSFETs for electric power systems		1,000		1,000
	Gallium nitride RF power technology			1,300	1,000
	Advanced microwave ferrite research phase IV (Note: House bill provided funding in line 12)			1,000	1,000
	Pacific theater data fusion testbed			2,000	1,600
12	**OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH**	**48,718**	**55,718**	**48,718**	**53,718**
	Extended capability underwater optics		1,000		1,000
	Advanced microwave ferrite research (AMFeR) phase IV (Note: Conference funding is provided in line 11)		1,000		0
	Autonomous marine sensors and networks for rapid littoral assessment		5,000		4,000
14	**UNDERSEA WARFARE APPLIED RESEARCH**	**83,435**	**85,235**	**89,435**	**93,585**
	ATT (6.75-in diameter) multi-mission weapon		1,800		1,450
	Advanced acoustic transducer concepts			3,000	1,950
	Micro electro mechanical systems - inertial measurement units			3,000	1,950
	Acoustic littoral glider (Note: Transferred from line 15)				4,800

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request	House	Senate	Conference
15	**MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH**	**53,435**	**63,135**	**57,435**	**57,085**
	Detection and neutralization of electronically initiated IEDs		3,000		1,650
	NSW unattended sensor network		2,700		2,200
	AUV docking and recharging station		4,000		1,800
	Program growth			-3,000	-3,000
	Acoustic littoral glider (Note: Conference funding provided in line 14)			6,000	
	NMSU water security program			1,000	1,000
16	**POWER PROJECTION ADVANCED TECHNOLOGY**	**76,806**	**89,306**	**115,306**	**114,656**
	Laser radar (LADAR) - Naval Air Warfare Center China Lake		1,000		1,000
	DP-2 vectored thrust aircraft		6,000		3,900
	Laser radar (LADAR)		4,000		3,200
	Computational analysis of cyber-terrorism against the United States		1,500		1,000
	Program reduction			-10,000	-5,000
	Time critical strike ramjet			1,000	1,000
	Long wavelength array			2,500	1,650
	Smart instrument development for Magdalena Ridge Observatory			6,000	3,900
	High Energy Laser Systems Test Facility			4,000	2,600
	Expeditionary craft			10,000	9,400
	Quiet high-speed propulsion			8,000	4,400
	Advanced lifting body ship research			7,000	5,600
	Articulated stable ocean platform			2,000	1,600
	Autonomous unmanned surface vessel			4,000	1,800
	Information sharing for ISRTE of mobile targets			4,000	1,800
17	**FORCE PROTECTION ADVANCED TECHNOLOGY**	**61,504**	**162,104**	**108,004**	**147,704**
	Phase II virent-NAVSEA antifreeze hydrogen project		2,000		1,000
	SMART micro-sensor arrays		1,400		1,000
	Transparent armor		500		500
	Wave power electric power generating system for Hawaii Naval Base		1,500		1,000
	Pure hydrogen supply from logistic fuel		2,700		1,200
	High speed power node switching center		5,400	1,000	2,400
	Porous silicon-based direct methanol fuel cell		3,000		1,350
	Protective apparel technology systems (Note: Conference funding is provided in line 19)		2,500		0
	Solid state DC protection system		2,000		1,000
	High power density motor drive		3,000		1,350
	HTS AC synchronous Navy propulsion motor		3,000	6,000	3,000
	Wireless condition-based maintenance monitoring for naval shipyard equipment and facilities		3,000		1,650
	Accelerated development of mobile acoustic countermeasure for force protection FNC		1,500		1,000
	Agile port and high speed ship technology		2,400	3,500	2,400
	Detecting IEDs		1,000		1,000
	Stabilized laser designation capability		1,500		1,000
	Superconducting DC homopolar motor for electric drive ships		4,000		2,600
	Mobile manufacturing and repair cell		2,000	5,000	3,250
	Sea fighter		23,000		15,000
	Damage control wireless communications and experimentation (DCWC&E)		2,700		2,200

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request	House	Senate	Conference
	Missile warning sensor		3,500		2,800
	Aviation ground advanced technology		2,700		2,200
	Lightweight, ruggedized reconnaissance robot		1,000		1,000
	Center for Applied Research for Autonomous Systems		1,800		1,450
	Unmanned systems technologies for explosive ordnance disposal		1,000		1,000
	Affordable distributed aperture IRCM for helicopters and regional jets		5,000		4,000
	Strategic mobility 21 deployment technology		3,500		2,800
	Multipolar motor		2,000		1,100
	Secure infrastructure technology laboratory (SINTEL)		8,000		6,400
	Development of high performance sandwich panel construction		4,000		1,800
	Fuel cell fast-start battery for ship propulsion			5,000	3,300
	High temperature superconducting (HTS) generator			5,000	2,250
	Wide-area sensor for force protection targeting			4,000	2,600
	Large unmanned undersea vehicle (LUUV) test bed			2,000	1,300
	Advanced technology to reduce vulnerability of military installations (Note: Conference funding is provided in line 64)			2,000	0
	Completion of advanced ship service fuel cell power plant			2,000	1,000
	Wide-band gap semiconductor materials research			8,000	5,200
	Remote continuous energetic material manufacturing for pyrotechnic IR decoys			2,000	1,100
	Solid oxide fuel cells (SOFCs)			1,000	1,000
18	**COMMON PICTURE ADVANCED TECHNOLOGY**	**61,725**	**63,725**	**64,725**	**63,975**
	Maritime identification surveillance technology (MIST)		1,000		1,000
	Urban data delivery in the virtual battle lab		1,000		1,000
	Program growth			-4,000	-4,000
	Improved shipboard combat information center			3,000	1,350
	Rail sensor testbed			2,000	1,300
	4D data fusion visualization			2,000	1,600
19	**WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY**	**82,035**	**89,735**	**92,035**	**99,134**
	Sea base planning, operations, and logistics		-1,829		-1,829
	Sea base mobility and interfaces		-6,145		-6,145
	Sea basing		-2,320		-2,320
	Friction drag reduction		-2,497		-2,497
	Manpower and personnel development		-3,898		-1,500
	Training systems		-1,851		-1,000
	Airframe/ship corrosion		-1,360		-1,360
	Program underexecution			-4,000	0
	Program growth			-3,000	0
	Curve plate technology		1,000		1,000
	NADEP Cherry Point Center for Vertical Lift - Institute for Maintenance Science and Technology		3,000		1,350
	Autonomous sustainment cargo container (ASCC) delivery system		2,000	2,000	2,000
	SEAPRINT		3,000		2,000
	On-demand distributed training for the warfighter (ODTW)		2,700		2,200
	Photonic machining of electronic materials		1,000		1,000
	Mission readiness advancements for vertical lift aircraft		1,800		1,450
	Adaptive IED tactical system		1,800		1,450

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request	House	Senate	Conference
	National Center for Research on Evaluation, Standards, and Student Testing (CRESST) skill set analysis (Note: Including $2,000,000 to formalize CRESST relationship as UARC for educational and training technology assessment		6,500		5,200
	Intelligent work management		1,800		1,450
	Training transformation for the littoral combat ship		1,000		1,000
	Shipboard personal locator beacon		2,000		1,300
	Protective apparel technology systems			2,000	2,000
	Advanced composite materials research			5,000	3,250
	Defense systems modernization and sustainment initiative			4,000	1,500
	HEET			4,000	3,200
	Training transformation for the Pacific (Note: Funding of $3,000,000 was provided in the Senate bill under "Research and Development, Defense Wide", line 112)				2,400
20	**RF SYSTEMS ADVANCED TECHNOLOGY**	**45,317**	**77,417**	**73,817**	**98,437**
	HESS		1,500		1,500
	Command and control on the move network digital over the horizon relay (CONDOR)		8,000		6,400
	AN/SPS-67 C-band active array radar (CBAAR)		17,000		16,470
	Common radar signal processor		3,600		2,900
	APY-6 real time precision targeting radar		2,000	3,000	2,000
	Joint electronic attack unmanned vehicles			1,500	1,000
	Polyimide macro electromechanical systems			2,000	1,100
	Common affordable radar processor			7,000	6,800
	Open architecture computer test bed			2,000	1,600
	Advanced wideband open architecture radar system			13,000	12,000
	Advanced low cost radar module cooling system (Note: Transfer from RDT&E, Army)				1,350
21	**MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD)**	**59,170**	**78,670**	**86,670**	**83,320**
	Craft integrated electronic suite (CIES)		3,000		1,650
	Dual stage ultra reliable water filtration technology development		1,000		1,000
	Indirect fire multi-grenade launcher		1,500		1,000
	Laser integrated target engagement system (LITES)		7,000		4,850
	C3RP		4,000		3,200
	ULTRA program		3,000	6,000	3,000
	Expeditionary unit water purification			5,000	3,250
	USMC advanced tech demo			8,000	5,200
	Warfighter protection: integrated warfighter bio-defense (Note: Conference funding provided in line 24)			7,500	0
	Maritime air-ground task force situation awareness			1,000	1,000
22	**JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT**	**1,405**	**1,405**	**405**	**1,405**
	Program underexecution			-1,000	0
24	**WARFIGHTER PROTECTION ADVANCED TECHNOLOGY**	**17,982**	**58,482**	**17,982**	**58,332**
	Joint experimentation visualization		2,000		1,300
	Mobile oxygen, ventilation, and external suction (MOVES)		2,500		1,100

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request	House	Senate	Conference
	Brain injury disease management initiative		2,000		2,000
	C. W. Bill Young Bone Marrow Donor Recruitment and Research Program		31,500		31,500
	Navy special warfare performance and injury prevention program		2,500		1,100
	Warfighter protection: integrated warfighter bio-defense (Note: Transfer from line 21)				3,350
25	**UNDERSEA WARFARE ADVANCED TECHNOLOGY**	**35,055**	**35,055**	**38,055**	**35,055**
	Program growth			-5,000	-5,000
	Demonstration wave power buoy for advanced deployable system			4,000	1,800
	Undersea vehicle test and training environment			4,000	3,200
28	**MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY**	**21,326**	**24,926**	**24,126**	**25,426**
	JEOD diver situational awareness system		2,000		1,800
	Upward looking sensor		1,600		1,050
	Visual integrated bridge system			2,800	1,250
30	**AIR/OCEAN TACTICAL APPLICATIONS**	**31,778**	**28,278**	**31,778**	**32,778**
	Base program reduction		-5,000		0
	Gateway concept		1,500		1,000
31	**AVIATION SURVIVABILITY**	**6,177**	**31,377**	**21,677**	**29,627**
	Unmanned force augmentation system		2,000		1,000
	Smart visor		1,500		1,000
	Intelligence gathering uninhabited system (IGUS)		2,000	2,000	2,000
	Equipment life extension project		2,700		1,200
	Intelligent autonomy technology transition program		4,000		1,800
	Rotorcraft external airbag protection system (REAPS)		3,000	4,000	3,000
	Integrated command decision work environment		5,000		4,000
	Joint helmet mounted cueing system (JHMCS) QuadEye		5,000		3,250
	Unmanned aircraft systems optimization technologies program			3,500	2,800
	Silver Fox unmanned aerial vehicle			4,000	1,800
	Air Sentinel			2,000	1,600
33	**ASW SYSTEMS DEVELOPMENT**	**16,782**	**22,782**	**23,482**	**25,432**
	Electro-optical passive ASW system		3,000	6,700	6,700
	Tactical e-field buoy development program		3,000		1,950
36	**SURFACE AND SHALLOW WATER MINE COUNTERMEASURES**	**130,265**	**134,765**	**114,365**	**116,565**
	AN/SQQ-32 mine hunting sonar upgrade		4,500		3,600
	Program growth			-3,000	-3,000
	Delay in MRUUV program			-16,900	-16,900
	Surface Navy integrated undersea tactical technology - mine warfare			4,000	2,600
37	**SURFACE SHIP TORPEDO DEFENSE**	**40,627**	**55,027**	**48,627**	**57,727**
	TDCL commonality - shipboard DCL technology demonstration and transfer		9,000		7,200
	AN/SLQ-25A torpedo countermeasure system		3,600		2,900
	Affordable fast ASW response weapon system		1,800		1,450
	Torpedo detection, classification, localization capability			1,000	1,000
	Integrated multi-platform sonar system (IMPSS)			7,000	4,550

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request	House	Senate	Conference
38	**CARRIER SYSTEMS DEVELOPMENT**	**153,894**	**158,394**	**153,894**	**156,844**
	QuIPS integration with CV tactical support center (CV-TSC)		2,000		1,300
	Sentinel Net for Ship Anti-Terrorism/Force Protection		2,500		1,650
39	**SHIPBOARD SYSTEM COMPONENT DEVELOPMENT**	**14,135**	**34,235**	**39,935**	**50,185**
	Intelligent systems consortium		1,000		1,000
	Advanced repair technology for the expeditionary Navy		2,000		1,000
	Integrated power system converter		2,000		1,000
	Smart machinery spaces system		4,200		2,750
	High efficiency quiet electric drive		1,500	1,500	1,500
	Air gun shock testing of naval vessels		1,000		1,000
	Advanced combatant materials research		5,400		4,300
	Fuel contaminate detection system		2,000		2,500
	Smart valve		1,000	2,500	1,150
	MTTC/IPI and National Surface Treatment Center			6,000	3,900
	Advanced steam turbine			2,000	1,000
	Water mist fire protection			1,000	1,000
	Advanced fluid controls for shipboard applications			2,000	1,000
	Carbon foam, Navy			3,500	2,800
	Propulsor manufacturing technology development			5,300	4,250
	Critical on demand information support for shipboard maintainers			1,000	1,000
	Carrier strike group forward sensor network (Note: House bill provided funds in line 101)				3,900
	Braided ropes for US Navy ship salvage			1,000	1,000
44	**SURFACE ASW**	**38,696**	**42,696**	**35,696**	**34,146**
	Automated readiness measurement system (ARMS) - SBIR phase III		4,000		1,800
	Program growth			-10,000	-10,000
	Advanced receive while transmit sonar			2,000	1,000
	Improved surface vessel torpedo launcher			3,000	1,350
	All electric torpedo launcher			2,000	1,300
46	**ADVANCED SUBMARINE SYSTEM DEVELOPMENT**	**140,432**	**155,432**	**158,932**	**157,582**
	Experimental research transformational submersible		4,500		4,500
	Cryogenic power system for unmanned underwater vehicles		2,000		1,300
	Large displacement UUV at sea launch and recovery		4,000	10,000	4,500
	Inner and outer decoupler materials for fiberoptic conformal arrays		4,500		2,000
	Low cost thin line fiber optic towed array			1,000	1,000
	Fiber optic conformal acoustic velocity system (FO-CAVES)			4,500	2,500
	Submarine automated simulation			3,000	1,350
48	**SHIP CONCEPT ADVANCED DESIGN**	**21,549**	**14,721**	**26,649**	**21,771**
	Reduction to growth		-9,828		-9,828
	Program underexecution			-5,500	0
	Machinery analytics for controls and monitoring systems (ACMS)		3,000		1,350
	Scout radar stealth upgrades for special warfare craft			1,000	1,000
	Autonomous maritime navigation program			7,000	5,600
	Advanced capabilities group			2,600	2,100

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request	House	Senate	Conference
49	**SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES**	**21,314**	**24,314**	**28,314**	**25,864**
	Support for naval ship hydrodynamic test facilities		3,000	7,000	4,550
51	**ADVANCED SURFACE MACHINERY SYSTEMS**	**0**	**5,800**	**0**	**2,800**
	Lightweight metals technology for aluminum intensive marine structures		1,800		1,000
	LCS advanced lightweight metals technology for aluminum marine structures		4,000		1,800
53	**LITTORAL COMBAT SHIP (LCS)**	**319,671**	**332,271**	**321,471**	**330,671**
	LCS ASW mission area commonality		3,500		2,300
	Unmanned surface vehicles concepts and technology		2,700		2,200
	LCS mission module enhanced tactical response		5,400		4,300
	Remote operation of active sonar technology (ROAST)		1,000		1,000
	Advanced lightweight metals tech for aluminum intensive marine structures			1,800	1,200
54	**COMBAT SYSTEM INTEGRATION**	**62,095**	**74,745**	**63,095**	**72,195**
	Open architecture/maintenance free operating period (OA/MFOP)		2,000		1,300
	Lasers for Navy applications		4,000		3,200
	Deployable ultra-short pulse laser development		3,150		2,500
	Optical line replaceable units (O-LRUs) for high energy laser systems		1,000		1,000
	Prototype instrumentation system for MUTC		2,500		1,100
	Visualization and service-oriented architecture for strike force interoperability			1,000	1,000
55	**CONVENTIONAL MUNITIONS**	**22,385**	**23,885**	**22,385**	**23,385**
	Non-discarding sabot ammunition		1,500		1,000
56	**MARINE CORPS ASSAULT VEHICLES**	**188,306**	**194,906**	**191,306**	**349,206**
	Intelligent machining of advanced defense materials		3,000	3,000	3,000
	AN/UXC-10 digital facsimile upgrade for the EFV		3,600		2,900
	Adjustment to EFV acquisition strategy				155,000
58	**MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM**	**503**	**2,003**	**19,503**	**12,953**
	Marine sensor integrated, modular protection-combat helmet (MSIMP-CH)		1,500		1,000
	Moldable fabric armor			2,000	1,000
	Anti-sniper infrared targeting system			3,000	1,350
	Urban operations environment laboratory			11,000	7,150
	Marine expeditionary rifle squad			3,000	1,950
60	**COOPERATIVE ENGAGEMENT**	**53,406**	**67,406**	**48,106**	**64,606**
	Cooperative engagement capability integration		14,000		11,200
	Program underexecution			-5,300	0
61	**OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT**	**16,324**	**18,324**	**16,324**	**17,324**
	Advanced composite riverine craft		2,000		1,000
62	**ENVIRONMENTAL PROTECTION**	**20,271**	**26,771**	**24,271**	**26,071**
	U. S. Navy marine mammal program increase		2,500		2,000
	Puget Sound anoxia research		3,000		2,000
	Auditory electro-physiological testing program		1,000		0

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request	House	Senate	Conference
	Integrated marine mammal monitoring and protection system			4,000	1,800
64	**FACILITIES IMPROVEMENT**	**4,194**	**6,194**	**6,194**	**8,294**
	Development of regenerative fuel cell back-up power systems for naval land-based installations		2,000		1,100
	Advanced technology to reduce vulnerability of military installations (Note: Senate provided funding in line 17)				2,000
	Permanent magnet linear generator power buoy system			2,000	1,000
66	**NAVY LOGISTIC PRODUCTIVITY**	**6,306**	**26,206**	**11,306**	**24,706**
	Navy operational logistics innovation		1,000		1,000
	Defense integrated technical data center		6,000		3,900
	Reliability testing of lead free circuits/components		2,000		1,300
	High density power electronics		1,800		1,450
	Fiber optic interconnect technology		2,250		1,800
	Unique identification of tangible items		5,500		3,600
	Fiber optic components for military applications		1,350		1,100
	Wireless maritime inspection system (Note: Senate bill addressed in a general provision)				1,000
	Multi-color infrared sensors			5,000	3,250
68	**LINK PLUMERIA**	**80,662**	**70,662**	**80,662**	**80,662**
	Program adjustment		-10,000		0
74	**LAND ATTACK TECHNOLOGY**	**18,571**	**48,171**	**36,571**	**56,471**
	Extended range munition program reduction		-8,000		0
	Affordable weapon system		24,000		15,600
	Millenium gun system		2,000	3,000	2,000
	EX-171 extended range guided munitions (ERGM) EMD		2,700		2,200
	Projectile common guidance		2,700		2,200
	Automated explosive safety assessment tools		1,000		1,000
	Advanced medium gun demonstrator		1,400		1,100
	76mm super rapid medium caliber gun		1,800		1,800
	Ballistic trajectory extended range munition		2,000	15,000	12,000
75	**NONLETHAL WEAPONS**	**44,815**	**48,515**	**46,815**	**49,315**
	3-dimensional through wall imaging of terrorist activities		1,000		1,000
	Non-lethal defense technology		2,700		2,200
	Boat trap system for port security/water craft interdiction			2,000	1,300
77	**JOINT PRECISION APPROACH AND LANDING SYSTEMS**	**41,242**	**41,242**	**33,242**	**33,242**
	Program reduction			-8,000	-8,000
78	**SINGLE INTEGRATED AIR PICTURE (SIAP) SYSTEM ENGINEERING**	**50,282**	**42,500**	**37,282**	**41,650**
	Reduction to program growth		-10,282	-13,000	-10,282
	SIAP open architecture automated test and retest		2,500		1,650
79	**COUNTER-DRUG RDT&E PROJECTS**	**0**	**4,000**	**0**	**2,200**
	Project Athena		4,000		2,200
80	**TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM)**	**20,527**	**20,527**	**17,527**	**17,527**
	Program underexecution			-3,000	-3,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request	House	Senate	Conference
81	**HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS)**	**77,000**	**30,000**	**0**	**20,000**
	Program reduction		-47,000	-72,000	-52,000
	Transfer to RDT&E, DW			-5,000	-5,000
	DIRECTED ENERGY RESEARCH	**0**	**0**	**30,000**	**19,500**
	Directed energy research			30,000	19,500
86	**STANDARDS DEVELOPMENT**	**112,257**	**92,257**	**70,987**	**73,237**
	CNS/ATM upgrades		-25,000		0
	Navy and Marine Corps sensor metrology R & D		5,000		2,250
	Defer new start -- CNS/ATM upgrades			-40,770	-40,770
	Sustain calibration standards at FY 2006 funded level			-500	-500
89	**P-3 MODERNIZATION PROGRAM**	**16,139**	**16,139**	**6,139**	**17,139**
	Defer new start			-11,000	0
	Personal digital assistant maintenance application			1,000	1,000
91	**TACTICAL COMMAND SYSTEM**	**74,225**	**60,625**	**57,625**	**56,625**
	Joint Mission Planning System - reduction to growth		-13,600	-13,600	-13,600
	Defer new start			-5,000	-5,000
	Navy logistics common operation picture (LOGCOP)			2,000	1,000
94	**ACOUSTIC SEARCH SENSORS**	**36,764**	**47,064**	**38,764**	**42,164**
	Acoustic environmental sensor system		2,300		1,000
	AN/USQ-78B acoustic processor improvements		8,000	2,000	4,400
96	**AIR CREW SYSTEMS DEVELOPMENT**	**12,434**	**14,234**	**12,434**	**13,884**
	SIIIS ejection seat improvement		1,800		1,450
97	**EA-18**	**372,363**	**375,363**	**372,363**	**373,713**
	Next generation electronic warfare simulator		3,000		1,350
98	**ELECTRONIC WARFARE DEVELOPMENT**	**39,842**	**723,639**	**39,842**	**40,842**
	IR signature reduction		1,200		1,000
99	**VHXX EXECUTIVE HELO DEVELOPMENT**	**682,597**	**682,597**	**557,597**	**632,597**
	Program underexecution			-125,000	-50,000
100	**JOINT TACTICAL RADIO SYSTEM - NAVY**	**1,153**	**0**	**0**	**798,412**
	Transfer from RDT&E, Army line 81				797,259
101	**SC-21 TOTAL SHIP SYSTEM ENGINEERING**	**817,528**	**831,528**	**818,528**	**826,228**
	Carrier strike group forward sensor network (Note: Conference funding provided in line 39)		6,000		0
	MEMS center for defense applications		1,000		1,000
	Surface vessel electric actuator technology development		2,500		1,400
	SmartLink planar scanner antenna modemization		2,000		1,000
	Floating area network		2,500	2,000	2,000
	Defer funding for CG(X) integration			-18,000	-9,000
	Bio/nano-MEMS Center for Defense Applications			2,000	1,300
	Permanent magnet motor system			15,000	11,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1	Budget Request	House	Senate	Conference
102 SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	**190,059**	**191,059**	**179,659**	**179,009**
Smart integrated data environment		1,000		1,000
Program underexecution			-13,400	-13,400
Gas turbine electric start system technology			3,000	1,350
106 STANDARD MISSILE IMPROVEMENTS	**186,144**	**187,244**	**176,144**	**177,144**
Alternative thermal battery production capability		1,100		1,000
Program growth			-10,000	-10,000
107 AIRBORNE MCM	**56,145**	**62,145**	**56,145**	**58,845**
Airborne mine countermeasures open architecture technology insertion		6,000		2,700
108 NAVAL INTEGRATED FIRE CONTROL - COUNTER AIR SYSTEMS ENGINEERING	**14,792**	**14,792**	**0**	**14,792**
Defer new start			-14,792	0
109 SSN-688 AND TRIDENT MODERNIZATION	**94,839**	**109,139**	**106,839**	**109,639**
Twin thin line towed array processing improvements in ARCI		2,500		1,650
Connectionless technology for towed arrays		3,000		1,650
SONAR advanced optical co-processor		1,800		1,000
Submarine-enabling airborne data exchange and enhancement (SEADeep)		3,000		2,400
Common submarine radio room		4,000	4,000	4,000
Affordable towed array construction			2,000	1,300
Improved submarine towed array and array handler			4,000	1,800
Active intercept and ranging system			2,000	1,000
112 SHIPBOARD AVIATION SYSTEMS	**33,392**	**35,392**	**32,892**	**32,892**
Aircraft carrier launch and recovery (ALRE)/support equipment continued modernization		2,000	2,000	2,000
Program underexecution			-3,500	-3,500
Synthetic material arresting cable			1,000	1,000
113 COMBAT INFORMATION CENTER CONVERSION	**6,708**	**7,708**	**8,208**	**7,708**
C2 web-based architecture		1,000	1,500	1,000
114 NEW DESIGN SSN	**169,580**	**189,980**	**216,780**	**202,130**
Submarine low power computing advanced technology insertion and cost reduction initiative for command and control		2,000		1,000
Large aperture bow array on Virginia class		9,000	16,000	9,000
Flexible payload module and Virginia payload interface module development		4,000	15,000	6,750
Large scale demonstration item for Virginia class bow dome			6,200	5,000
Multilevel secure wireless network			2,000	1,300
Advanced submarine research			8,000	5,200
Submarine modernization and technology insertion		5,400		4,300
116 SUBMARINE TACTICAL WARFARE SYSTEM	**51,656**	**54,156**	**53,656**	**54,806**
Submarine maintenance automation and communication system		2,500		2,150
Automated submarine command and control center			2,000	1,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1	Budget Request	House	Senate	Conference
117 SHIP CONTRACT DESIGN/ LIVE FIRE T&E	**72,055**	**73,855**	**72,055**	**73,505**
Integrated lifecycle management environment for the surface fleet		1,800		1,450
121 LIGHTWEIGHT TORPEDO DEVELOPMENT	**40,540**	**40,540**	**35,040**	**40,540**
Defer new start			-5,500	0
122 JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMEI	**10,026**	**10,026**	**10,026**	**10,426**
Independent testing of the joint improvised explosive device neutralizer III (Note: Senate addressed this in a general provision)				400
123 PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	**8,754**	**9,754**	**8,754**	**9,754**
SEAPRINT		1,000		1,000
124 BATTLE GROUP PASSIVE HORIZON EXTENSION SYSTEM	**0**	**1,000**	**2,000**	**2,000**
TREX/MILDEC tactical target generator system		1,000		1,000
COBLU-direction finding enhancement			2,000	1,000
126 SHIP SELF DEFENSE (DETECT & CONTROL)	**10,050**	**25,650**	**15,250**	**26,750**
Shipboard swimmer defense system		3,000		2,400
Integrated display and enhanced architecture/surface combatant systems engineering (common display architecture - CDA)		12,600		10,100
Reusable unambiguous swimmer warning vehicle			5,200	4,200
127 SHIP SELF DEFENSE (ENGAGE: HARD KILL)	**46,390**	**50,890**	**51,390**	**50,890**
Future phalanx next generation improvements		4,500	5,000	4,500
128 SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	**11,513**	**12,913**	**27,513**	**21,213**
Advanced radar absorbing tiles for surface ships		1,400	2,000	1,400
Shipboard electronic warfare improvement program			5,000	3,250
MK53 (Nulka) decoy system			4,000	1,800
SLQ-32 ESM system interference cancellation			5,000	3,250
130 MEDICAL DEVELOPMENT	**7,663**	**35,263**	**9,663**	**29,663**
Advanced molecular medicine initiative - City of Hope National Medical Center		3,000		1,350
Community Hospital Telehealth Consortium		1,500		1,000
Diabetes research, somatic cell processing program		3,000		1,400
HUCTC proton beam therapy research		2,000		1,000
Infusible hemostatic therapeutic trials		2,000	2,000	2,000
Military dental research		4,000		4,000
On-demand custom body implants/prosthesis for injured personnel		3,000		1,350
Discovery, early detection, evaluation, treatment, and prevention in cancer		5,000		4,000
Defense graduate psychology education program (Note: Only to continue program between WRAMC and USUHS)		3,600		2,900
Thermotube battlefield body temperature regulator		500		500
Validation of prognostic and health management systems (Note: House recommended $2,500,000 out of available funds)				2,500

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1	Budget Request	House	Senate	Conference
132 DISTRIBUTED SURVEILLANCE SYSTEM	**58,273**	**60,773**	**58,273**	**60,273**
SureTrak		1,500		1,000
Off-board sensor		1,000		1,000
133 JOINT STRIKE FIGHTER (JSF)	**2,030,979**	**2,033,679**	**2,172,285**	**2,172,135**
Innovative technology for an open architecture JSF/F/A-18 E/F core processor		2,700		1,200
Maintain development of 2nd source for engine			170,000	170,000
Excess award fee			-31,694	-31,694
JSF heat exchanger development; weight reduction and performance			3,000	1,650
135 INFORMATION TECHNOLOGY DEVELOPMENT	**13,326**	**14,326**	**13,326**	**14,326**
Oblique imaging and software tool for Marine installations		1,000		1,000
136 INFORMATION TECHNOLOGY DEVELOPMENT	**88,323**	**92,323**	**127,423**	**115,423**
SPAWAR Systems Center ITC, including joint Naval/local university information systems research		4,000	15,000	8,250
Internet relay chat improvement and upgrade project			3,000	1,950
Enterprise resource planning (Navy converged)			8,100	6,500
Digitization of NCIS files			8,000	6,400
Integration of logistics info for knowledge projection and readiness assessments			2,000	1,600
Condition-based maintenance enabling technologies program			3,000	2,400
138 CH-53X RDT&E	**362,672**	**362,672**	**357,672**	**357,672**
Program underexecution			-5,000	-5,000
140 TACTICAL CRYPTOLOGIC SYSTEMS	**23,526**	**27,526**	**23,526**	**25,826**
ANS/SSQ-137(V) ships signals exploitation equipment increment E		2,000		1,300
Scan Eagle UAV advanced datalink and sensor development		2,000		1,000
142 TARGET SYSTEMS DEVELOPMENT	**45,666**	**45,666**	**50,666**	**47,916**
Supersonic sea skimming target - air diver/Coyote			5,000	2,250
143 MAJOR T&E INVESTMENT	**39,750**	**47,250**	**48,750**	**48,600**
Low cost Coyote ramjet demonstration		2,000		1,000
Upgrading range instrumentation to support network centric operations		2,500	4,000	2,600
Network expansion of RDT&E ranges		3,000		2,000
Network expansion & integration of Navy/NASA RDT&E ranges and facilities			5,000	3,250
148 TECHNICAL INFORMATION SERVICES	**670**	**9,170**	**21,670**	**25,070**
Illinois Technology Transition Center		2,500		1,650
Commercialization of advanced technology (CAT)		6,000		4,800
Integrated manufacturing enterprise			3,000	1,650
Joint Information Technology Center			6,000	4,800
HTDV			4,000	4,000
Pacific-based Joint Info Tech Center			8,000	7,500
149 MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	**47,213**	**47,213**	**45,413**	**45,413**
Program growth			-1,800	-1,800

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1	Budget Request	House	Senate	Conference
151 RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	**67,328**	**67,328**	**66,328**	**67,328**
Program growth			-1,000	0
157 SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	**20,073**	**20,073**	**18,173**	**18,173**
Program underexecution			-1,900	-1,900
158 MARINE CORPS PROGRAM WIDE SUPPORT	**25,343**	**31,343**	**31,343**	**31,343**
Corrosion service teams		2,000		1,000
Individual chemical alert system (ICAS)		1,000	1,000	1,000
Tactical air sentinel		3,000	3,000	3,000
Field rapid assay biological system			2,000	1,000
160 SERVICE SUPPORT TO JFCOM, JNTC	**5,202**	**12,802**	**5,202**	**12,802**
Training transformation for training and test and evaluation ranges		7,600		7,600
163 HARPOON MODIFICATIONS	**36,284**	**28,000**	**0**	**28,000**
Program reduction		-8,284		-8,284
Defer new start			-36,284	0
164 UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT DEVELOPMENT	**239,163**	**189,163**	**0**	**100,000**
Program execution reduction		-50,000	-239,163	-139,163
165 STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	**124,522**	**129,522**	**124,522**	**127,172**
Advanced conventional strike capability (SLIRBM)		2,000		1,300
Free electron laser facility		3,000		1,350
169 RAPID TECHNOLOGY TRANSITION (RTT)	**39,285**	**44,285**	**35,485**	**39,485**
120mm tank high explosive plastic (HEP) cartridge		5,000		4,000
Program underexecution			-3,800	-3,800
170 F/A-18 SQUADRONS	**31,098**	**38,698**	**41,598**	**39,448**
F/A-18 C/D digital electronic warfare system		7,600	5,000	5,000
F/A-18 A-D series tech manual conversion			3,000	1,350
Military rapid response command information system			2,500	2,000
171 E-2 SQUADRONS	**1,540**	**6,240**	**7,540**	**9,840**
E-2C open architecture computing framework		2,000		1,300
Airborne advanced networks		2,700		2,200
Makaha Ridge FORCEnet Lab			4,000	3,200
E-2C/Advanced Hawkeye transmitter technologies			2,000	1,600
173 TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	**18,635**	**25,635**	**18,635**	**24,235**
Precision terrain aided navigation		7,000		5,600
174 INTEGRATED SURVEILLANCE SYSTEM	**30,740**	**42,540**	**28,240**	**40,590**
Program increase		8,200		8,200
Program underexecution			-2,500	-1,200
High channel count interrogator for sensor arrays		1,800		1,450
Tunable laser and laser array		1,800		1,400

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1	Budget Request	House	Senate	Conference
176 CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	**17,857**	**19,857**	**17,857**	**19,157**
Total ship training capability support system		2,000		1,300
179 HARM IMPROVEMENT	**99,208**	**105,208**	**94,208**	**100,208**
Joint common missile		5,000		5,000
Program underexecution (Note: None of the reduction shall be applied against the Joint Common Missile program)			-5,000	-5,000
Aircraft composite rocket launcher improvement program		1,000		1,000
181 SURFACE ASW COMBAT SYSTEM INTEGRATION	**9,417**	**21,667**	**9,417**	**18,617**
Advanced materials for acoustic window applications		2,000		1,000
Surface ship sonar integrated data fusion initiative		2,250		1,800
Surface ship ASW R&D improvements (SQQ-89)		8,000		6,400
183 AVIATION IMPROVEMENTS	**71,612**	**80,412**	**89,212**	**88,312**
Rotor blade protection		1,000		1,000
Real time measurement weight and balance system for C-130s		1,000	4,500	2,500
AGE exploration model extension to multi-signal diagnostics		3,000		2,000
Low maintenance material applications		1,800		1,450
Navair obsolescence management and tools		1,000		1,000
Aircraft sustainment technology rapid deployment initiative		1,000		1,000
Nanocrystalline diamond coatings for complex curved impeller blades			2,300	1,050
Arc fault circuit breaker with arc location system			2,500	1,400
Wireless sensors for Navy aircraft			3,000	1,950
Sacrificial film laminates for Navy helicopter windscreens			2,300	1,050
F/A-18 avionics ground support system			1,000	1,000
Advanced avionics miniaturization program			2,000	1,300
186 MARINE CORPS COMMUNICATIONS SYSTEMS	**218,460**	**241,160**	**219,460**	**234,710**
Battlefield management system (BMS)/advanced situational awareness system (AS2) (BMS/AS2)		5,000		3,250
Foliage penetrating synthetic aperture radar		1,000		1,000
Ground/air task-oriented radar (G/ATOR)		5,000		2,750
Marine Corps battlefield fusion		3,000		1,350
Remote tactical collection and transmission system		3,000		2,400
Marine Corps composite tracking network sensor/comms integration		2,700		2,200
Improved Marine communications		2,000		1,300
Trident - soldier training		1,000		1,000
Wireless tactical remote video/sensor surveillance system			1,000	1,000
187 MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	**47,592**	**68,892**	**57,592**	**65,742**
Amplifying fluorescent polymer based IED detection		2,800	2,000	2,000
Particulate matter filter system		1,000		500
USMC light armored vehicles integrated digital and collaborative environment (IDCE) service network		2,700		2,200
Precision extended range munition (PERM) - EFSS - USMC		8,000	8,000	8,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request	House	Senate	Conference
	Lightweight prime mover vehicle		5,000		4,000
	Development of lightweight, flexible, multi-threat body and appendage armor		1,800		1,450
195	**SATELLITE COMMUNICATIONS (SPACE)**	**748,662**	**751,662**	**750,662**	**751,612**
	Joint integrated systems for advanced digital networking (JIST-NET)		3,000		1,950
	Internet protocol version 6 transition planning laboratory			2,000	1,000
196	**INFORMATION SYSTEMS SECURITY PROGRAM**	**23,037**	**27,037**	**26,837**	**29,037**
	Tactical key loader		4,000		3,200
	Universal description, discovery and integration			2,800	1,800
	SECUREkit			1,000	1,000
199	**NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC)**	**7,307**	**9,307**	**7,307**	**8,307**
	Radiation hardened vector processor		2,000		1,000
202	**TACTICAL UNMANNED AERIAL VEHICLES**	**115,950**	**118,950**	**115,950**	**119,550**
	Unmanned air systems tactical control system open architecture migration		1,000		1,000
	Advanced airship flying laboratory (Note: Senate addressed this in a general provision)				1,000
	UAV payload for nuclear, biological, and chemical (NBC) detection		2,000		1,600
204	**AIRBORNE RECONNAISSANCE SYSTEMS**	**35,038**	**36,838**	**39,038**	**39,138**
	C4ISR aircraft		1,800		1,450
	Deployable unmanned aerial vehicle system for targeting, exploitation			3,000	1,650
	Passive collision avoidance and reconnaissance			1,000	1,000
205	**MANNED RECONNAISSANCE SYSTEMS**	**22,815**	**35,815**	**32,815**	**29,065**
	Classified program increase		12,000		0
	Miniature radar responsive tag (MRRT)		1,000		1,000
	High altitude hyperspectral imaging for Navy's SHARP program			3,000	1,000
	Sonochute-launched VTOL UAVs			2,000	1,000
	Collective aperture multi-band sensor system			5,000	3,250
206	**DISTRIBUTED COMMON GROUND SYSTEMS**	**16,587**	**18,587**	**16,587**	**17,887**
	Maritime intelligence integration for shared situational awareness		2,000		1,300
207	**AERIAL COMMON SENSOR (ACS)**	**17,182**	**17,182**	**0**	**17,182**
	Defer funding pending plan			-17,182	0
209	**DEPOT MAINTENANCE (NON-IF)**	**2,960**	**6,960**	**2,960**	**6,160**
	Portable laser depainting system		4,000		3,200
211	**INDUSTRIAL PREPAREDNESS**	**55,048**	**63,848**	**57,048**	**61,048**
	Formable aligned carbon thermoSets (FACTS)/stretch broken carbon fiber		4,000		2,200
	Nano-imprint at manufacturing scale (NIMS)		1,800		1,450

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

R-1		Budget Request	House	Senate	Conference
	U. S. Navy nuclear power plant and ship propulsion shaft manufacturing improvement		3,000		1,350
	Polyetherimide resin foam domestic manufacturing capability			2,000	1,000
212	**MARITIME TECHNOLOGY (MARITECH)**	**0**	**22,000**	**16,100**	**20,500**
	National Shipbuilding Research Program		20,000	10,000	15,000
	Shipyard enterprise warehouse management system with integrated radio frequency system (EWMS/RFID) and CAC card technology pilot		2,000		1,000
	Naval Air Warfare Center asset visibility business process improvement			3,000	2,000
	Navy automatic ID technology engineering support center			3,100	2,500

MICROMANUFACTURING PROCESSES

The conferees are aware of the growing need for microdevices and improved micromanufacturing processes to meet Defense requirements for smart micromachines. Streamlined micromanufacturing processes will enhance the Department's development and use of embedded biochemical sensors and miniature safe-and-arm devices. The Department is encouraged to work with universities with demonstrated expertise in novel micromanufacturing processes and equipment.

CORROSION PROTECTION

The Navy spends significant amounts of its fleet maintenance budget on corrosion protection. The conferees are aware of important research performed by the Center for Photochemical Sciences that develops corrosion resistant marine paint using photo-cure technology. These new photo-cure technologies can increase corrosion protection while reducing environmentally harmful emissions. This technology may provide unique advantages over current materials. The conferees encourage the Office of Naval Research to consider continued funding for this important research project.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars)			
		Budget	House	Senate	Conference
	RESEARCH, DEVELOPMENT, TEST & EVAL, AF				
	BASIC RESEARCH				
1	DEFENSE RESEARCH SCIENCES	250,232	259,832	259,732	262,232
2	UNIVERSITY RESEARCH INITIATIVES	107,571	112,571	114,471	115,471
3	HIGH ENERGY LASER RESEARCH INITIATIVES	12,403	12,403	12,403	12,403
	TOTAL, BASIC RESEARCH	370,206	384,806	386,606	390,106
	APPLIED RESEARCH				
4	MEDICAL DEVELOPEMENT	---	24,300	---	23,900
5	MATERIALS	111,073	144,273	146,473	149,973
6	AEROSPACE VEHICLE TECHNOLOGIES	112,751	124,351	118,751	125,851
7	HUMAN EFFECTIVENESS APPLIED RESEARCH	92,991	104,691	103,591	107,491
8	AEROSPACE PROPULSION	170,885	204,835	200,885	213,485
9	AEROSPACE SENSORS	117,553	132,553	127,053	133,753
10	MULTI-DISCIPLINARY SPACE TECHNOLOGY	---	3,500	2,500	4,400
11	SPACE TECHNOLOGY	85,594	90,344	106,579	100,879
12	CONVENTIONAL MUNITIONS	62,105	62,105	64,105	63,405
13	DIRECTED ENERGY TECHNOLOGY	48,422	57,422	50,922	52,722
14	COMMAND CONTROL AND COMMUNICATIONS	119,267	122,267	121,767	123,367
16	HIGH ENERGY LASER RESEARCH	50,166	51,166	54,166	53,366
17	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	2,287	2,287	2,287	2,287
	TOTAL, APPLIED RESEARCH	973,094	1,124,094	1,099,079	1,154,879

		(In thousands of dollars)			
		Budget	House	Senate	Conference
	ADVANCED TECHNOLOGY DEVELOPMENT				
18	ADVANCED MATERIALS FOR WEAPON SYSTEMS	48,901	66,501	79,201	81,901
19	ADVANCED AEROSPACE SENSORS	55,150	60,450	55,150	58,450
20	AEROSPACE TECHNOLOGY DEV/DEMO	27,424	69,548	38,424	58,524
21	AEROSPACE PROPULSION AND POWER TECHNOLOGY	115,546	141,546	140,346	148,446
22	CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY	32,156	49,006	32,156	42,756
23	ELECTRONIC COMBAT TECHNOLOGY	24,436	30,436	27,936	29,636
24	BALLISTIC MISSILE TECHNOLOGY	---	9,000	4,500	9,400
26	ADVANCED SPACECRAFT TECHNOLOGY	68,026	92,926	102,026	101,226
27	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	6,074	6,074	52,074	50,574
29	CONVENTIONAL WEAPONS TECHNOLOGY	19,658	45,958	19,658	40,058
30	ADVANCED WEAPONS TECHNOLOGY	51,336	62,336	73,336	77,036
32	C3I ADVANCED DEVELOPMENT	35,785	48,535	38,785	47,385
33	SPECIAL PROGRAMS	316,605	316,605	316,605	316,605
35	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	3,713	3,713	3,713	3,713
36	TACTICAL AIRBORNE CONTROL SYSTEMS	26	26	26	26
	TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	804,836	1,002,660	983,936	1,065,736
	DEMONSTRATION & VALIDATION				
40	INTELLIGENCE ADVANCED DEVELOPMENT	4,776	6,776	4,776	5,776
41	PHYSICAL SECURITY EQUIPMENT	298	298	298	298
42	NAVSTAR GLOBAL POSITIONING SYSTEM III	315,314	315,314	315,314	315,314
43	ADVANCED EHF MILSATCOM (SPACE)	633,258	633,258	633,258	633,258
44	POLAR MILSATCOM (SPACE)	35,685	35,685	35,685	35,685
45	SPACE CONTROL TECHNOLOGY	27,076	27,076	31,076	30,276
46	COMBAT IDENTIFICATION TECHNOLOGY	26,517	26,517	26,517	26,517
47	NATO RESEARCH AND DEVELOPMENT	4,095	4,095	4,095	4,095
48	INTERNATIONAL SPACE COOPERATIVE R&D	593	593	593	593
49	TRANSFORMATIONAL SATCOM (TSAT)	867,102	767,102	637,102	737,102
50	INTEGRATED BROADCAST SERVICE	20,592	20,592	20,592	20,592
51	INTERCONTINENTAL BALLISTIC MISSILE	45,538	65,038	45,538	61,138

		(In thousands of dollars) Budget	House	Senate	Conference
52	WIDEBAND GAPFILLER SYSTEM RDT&E (SPACE)	37,672	37,672	37,672	37,672
53	SPACE-BASED RADAR	266,401	200,000	166,401	186,401
54	POLLUTION PREVENTION (DEM/VAL)	2,853	7,553	4,353	7,053
55	JOINT PRECISION APPROACH AND LANDING SYSTEMS	10,011	10,011	10,011	10,011
56	NEXT GENERATION BOMBER	25,598	25,598	25,598	25,598
60	COMMON AERO VEHICLE (CAV)	33,386	33,386	33,386	33,386
61	OPERATIONALLY RESPONSIVE SPACE	35,625	23,601	35,625	35,625
63	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SAT.	349,311	349,311	349,311	349,311
	TOTAL, DEMONSTRATION & VALIDATION	2,741,701	2,589,476	2,417,201	2,555,701
	ENGINEERING & MANUFACTURING DEVELOPMENT				
64	GLOBAL BROADCAST SERVICE (GBS)	23,599	25,599	23,599	24,899
65	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	2,792	2,792	2,792	2,792
66	NUCLEAR WEAPONS SUPPORT	14,895	14,895	14,895	14,895
67	B-1B	130,546	130,546	130,546	130,546
68	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	3,703	3,703	3,703	3,703
70	B-2 ADVANCED TECHNOLOGY BOMBER	224,177	240,177	231,177	242,577
71	PERSONNEL RECOVERY SYSTEMS	254,310	224,310	201,455	201,455
72	ELECTRONIC WARFARE DEVELOPMENT	87,784	92,184	93,684	93,184
74	PHYSICAL SECURITY EQUIPMENT	93	93	93	93
75	SMALL DIAMETER BOMB (SDB)	104,080	106,080	104,080	105,880
76	COUNTERSPACE SYSTEMS	47,292	47,292	50,319	50,492
77	SPACE SITUATION AWARENESS SYSTEMS	121,157	121,157	123,157	122,157
78	AIRBORNE ELECTRONIC ATTACK	12,421	12,421	12,421	12,421
79	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	668,902	668,902	668,902	668,902
80	ALTERNATIVE INFRARED SPACE SYSTEM (AIRSS)	102,962	67,962	102,962	67,962
83	ARMAMENT/ORDNANCE DEVELOPMENT	5,039	5,039	5,039	5,039
84	SUBMUNITIONS	5,759	5,759	9,759	8,359
85	AGILE COMBAT SUPPORT	10,095	10,095	10,095	10,095
86	JOINT DIRECT ATTACK MUNITION	15,450	15,450	15,450	15,450
87	LIFE SUPPORT SYSTEMS	12,370	14,170	12,370	14,270

(In thousands of dollars)

		Budget	House	Senate	Conference
88	COMBAT TRAINING RANGES	14,363	17,363	14,363	16,763
89	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)	167	17,467	9,167	15,667
90	INTELLIGENCE EQUIPMENT	1,426	3,426	5,426	4,926
91	COMMON LOW OBSERVABLES VERIFICATION SYSTEM (CLOVERS)	---	4,500	4,500	4,500
92	JOINT STRIKE FIGHTER (JSF)	1,999,068	2,200,568	2,137,374	2,138,374
94	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)	18,513	20,513	18,513	19,813
95	RDT&E FOR AGING AIRCRAFT	25,490	26,490	27,490	26,590
96	TEST AND EVALUATION SUPPORT	2,388	2,388	2,388	2,388
97	LINK-16 SUPPORT AND SUSTAINMENT	172,625	174,625	172,625	174,225
99	E-10 SQUADRONS	390,896	390,896	390,896	390,896
100	SINGLE INTEGRATED AIR PICTURE (SIAP)	40,124	40,124	40,124	40,124
101	FULL COMBAT MISSION TRAINING	32,243	35,843	32,243	35,143
103	CV-22	26,601	26,601	26,601	26,601
	TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT	4,571,330	4,769,430	4,698,208	4,691,181
	RDT&E MANAGEMENT SUPPORT				
104	THREAT SIMULATOR DEVELOPMENT	38,131	38,131	38,131	38,131
105	MAJOR T&E INVESTMENT	58,506	63,506	58,506	61,906
106	RAND PROJECT AIR FORCE	25,211	28,211	25,211	26,611
109	INITIAL OPERATIONAL TEST & EVALUATION	34,802	34,802	34,802	34,802
110	TEST AND EVALUATION SUPPORT	740,134	740,134	740,134	740,134
111	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	14,704	29,704	14,704	26,104
112	SPACE TEST PROGRAM (STP)	46,310	46,310	46,310	46,310
113	FACILITIES RESTORATION & MODERNIZATION - TEST & EVAL	54,683	55,683	54,683	55,683
114	FACILITIES SUSTAINMENT - TEST AND EVALUATION SUPPORT	25,579	29,579	25,579	28,179
115	GENERAL SKILL TRAINING	305	305	305	305
118	INTERNATIONAL ACTIVITIES	3,911	3,911	3,911	3,911
	TOTAL, RDT&E MANAGEMENT SUPPORT	1,042,276	1,070,276	1,042,276	1,062,076

	(In thousands of dollars)			
	Budget	House	Senate	Conference
OPERATIONAL SYSTEMS DEVELOPMENT				
119 ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY..............	8,014	8,014	8,014	8,014
121 B-52 SQUADRONS......................................	71,379	77,379	71,379	76,279
122 ADVANCED CRUISE MISSILE.....	6,983	6,983	6,983	6,983
123 AIR-LAUNCHED CRUISE MISSILE (ALCM)...................	3,736	3,736	3,736	3,736
124 STRAT WAR PLANNING SYSTEM - USSTRATCOM...............	27,285	27,285	30,285	28,685
125 NIGHT FIST - USSTRATCOM..............................	5,162	5,162	5,162	5,162
126 ADVANCED STRATEGIC PROGRAMS..........................	22,423	22,423	22,423	22,423
127 REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION..	14,853	14,853	14,853	14,853
128 WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRAN	30,584	30,584	30,584	30,584
129 A-10 SQUADRONS.......................................	80,771	16,771	31,971	31,971
130 F-16 SQUADRONS.......................................	148,373	152,373	151,273	152,573
131 F-15E SQUADRONS......................................	125,062	138,062	125,062	138,062
132 MANNED DESTRUCTIVE SUPPRESSION.......................	515	515	515	515
133 F-22 SQUADRONS.......................................	584,290	484,290	434,290	474,290
134 F-117A SQUADRONS.....................................	14,093	14,093	14,093	14,093
135 TACTICAL AIM MISSILES................................	8,850	8,850	8,850	8,850
136 ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).....	43,417	43,417	43,417	43,417
138 AF TENCAP..	11,202	11,202	11,202	11,202
139 SPECIAL EVALUATION PROGRAM...........................	530,038	530,038	530,038	530,038
140 COMPASS CALL...	4,469	15,969	4,469	9,969
141 AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM.........	154,319	154,319	154,319	154,319
142 CSAF INNOVATION PROGRAM....	1,612	1,612	1,612	1,612
143 JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM).........	40,881	40,881	40,881	40,881
144 AIR AND SPACE OPERATIONS CENTER (AOC)................	87,483	77,483	77,483	77,483
145 CONTROL AND REPORTING CENTER (CRC)...................	8,798	8,798	8,798	8,798
146 AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)...........	165,820	165,820	165,820	165,820
147 TACTICAL AIRBORNE CONTROL SYSTEMS....................	2,286	2,286	2,286	2,286
148 ADVANCED COMMUNICATIONS SYSTEMS......................	53,093	53 093	43,093	43,093
149 EVALUATION AND ANALYSIS PROGRAM......................	---	3,250	---	2,600

	(In thousands of dollars) Budget	House	Senate	Conference
150 ADVANCED PROGRAM TECHNOLOGY	313,251	313,251	313,251	313,251
151 THEATER BATTLE MANAGEMENT (TBM) C4I	31,835	31,835	31,835	31,835
152 FIGHTER TACTICAL DATA LINK	113.388	113,388	113,388	113,388
153 BOMBER TACTICAL DATA LINK	168,168	101,168	101,168	101,168
154 C2ISR TACTICAL DATA LINK	4,338	4,338	4,338	4,338
155 COMMAND AND CONTROL (C2) CONSTELLATION	44,027	44,027	44,027	44,027
156 JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM	152,696	152,696	160,696	156,296
157 SEEK EAGLE	16,426	16,426	16,426	16,426
158 ADVANCED PROGRAM EVALUATION	437,057	437,057	437,057	437.057
159 USAF MODELING AND SIMULATION	23,470	28,970	6,470	23,770
160 WARGAMING AND SIMULATION CENTERS	6,595	6,595	6,595	6,595
161 DISTRIBUTED TRAINING AND EXERCISES	6,138	6,138	6,138	6,138
162 MISSION PLANNING SYSTEMS	146,396	129,896	146,396	129,896
163 INFORMATION WARFARE SUPPORT	24,758	24,758	24,758	24,758
169 E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	283	283	283	283
170 MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK	64,109	64,109	64,109	64,109
171 INFORMATION SYSTEMS SECURITY PROGRAM	183.523	185.523	183,523	185,523
172 GLOBAL COMBAT SUPPORT SYSTEM	19,895	19.895	19,895	19,895
173 GLOBAL COMMAND AND CONTROL SYSTEM	3,348	15,848	3,348	11,448
174 JOINT COMMAND AND CONTROL PROGRAM (JC2)	5.818	5,818	5,818	5,818
175 MILSATCOM TERMINALS	271,562	271,562	271,562	271,562
177 AIRBORNE SIGINT ENTERPRISE	117,834	117,834	117,834	117,834
181 GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	6,620	6,620	6,620	6,620
182 SATELLITE CONTROL NETWORK (SPACE)	19,907	19,907	19,907	21,787
183 WEATHER SERVICE	34,899	35,899	34,899	35,899
184 AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATC	---	2.000	---	1,600
185 AERIAL TARGETS	5,203	5,203	5,203	5,203
187 SECURITY AND INVESTIGATIVE ACTIVITIES	509	509	509	509
191 DEFENSE METEOROLOGICAL SATELLITE PROGRAM (SPACE)	969	969	969	969
192 NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT)	131,083	133,083	136,083	134,383

(In thousands of dollars)

	Budget	House	Senate	Conference
193 NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL)	177,792	177,792	177,792	177,792
195 SPACE AND MISSILE TEST AND EVALUATION CENTER	4,675	4,675	4,675	4,675
196 SPACE WARFARE CENTER	726	726	726	726
197 SPACELIFT RANGE SYSTEM (SPACE)	38,044	39,044	38,044	39,044
198 INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS	3,813	3,813	3,813	3,813
200 AIRBORNE RECONNAISSANCE SYSTEMS	52,824	52,824	52,824	52,824
201 MANNED RECONNAISSANCE SYSTEMS	10,132	13,132	13,132	13,132
202 DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	120,777	124,577	120,777	122,477
203 PREDATOR UAV (JMIP)	61,466	63,966	67,466	68,166
204 GLOBAL HAWK UAV	247,665	248,665	247,665	248,665
205 NETWORK-CENTRIC COLLABORATIVE TARGET (TIARA)	8,499	8,499	8,499	8,499
206 INTELLIGENCE SUPPORT TO INFORMATION WARFARE	5,163	5,163	5,163	5,163
207 NCMC - TW/AA SYSTEM	50,908	16,308	57,908	43,500
209 NUDET DETECTION SYSTEM (SPACE)	60,281	60,281	60,281	60,281
211 NATIONAL SECURITY SPACE OFFICE	13,437	13,437	13,437	13,437
212 SPACE SITUATION AWARENESS OPERATIONS	31,401	31,401	31,401	31,401
213 NASS. ID TECHNOLOGY INTEGRATION & TOOL DEV	15,449	15,449	15,449	15,449
214 SHARED EARLY WARNING (SEW)	2,999	2,999	2,999	2,999
215 C-130 AIRLIFT SQUADRON	248,283	213,783	250,283	233,183
216 C-5 AIRLIFT SQUADRONS	150,209	152,209	150,209	151,209
217 C-17 AIRCRAFT	173,781	173,781	173,781	173,781
218 C-130J PROGRAM	40,542	44,542	40,542	40,542
220 LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	34,916	39,916	42,416	40,616
221 KC-135S	1,126	1,126	1,126	1,126
222 KC-10S	4,781	4,781	4,781	4,781
223 KC-135 TANKER REPLACEMENT	203,932	203,932	---	70,000
224 AIR MOBILITY TACTICAL DATA LINK	32,099	20,099	22,099	22,099
225 SPECIAL TACTICS / COMBAT CONTROL	1,024	3 024	1,024	2,024
226 DEPOT MAINTENANCE (NON-IF)	1,457	1,457	1,457	1,457

	(In thousands of dollars) Budget	House	Senate	Conference
228 ACQUISITION AND MANAGEMENT SUPPORT	17,706	17,706	17,706	17,706
229 INDUSTRIAL PREPAREDNESS	36,673	54,473	69,073	66,373
230 LOGISTICS SUPPORT ACTIVITIES	---	2,000	---	1,300
231 LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	166,338	136,338	106,338	121,338
232 SUPPORT SYSTEMS DEVELOPMENT	10,596	26,696	27,996	32,896
233 JOINT NATIONAL TRAINING CENTER	3,073	3,073	3,073	3,073
234 OTHER PERSONNEL ACTIVITIES	113	113	113	113
235 JOINT PERSONNEL RECOVERY AGENCY	992	992	992	992
236 CIVILIAN COMPENSATION PROGRAM	7,779	7,779	7,779	7,779
237 PERSONNEL ADMINISTRATION	18,262	18,262	18,262	18,262
238 FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	27,541	27,541	27,541	27,541
LIGHT CARGO AIRCRAFT	---	15,783	15,783	15,783
TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	6,697,170	6,467,303	6,230,421	6,366,993
999 CLASSIFIED PROGRAMS	7,196,154	7,049,017	7,116,354	7,229,604
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, AF	24,396,767	24,457,062	23,974,081	24,516,276

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request	House	Senate	Conference
1	**DEFENSE RESEARCH SCIENCES**	**250,232**	**259,832**	**259,732**	**262,232**
	Fully-Integrated Solar-Powered Interior Lighting Technology		1,000		1,000
	NanoPhotonic Components		3,000		1,700
	Coal-Based Jet Fuel (Note: only for the continuation of efforts between the Energy Institute and the USAF)		3,600		2,900
	National Hypersonic Research Center		2,000	2,000	2,000
	New Methods for Designing and Testing Aircraft Coatings			2,500	1,600
	Smart Surfaces & Interfaces			1,000	1,000
	Virtual Tele-operation for Unmanned Aerial Vehicles			4,000	1,800
2	**UNIVERSITY RESEARCH INITIATIVES**	**107,571**	**112,571**	**114,471**	**115,471**
	Single Chip Multi-modal Nanosensors		5,000		4,000
	High Assurance Software Engineering			3,900	1,800
	High Temperature Hydrogen Energy Producton			1,000	1,000
	Partnership in Innovative Preparation for Educators and Students			2,000	1,100
4	**MEDICAL DEVELOPMENT**	**0**	**24,300**	**0**	**23,900**
	National Diabetes Model Program (Note: To include funds for a clinical data investigation for bariatric surgery)		22,000		22,000
	Retinal Eye Scan for Pilots		500		500
	Assessment and Demonstration Center for USAF Surgeon General		1,800		1,400
5	**MATERIALS**	**111,073**	**144,273**	**144,473**	**149,973**
	Secure Coating Systems Technology		2,000		1,000
	NanoMaterials Commercialization Center		1,000		1,000
	Chrome Free Environmentally Friendly Corrosion Protection for Aircraft		2,000		1,000
	Integral Fuel Tank Protective Coating System		1,000		1,000
	Accelerated Insertion of Advanced Materials for Materials Substitution and Repair - National Institute for Aviation Research		2,000		1,300
	Wide Bandgap Materials Integration for Power Electronic, Sensor, and Optical Devices		3,600		2,900
	Power Electronics Reliability		1,800		1,400
	Fabrication and Processing of Adaptive Optics and Optical Materials		1,800		1,400
	Electronic Type-specific Buckytubes for Next Generation Defense Electronics		3,000		2,000
	Blast Resistant Panels for Buildings, Shelters, and Vehicles		2,000	2,000	2,000
	High Temperature Aerogel Materials for Global Strike Vehicles		2,000		1,000
	Hybrid Materials Integration		2,000		1,000
	Domestic Titanium Powder Manufacturing Initiative		1,000		1,000
	Quantum Wire Progam for Defense		1,000		1,000
	Consortium for Nanomaterials for Aerospace Commerce and Technology (CONTACT)		3,000	1,000	1,400
	ONAMI Safer Nanomaterials and Nanomanufacturing		2,000	5,000	2,300
	Domestic High Modulus PAN Carbon Fiber Qualification Initiative		2,000	3,000	2,000
	Advanced Aerospace Manufacturing Technologies			5,000	3,300

R-1		Budget Request	House	Senate	Conference
	Advanced Materials Deposition for Semiconductor Nanostructure			1,400	1,000
	Advanced Materials Development for Force Protection			2,000	1,000
	Air Force Minority Leader Program			10,000	5,500
	Durable Hybrid Coatings for Aircraft Systems			2,000	1,300
	Engineered Optical Materials for Quantum Cryptography			2,000	1,000
	Fire and Blast Resistant Materials for Force Protection			2,000	1,100
6	**AEROSPACE VEHICLE TECHNOLOGIES**	**112,751**	**124,351**	**118,751**	**125,851**
	AIRPRINT		3,000		2,000
	Neurobiologically Enabled Autonomous Vehicle		3,000		2,400
	Advanced Coating Technologies for JSF and F-22 Survivability		3,600		2,900
	C4ISR Fusion System		2,000		1,600
	Characterization of Airborne Environment for Tactical Lasers			4,000	2,200
	Sentient Adaptive Systems Technology for Vehicle Condition-based Maintenance			1,000	1,000
	Unmanned Aerial Vehicle Research			1,000	1,000
7	**HUMAN EFFECTIVENESS APPLIED RESEARCH**	**92,991**	**104,691**	**103,591**	**107,491**
	Active Combustion Control Systems for Military Aircraft		4,000		1,800
	Bio Medical DNA Program		1,000		1,000
	Battlefield Automatic Life Status Monitor		2,000		1,300
	Miniature Tri-Axial Accelerometer		1,000		1,000
	Eyewear Display for Battlefield Operations		1,200		1,000
	Unmasking Deception and Denial		1,000		1,000
	Networked Warfighter Decision Support		1,500		1,000
	COM Attitude Control System Simulation/Trainer			2,500	1,100
	Solid Electrolyte Oxygen Separator			6,600	4,300
	Warfighter Sustainability: Maximizing Human Performance (Note: Only for AFSOC)			1,500	1,000
8	**AEROSPACE PROPULSION**	**170,885**	**204,835**	**200,885**	**213,485**
	Advanced High Speed Propulsion Development		1,000		1,000
	MEPS Thermal Management		2,000		1,300
	Integrated Electrical Starter/Generator		1,000		1,000
	Methane Second Stage Rocket Engine		2,000		1,600
	Intelligent Engine Technology Development for UAV's		3,000		1,400
	Chemical Hydride Power System		2,550		2,500
	Solid Boost Propulsion Technology - Technology for the Sustainment of Strategic Systems		1,000		1,000
	VAATE-TMC FLADE Technology Demonstration		2,000		1,100
	Advanced Vehicle and Propulsion Center		4,000		3,200
	High Flux ESC System with TES for Military High Energy Laser		1,400		1,100
	Advanced Liquid Rocket Booster Propulsion Technology		3,000		1,400
	Military Purpose Electrolyte Supported Fuel Cells		1,000		1,000
	Aerospace Lab Equipment Upgrade		1,000		1,000
	Advanced Affordability Assurance Tools for the Versatile Affordable Advanced Turbine Engine (VAATE) Initiative		1,500		1,000
	Center for Solar Electricity and Hydrogen		5,500		3,600
	Ultrafast, Ultraintense Laser Microfabrication and Diagnostics		1,000		1,000
	High-Energy Laser for Detection, Inspection, and Non-destructive Testing		1,000	6,000	2,700
	Active Combustion Control System for Military Aircraft			6,000	3,900
	Advanced Vortex Hybrid Propulsion System			3,000	1,700

R-1		Budget Request	House	Senate	Conference
	Affordable Lightweight Power Supply Development			1,000	1,000
	Manufacturing of High Energy Superior Lithium Battery Technology			8,000	5,200
	X-51 Robust Scramjet Flight Research			6,000	3,900
9	**AEROSPACE SENSORS**	**117,553**	**132,553**	**127,053**	**133,753**
	Optically Pumped Atomic Laser		3,000		2,000
	Compact, Ultra-sensitive Optical Receiver for Smart and Loitering Standoff Weapons		2,000		2,000
	Hanscom AFB Collaboration on Meta-Materials and Conformal Antenna Technologies		1,000		1,000
	Phased Array Antenna Control Computer		1,000		1,000
	3-D Packaging Technology for High Speed RF Communications		2,500		1,400
	Center for Advanced Sensor and Communication Antennas		2,500		1,600
	WBI LADAR Development and Demonstration		3,000		2,000
	Advanced Sensor Aided Vigilance Technologies			2,000	1,100
	Super-Resolution Sensor System			3,000	1,700
	Sensor Network Technology			1,500	1,000
	Wideband Digital Airborne Electronic Sensing Array			3,000	1,400
10	**MULTI-DISCIPLINARY SPACE TECHNOLOGY**	**0**	**3,500**	**2,500**	**4,400**
	Engineering Tool Improvement Program		3,500		2,800
	Integrated Control for Autonomous Space Systems			2,500	1,600
11	**SPACE TECHNOLOGY**	**85,594**	**90,344**	**106,294**	**100,879**
	Elastic Memory Composites		1,000		1,000
	Three Dimensional Deployable Structure Systems for Space		2,500		1,100
	Shielding Rocket Payloads		250	285	285
	Multicontinuum Technology for Space Structures		1,000	2,200	1,000
	Deployable Structures Experiment			2,000	1,100
	Field Programmable Gate Array			2,000	1,000
	Flexible CIGS Solar Cells on Silicone Substrates for Spacecraft			1,500	1,000
	HAARP			4,000	3,200
	Joint Micro Power Initiative			1,000	1,000
	Nanoscale Microelectronic Circuit Technology Development			2,000	1,100
	USAF National Security Research - Signature			2,000	1,300
	Space-Qualified Common Data Link			4,000	2,200
12	**CONVENTIONAL MUNITIONS**	**62,105**	**62,105**	**64,105**	**63,405**
	Advanced Energy Technology for Munitions - Dominator Program			2,000	1,300
13	**DIRECTED ENERGY TECHNOLOGY**	**48,422**	**57,422**	**50,922**	**52,722**
	Adaptive Optics Lasercom System		2,500	2,500	2,500
	Digital Free Space Optical Laser Transmitter Modems (Transferred to Line 14)		2,500		0
	Ceramics for Next-Generation Tactical Lasers Systems		4,000		1,800
14	**COMMAND CONTROL AND COMMUNICATIONS**	**119,267**	**122,267**	**121,767**	**123,367**
	MASINT Warfighter Visualization Tools		3,000	1,500	1,500
	Advanced Collaboration Platform for Net Centric C2			1,000	1,000
	Digital Free Space Optical Laser Transmitter Modems (Transferred from Line 13)				1,600

R-1		Budget Request	House	Senate	Conference
16	**HIGH ENERGY LASER RESEARCH**	**50,166**	**51,166**	**54,166**	**53,366**
	Quantitative Inspection Techniques for Assessing Aging Military Aircraft		1,000		1,000
	Air Laser Technology Development			4,000	2,200
18	**ADVANCED MATERIALS FOR WEAPON SYSTEMS**	**48,901**	**66,501**	**79,201**	**81,901**
	Large Panel Sapphire Producibility		2,700		1,200
	Metals Affordability Initiative		3,500		2,300
	Encapsulated Ballistic Protection System		2,000		1,600
	Combined Agent Fire Fighting System		1,000		1,000
	Continuous Integrated Vehicle Health Monitoring System		1,400		1,000
	Aging Aircraft Fleet Support - National Institute for Aviation Research		3,000		2,000
	Low Observable Multi-Purpose Inspection Tool		1,500		1,000
	Coated Field Repair		1,500		1,000
	Optical Filters for Hardened Night Vision Goggles		1,000		1,000
	Blast-Resistant Barriers and Structural Design for Homeland Defense			2,000	1,300
	Advanced Power Technology: Silicon-Carbide Power, Bipolar Junction Transistors			4,000	1,800
	Assessing Aging of Military Aircraft			3,000	2,000
	Hybrid Bearing			3,000	1,700
	Hydrothermal Oxidation (HTO) for Alaska			4,100	3,300
	Improved Stealth Aircraft Availability/Functionality			3,000	2,000
	Inspection and Analysis Methods for Aging Military Aircraft			3,000	2,000
	Materials Integrity Management Research for AF Systems			1,000	1,000
	Silicon Carbide Electronics Material Producibility Initiative			7,200	5,800
19	**ADVANCED AEROSPACE SENSORS**	**55,150**	**60,450**	**55,150**	**58,450**
	TACNODES		1,500		1000
	National Operational Radar Signature Production and Research Capability (Combat Identification Signature Center)		2,000		1300
	Precision Image Tracking and Registration Program		1,800		1000
20	**AEROSPACE TECHNOLOGY DEVELOPMENT/DEMONSTRATION**	**27,424**	**69,548**	**38,424**	**58,524**
	Advanced Aerospace Titanium Structures (AATS)		1,300		1,000
	ARES Transfer from Line 61, RDTE, AF		12,024		0
	National Aerospace Leadership Initiative		25,000		20,000
	Advanced Satellite Thermal Control Program		1,800		1,400
	Large Scale Affordable Composite Structures		2,000		1,300
	3-D Woven/Braided Composites			1,000	1,000
	Advanced Aluminum Aerostructures Initiative			2,000	1,300
	Hybrid Radio Frequency / Optical Communications Terminal			1,000	1,000
	Phasor-Bird Helmet Tracker			2,000	1,300
	Titanium Honeycomb Sandwich and Composite Structures			2,000	1,100
	National Capabilities Analysis Collaborative, Phase III			3,000	1,700
21	**AEROSPACE PROPULSION AND POWER TECHNOLOGY**	**115,546**	**141,546**	**140,346**	**148,446**
	Research Institute for Environmental Studies (TRIES)		2,000		2,000
	Versatile Affordable Advanced Turbine Engines (Note: only for project 681B)		4,000		2,200

R-1		Budget Request	House	Senate	Conference
	Field Renewable Energy System Hybrids Li Ion Battery Program		2,000		1,000
	Assured Fuels Process Demonstration Unit		7,000		4,600
	XTC58F Technology Versatile Affordable Advanced Turbine Engine Program		8,000	2,500	8,000
	Flexible JP-8 Military Fuel Certification		3,000	2,000	2,000
	Acceleration VAATE Adv Supersonic Cruise Missile Engine			10,000	5,500
	Development of Bi-Polar Wafer-cell NI-MH battery			2,000	1,000
	Silicon Carbide Power Electronics for More Electric AC			8,300	6,600
22	**CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY**	**32,156**	**49,006**	**32,156**	**42,756**
	Authentic Tactical Flight Simulator for JSF		2,000		1,300
	Full Spectrum Laser Eye Protection		1,000		1,000
	Variable Transmittance Visor		2,000		1,000
	Virtual Medical Trainer		2,700		2,200
	Deployment Environmental & Biological Surveillance System (DEBS)		1,350		1,000
	Field Deployable Influenza Genotyping System		1,000		1,000
	Telepharmacy Robotic Medical Device Unit		1,800		0
	Database Integration Tools		1,500		1,000
	Low Cost Improved Performance Helmet Display		2,000		1,100
	Air Force Advanced Micro-Compression Sock Program		1,500		1,000
23	**ELECTRONIC COMBAT TECHNOLOGY**	**24,436**	**30,436**	**27,936**	**29,636**
	Enabling Polymeric Materials for Three-Dimensional (3D) Microdevice Construction		1,000		1,000
	RAPCEval		1,500		1,000
	Electronic Combat Battle Management		1,500		0
	BLADES		2,000		1,300
	Affordable Visible Missile Warning System			3,500	1,900
24	**BALLISTIC MISSILE TECHNOLOGY**	**0**	**9,000**	**4,500**	**9,400**
	Forward Based Conventional Strike		4,000		1,800
	Minuteman III		5,000		4,000
	Pacific Ballistic Missile Technology Program			1,500	1,200
	P-Net			3,000	2,400
26	**ADVANCED SPACECRAFT TECHNOLOGY**	**68,026**	**92,926**	**102,026**	**101,226**
	Precision Integrated Navigation and Position-Intelligent Networking Technology		6,500		2,900
	Space Situational Awareness / Star Tracking System		2,900		1,600
	Information Sciences Institute Microsatellite Serial Manufacturing Demonstration Program		1,000		1,000
	Small Low-Cost Reconnaissance Spacecraft		2,500		1,100
	Photovoltaic Module Development for Lighter Than Air Vehicles		1,000		1,000
	Radially Segmented Launch Vehicle (RSLV) Risk Reduction		2,000		1,000
	Micromachined Switches for Next-Generation Modular Satellites		2,000		1,000
	Large Automated Production of Expendable Launch Structures		4,000		2,600
	Microsatellite Serial Manufacturing		2,000	2,000	2,000
	Systemic Hierarchical Approach to Radiation Hardened Electronics		1,000	5,000	2,800
	COTS Technology for Situational Space Awareness			2,000	1,000

R-1		Budget Request	House	Senate	Conference
	Integrated Passive Microelectronic Components			1,500	1,000
	Integrated Spacecraft Engineering Tool			2,000	1,300
	Intelligent Free Space Optical Satellite Communications Node			3,000	1,400
	Massively Parallel Optical Interconnects			2,500	1,100
	Thin Film Amorphous Solar Arrays			16,000	10,400
27	**MAUI SPACE SURVEILLANCE SYSTEM (MSSS)**	**6,074**	**6,074**	**52,074**	**50,574**
	High Accuracy Network Determination System (HANDS)			8,000	8,000
	Maui Space Surveillance System (MSSS) Operations and Research			25,000	25,000
	PanSTARRS			13,000	11,500
29	**CONVENTIONAL WEAPONS TECHNOLOGY**	**19,658**	**45,958**	**19,658**	**40,058**
	Falcon Eye Seeker		3,000		2,000
	Air Force Special Ops Innovative Miniature Infrared Camera		1,800		1,400
	Clandestine Electric Reconnaissance Vehicle (CERV) for AFSOC		4,000		3,200
	Next Generation Fixed Wing S-3B Heavy Aerial Firefighting Tanker		4,000		3,200
	UAV Sensor Interface and Payloads for Targeting		1,800		1,400
	Weapons Data Link		1,800		1,400
	Ground Mobile Gateway System		1,800		1,400
	Under Vehicle Mobile Inspection		4,500		3,600
	Body Armor Underarm and Side Protection with Smart Materials		1,800		1,400
	Micro-Sized Air-Launched Atmospheric Visibility Sensor		1,800		1,400
30	**ADVANCED WEAPONS TECHNOLOGY**	**51,336**	**62,336**	**73,336**	**77,036**
	Laser Spark System Integration		3,000		2,000
	Near Earth Space Surveillance Initiative (NESSI)		2,500		1,600
	High Energy Laser - Directed Energy Weapon (HEL-DEW) Scaling Optimization		3,000		2,400
	Mobile Active Targeting Resource for Integrated Experiments		1,000		1,000
	Hyper/multispectral Data Reduction and Archiving (HyDRA) Project		1,500		1,000
	Advanced Weapons and Laser Diode Development			4,000	2,600
	Applications of LIDAR to Vehicles with Analysis (ALVA)			7,000	6,800
	Lightweight Multi-purpose Laser			6,000	5,000
	Mid-Infrared Semiconductor Laser Technology			3,000	1,700
	Real-time Optical Surveillance Applications			2,000	1,600
32	**C3I ADVANCED DEVELOPMENT**	**35,785**	**48,535**	**38,785**	**47,385**
	Advanced Course in Engineering		1,000		1,000
	Advanced Fusion for Urban Operations for Forensic Anticipation of Insurgent Activity (Note: Only to expand the recently demonstrated Intelligence Fusion System to provide dynamic situational awareness of insurgent activities as precursors to critical events.)		6,000		4,800
	Non-Traditional Intelligence Surveillance and Reconnaissance		1,500		1,000
	Semantic SOA for Dynamic Intelligence Fusion Program		2,250		1,800
	National Center for Multi-Source Information Fusion Research		2,000		1,000
	MPOI for Battlespace Information Exchange			3,000	2,000

R-1		Budget Request	House	Senate	Conference
40	**INTELLIGENCE ADVANCED DEVELOPMENT**	**4,776**	**6,776**	**4,776**	**5,776**
	TASS Advanced Communications Module		2,000		1,000
45	**SPACE CONTROL TECHNOLOGY**	**27,076**	**27,076**	**31,076**	**30,276**
	Multi-mission Deployable Optical System			4,000	3,200
49	**TRANSFORMATIONAL SATCOM (TSAT)**	**867,102**	**767,102**	**637,102**	**737,102**
	Program moderation, unexecutable growth		-100,000		-130,000
	Program moderation			-230,000	0
51	**INTERCONTINENTAL BALLISTIC MISSILE**	**45,538**	**65,038**	**45,538**	**61,138**
	Conventional Ballistic Missile Systems Engineering Studies		15,000		12,000
	InfraLynx Security Vehicle		4,500		3,600
53	**SPACE-BASED RADAR**	**266,401**	**200,000**	**166,401**	**186,401**
	Program moderation		-66,401		-80,000
	Program moderation			-100,000	0
54	**POLLUTION PREVENTION (DEM/VAL)**	**2,853**	**7,553**	**4,353**	**7,053**
	Assessment of Alternate Energy for Aircraft Ground Equipment		2,000		1,000
	Automating Department of Defense Processes to Fulfill Depot Transformation and Maintenance Needs		2,700		2,200
	O2 Diesel Particulate Emission Reduction Research Project			1,500	1,000
61	**OPERATIONALLY RESPONSIVE SPACE**	**35,625**	**23,601**	**35,625**	**35,625**
	ARES Transfer to Line 20, RDTE, AF		-12,024		0
64	**GLOBAL BROADCAST SERVICE (GBS)**	**23,599**	**25,599**	**23,599**	**24,899**
	Global Broadcast Service		2,000		1,300
70	**B-2 ADVANCED TECHNOLOGY BOMBER**	**224,177**	**240,177**	**231,177**	**242,577**
	SDB Integration		16,000		12,800
	Massive Ordnance Penetrator (MOP)			7,000	5,600
71	**PERSONNEL RECOVERY SYSTEMS**	**254,310**	**224,310**	**201,455**	**201,455**
	Contract Award Delays		-30,000	-52,855	-52,855
72	**ELECTRONIC WARFARE DEVELOPMENT**	**87,784**	**92,184**	**93,684**	**93,184**
	Air Force requested transfer from APAF Line 53		4,400	4,400	4,400
	Rapid Replacement of Mission Critical Logistics Electronics			1,500	1,000
75	**SMALL DIAMETER BOMB (SDB)**	**104,080**	**106,080**	**104,080**	**105,880**
	High Pressure Pure Air Generator		2,000		1,800
76	**COUNTERSPACE SYSTEMS**	**47,292**	**47,292**	**50,319**	**50,492**
	Rapid Identification Detection and Reporting System			-4,973	-2,000
	Space Control Test Capabilities			8,000	5,200
77	**SPACE SITUATION AWARENESS SYSTEMS**	**121,157**	**121,157**	**123,157**	**122,157**
	Joint Space Intelligent Decision Support			2,000	1,000
80	**ALTERNATIVE INFRARED SPACE SYSTEM (AIRSS)**	**102,962**	**67,962**	**102,962**	**67,962**
	Program moderation		-35,000		-35,000

R-1		Budget Request	House	Senate	Conference
84	**SUBMUNITIONS**	**5,759**	**5,759**	**9,759**	**8,359**
	Virtual Teleoperation for Unmanned Aerial Vehicles			4,000	2,600
87	**LIFE SUPPORT SYSTEMS**	**12,370**	**14,170**	**12,370**	**14,270**
	ACES II Ejection Seat Improvement		1,800		1,900
88	**COMBAT TRAINING RANGES**	**14,363**	**17,363**	**14,363**	**16,763**
	National Training Center Air Warrior Training Range		3,000		2,400
89	**INTEGRATED COMMAND & CONTROL APPLICATIONS**	**167**	**17,467**	**9,167**	**15,667**
	Airborne Web Services (AWS) Spiral 4		1,800		1,400
	MEDSTARS		3,500		2,300
	Integration of Force Protection Enterprise Systems		1,800		1,400
	Program Engineering Interoperability Framework		2,500		1,600
	Enterprise Services for Reach Back Capabilities		2,700		1,500
	Distributed Mission Interoperability Toolkit (DMIT)		5,000	2,000	2,300
	Asset eWing			5,000	4,000
	Global Awareness Presentation System			2,000	1,000
90	**INTELLIGENCE EQUIPMENT**	**1,426**	**3,426**	**5,426**	**4,926**
	Hard and Deeply Buried Targets		2,000		1,300
	Electronic Warfare Modeling & Simulation			4,000	2,200
91	**COMMON LOW OBSERVABLES VERIFICATION SYSTEM**	**0**	**4,500**	**4,500**	**4,500**
	Air Force requested transfer from APAF Line 70		4,500	4,500	4,500
92	**JOINT STRIKE FIGHTER (JSF)**	**1,999,068**	**2,200,568**	**2,137,374**	**2,138,374**
	Alternate Engine		200,000	170,000	170,000
	Second Source Tire Research		1,500		1,000
	Excess accumulation of withheld award fees			-31,694	-31,694
94	**EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)**	**18,513**	**20,513**	**18,513**	**19,813**
	Evolved Expendable Launch Vehicle Program		2,000		1,300
95	**RDT&E FOR AGING AIRCRAFT**	**25,490**	**26,490**	**27,490**	**26,590**
	Common Reconfigurable Advanced Thermal Management System (Transfer to Line 121)		1,000		0
	Aging Landing Gear Life Extension (ALGLE)			2,000	1,100
97	**LINK-16 SUPPORT AND SUSTAINMENT**	**172,625**	**174,625**	**172,625**	**174,225**
	Suitcase Pocket J for Continuity of Homeland Air Defense		2,000		1,600
101	**FULL COMBAT MISSION TRAINING**	**32,243**	**35,843**	**32,243**	**35,143**
	Distributed Mission Training		3,600		2,900
105	**MAJOR T&E INVESTMENT**	**58,506**	**63,506**	**58,506**	**61,906**
	Enterprise Test Data Management System (ETDMS) at Edwards AFB		3,000		1,400
	High Resolution Optical Sensor for Test and Evaluation		1,000		1,000
	Eglin Air Armament Center		1,000		1,000
106	**RAND PROJECT AIR FORCE**	**25,211**	**28,211**	**25,211**	**26,611**
	RAND Project Air Force		3,000		1,400

R-1		Budget Request	House	Senate	Conference
111	**ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)**	**14,704**	**29,704**	**14,704**	**26,104**
	Space Launch Advanced Technology Research Demonstration		2,000		1,000
	Ballistic Missile Range Safety Technology (BMRST) Program		13,000		10,400
113	**FACILITIES RESTORATION & MODERNIZATION - TEST & EVALUATION**	**54,683**	**55,683**	**54,683**	**55,683**
	Internal Base Facility Energy Independence - Wind/Turbine		1,000		1,000
114	**FACILITIES SUSTAINMENT - TEST AND EVALUATION SUPPORT**	**25,579**	**29,579**	**25,579**	**28,179**
	Base Facility Energy Independence		4,000		2,600
121	**B-52 SQUADRONS**	**71,379**	**77,379**	**71,379**	**76,279**
	B-52 1760 Acceleration		6,000		3,900
	Common Reconfigurable Advanced Thermal Management System (Transfer from Line 95)		1,000		1,000
124	**STRAT WAR PLANNING SYSTEM - USSTRATCOM**	**27,285**	**27,285**	**30,285**	**28,685**
	Global Command and Control Development			3,000	1,400
129	**A-10 SQUADRONS**	**80,771**	**16,771**	**31,971**	**31,971**
	Propulsion Upgrade Program Cancellation		-64,000	-48,800	-48,800
130	**F-16 SQUADRONS**	**148,373**	**152,373**	**151,273**	**152,573**
	AN/APG-68(V)10 Radar Development		4,000		2,600
	F-16 Helmet Mounted Cueing System			2,900	1,600
131	**F-15E SQUADRONS**	**125,062**	**138,062**	**125,062**	**138,062**
	AESA Development and Demonstration		13,000		13,000
133	**F-22 SQUADRONS**	**584,290**	**484,290**	**434,290**	**474,290**
	Program Growth		-100,000	-150,000	-110,000
140	**COMPASS CALL**	**4,469**	**15,969**	**4,469**	**9,969**
	EC-130H Compass Call		10,000		4,500
	Radar Situational Awareness and Targeting System		1,500		1,000
144	**AIR AND SPACE OPERATIONS CENTER (AOC)**	**87,483**	**77,483**	**77,483**	**77,483**
	Modernization and Integration program growth		-10,000	-10,000	-10,000
148	**ADVANCED COMMUNICATIONS SYSTEMS**	**53,093**	**53,093**	**43,093**	**43,093**
	Program moderation due to JTRS delays			-10,000	-10,000
149	**EVALUATION AND ANALYSIS PROGRAM**	**0**	**3,250**	**0**	**2,600**
	Critical Technologies Protection		3,250		2,600
153	**BOMBER TACTICAL DATA LINK**	**168,168**	**101,168**	**101,168**	**101,168**
	CoNECT Program Restructure		-67,000	-67,000	-67,000
156	**JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM**	**152,696**	**152,696**	**160,696**	**156,296**
	Communications, Navigation, and Surveillance ATM			8,000	3,600

R-1	Budget Request	House	Senate	Conference
159 **USAF MODELING AND SIMULATION**	**23,470**	**28,970**	**6,470**	**23,770**
Synthetic Theater Operations Research Model		1,000		1,000
Civil Support Enhanced Responsiveness		2,500		2,000
Modeling and Simulation Collaborative Environment		2,000		1,300
Program under-execution			-17,000	-4,000
162 **MISSION PLANNING SYSTEMS**	**146,396**	**129,896**	**146,396**	**129,896**
Program Growth		-16,500		-16,500
171 **INFORMATION SYSTEMS SECURITY PROGRAM**	**183,523**	**185,523**	**183,523**	**185,523**
Cyber Security Defend and Attack Exercises		2,000		2,000
173 **GLOBAL COMMAND AND CONTROL SYSTEM**	**3,348**	**15,848**	**3,348**	**11,448**
Defense Energy Awareness and Management Center		2,500		1,600
Command and Control Service Level Management		10,000		6,500
182 **SATELLITE CONTROL NETWORK (SPACE)**	**19,907**	**19,907**	**19,907**	**21,787**
Transportable Transponder Landing System (From Senate Sec. 8127)				1,880
183 **WEATHER SERVICE**	**34,899**	**35,899**	**34,899**	**35,899**
Airborne Meteorological Data Reporting Modernization (Note: Only for Predator Meteorological Data Reporting)		1,000		1,000
184 **AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM**	**0**	**2,000**	**0**	**1,600**
Notice to Airman (NOTAMS) Program Upgrade		2,000		1,600
192 **NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT)**	**131,083**	**133,083**	**136,083**	**134,383**
Satellite Assets for Joint Navigation Warfare Center		2,000	5,000	3,300
197 **SPACELIFT RANGE SYSTEM (SPACE)**	**38,044**	**39,044**	**38,044**	**39,044**
California Space Infrastructure Program Continuity		1,000		1,000
201 **MANNED RECONNAISSANCE SYSTEMS**	**10,132**	**13,132**	**13,132**	**13,132**
Combat Sent Tactical ELINT System Modernization		3,000	3,000	3,000
202 **DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS**	**120,777**	**124,577**	**120,777**	**122,477**
Distributed Common Ground Station (DCGS) Formal Training Unit		3,800		1,700
203 **PREDATOR UAV (JMIP)**	**61,466**	**63,966**	**67,466**	**68,166**
Sense and Avoid for Predator		1,500		1,000
Selectively Targeted Skeet Munition		1,000		1,000
Center for Defense UAV Education			3,000	3,000
ScanEagle UAV Advanced Concepts Development			3,000	1,700
204 **GLOBAL HAWK UAV**	**247,665**	**248,665**	**247,665**	**248,665**
Night Hunter II Integration on RQ-4 Global Hawk		1,000		1,000
207 **NCMC - TW/AA SYSTEM**	**50,908**	**16,308**	**57,908**	**43,500**
CCIC2S		-34,600		-11,308
CCIC2S Single Integrated Space Picture			7,000	3,900

R-1	Budget Request	House	Senate	Conference
215 C-130 AIRLIFT SQUADRON	**248,283**	**213,783**	**250,283**	**233,183**
Avionics Modernization Program		-20,000		0
AMP Training Systems Development		-20,000		-20,000
STOL Herk I Continuation		2,500		1,600
C-130 Automated Inspection, Repair, Corrosion, and Aircraft Tracking		3,000		2,000
Electro-Magnetic In-Flight Propeller Balancing System			2,000	1,300
216 C-5 AIRLIFT SQUADRONS	**150,209**	**152,209**	**150,209**	**151,209**
Inductive Thermography Systems Inspections		2,000		1,000
218 C-130J PROGRAM	**40,542**	**44,542**	**40,542**	**40,542**
Aerial Multi-Axis Platform (Transfer to Line 229)		4,000		0
220 LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	**34,916**	**39,916**	**42,416**	**40,616**
Large Aircraft Infrared Countermeasures (LAIRCM) for Air Force Special Operations Forces (AFSOC) AC-130U		5,000		2,300
LAIRCM for AFSOC H/MC-130P			7,500	3,400
223 KC-135 TANKER REPLACEMENT	**203,932**	**203,932**	**0**	**70,000**
Delay in SDD contract award, early to need			-203,932	-133,932
224 AIR MOBILITY TACTICAL DATA LINK	**32,099**	**20,099**	**22,099**	**22,099**
Program scope		-12,000	-10,000	-10,000
225 SPECIAL TACTICS / COMBAT CONTROL	**1,024**	**3,024**	**1,024**	**2,024**
Biostatic Protective Clothing		2,000		1,000
229 INDUSTRIAL PREPAREDNESS	**36,673**	**54,473**	**69,073**	**66,373**
Technology Insertion Demonstration and Evaluation		3,000		3,000
Ceramic Ballistic Armor for Soldier and Vehicle Protection		2,000		1,000
Laser Peening Fatigue Life Extension Technology for Military Aircraft Landing Gear		3,000		1,400
Improving MANPADS Survivability Coatings		1,800		1,200
F-35 Joint Strike Fighter Composite Engine Case		4,000	4,000	4,000
WBI-RFID Rapid Adoption Initiative Phase 2		4,000	9,000	5,000
EFG Sapphire Sheets for Large Aperture EO/IR Windows			3,000	2,000
Nanomaterial Advanced Prototyping - NMAP			7,000	4,600
Rapid Manufacturing and Repair of Composite Components			2,000	1,300
Reactive Plastic CO2 Absorbent Production Capacity			4,400	2,000
Supply Chain Optimization Universal Tool Kit			3,000	2,000
Aerial Multi-Axis Platform (Transfer from line 218)		4,000		2,200
230 LOGISTICS SUPPORT ACTIVITIES	**0**	**2,000**	**0**	**1,300**
REMIS		2,000		1,300
231 LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	**166,338**	**136,338**	**106,338**	**121,338**
Expeditionary Combat Support System		-30,000	-60,000	-45,000
232 SUPPORT SYSTEMS DEVELOPMENT	**10,596**	**26,696**	**27,996**	**32,896**
Air Force Advanced Power and Energy Initiative		3,600		2,900
Production of Alternative Energy for Defense from Alaskan Raw Materials		1,000		1,000
Composite Occupational Health and Operational Risk Tracking System		1,000		3,000

R-1	Budget Request	House	Senate	Conference
Air Force Medical Service Personal Health Record		2,500		1,100
Fuel Cell Power - Non Tactical Vehicle		1,000		1,000
WR-ALC C-5 Maintenance Transformation		4,000		2,600
Heavy Duty Hybrid Electric Vehicle		3,000	3,000	3,000
RFID Inventory Management and Patient ID			3,900	3,200
Advanced Modular Lithium-Ion Energy Storage			2,000	1,100
Defense Assured Fuels Initiative			2,500	2,000
Distributed Generation of Liquid Fuels			3,000	0
WR-ALC Aircraft Sustainment Wing Aircraft Availability			3,000	1,400
New Line LIGHT CARGO AIRCRAFT	**0**	**15,783**	**15,783**	**15,783**
Air Force requested transfer from APAF, Line 14		15,783	15,783	15,783

Tanker Replacement Development Program

The conference agreement provides $70,000,000 for development of the KC–135 tanker replacement, as opposed to $203,932,000 as proposed by the House. The Senate provided no funding for this purpose. The amount provided in the conference agreement was identified in writing by the Department of Defense as the level needed to meet all fiscal year 2007 requirements.

B-52 Stand-off Jammer

The conferees note that the Air Force has terminated the B–52 Stand-off Jammer program for airborne electronic attack and agree to rescind fiscal year 2006 funds appropriated for this purpose in a General Provision. However, there remains a future requirement for a persistent stand-off jamming platform, despite the longer than originally anticipated service life of the Navy's rewinged EA-6B fleet. The conferees expect that the Air Force will reevaluate the future persistent stand-off jammer requirement in fiscal year 2007 and encourage the Department to submit a reprogramming request should the Air Force determine that the B–52 is the proper platform to conduct this mission.

A–10 Squadrons

The budget request includes $64,000,000 for continued development of a propulsion upgrade program for the A–10 aircraft. However, since the budget submission, this program has been terminated by the Air Force. The House provided $16,771,000 for A–10 Squadrons, a reduction of $64,000,000, due to the cancellation of the program. The Senate included $31,971,000, a reduction of $48,800,000. The conferees agree to provide the Senate amount and expect that the remaining $15,200,000 identified for the cancelled propulsion upgrade program will be dedicated to the shortfall in the A–10 precision engagement development program.

Hybrid Fuel Cell Power Systems

The conferees encourage continued development and testing of hybrid fuel cell power systems for SATCOM systems by the Air Force's Research Lab—Information Directorate in Rome, New York. The conferees encourage the Air Force to continue this important research as it pertains to current and future Air Force missions.

J-STARS Communication, Navigation, Surveillance and Air Traffic Management (CNS/ATM)

A significant investment of over $50,000,000 to date has been made to accomplish the Communication, Navigation, Surveillance and Air Traffic Management (CNS/ATM) modification on the E–8C fleet. The fiscal year 2007 budget request includes $20,000,000 for this effort. The program is on budget, on schedule, and is meeting its program goals. The conferees believe CNS/ATM modification is crucial to the long term sustainment of the E-8C Joint STARS Weapon System to support current and future military operations and therefore provide an additional $3,600,000 for this effort. The conferees expect the Air Force to complete development activities and initiate a timely retrofit of the E–8C fleet.

Combat Identification

Multiple incidents in current and past conflicts and exercises have repeatedly demonstrated that positive hostile identification is crucial to using the full military capabilities and enabling joint interoperability of our technologically advanced weapon systems, such as the F–22, F/A–18, and MEADS. Furthermore, fratricide and strict combat Rules of Engagement can limit and restrict their combat employment, thereby losing U.S. technological advantage and putting our forces at risk. Since combat identification is only as good as the target signature databases, securing the continued development and sustainment of these databases and coordinating their joint applications must be a priority. Due to the critical nature of this joint military requirement and since databases continue to receive low priority, the conferees encourage the following: (1) Joint Theater and Missile Defense Organization and Joint Forces Command should coordinate and integrate combat ID signature database requirements, applications, and interoperability, in coordination with the National Signatures Program (NSP); (2) the Department of Defense should include funding for combat ID database development, support, and sustainment through the Future Years Defense Program; and (3) Aeronautical Systems Center (ASC) should be designated the Department of Defense executing agent for the long-term development, application, support, and sustainment of these databases and associated technologies and tools. Funding for these database efforts should be joint, with the respective services funding their specific production and support requirements.

Transformational Satellite Communications System (TSAT)

The conferees agree to provide $737,102,000 for the TSAT program, $130,000,000 below the budget request. This amount provides sufficient resources to support continued competition with two industry teams and to support continued development of the program's ground segment. Further, the conferees direct the Air Force to provide a quarterly program performance report on the program that: (1) includes Earned Value Management System information and a narrative summary that addresses technical milestones, program cost, schedule, performance, and any corrective action required for departure from the plan for the previous quarter, and (2) includes the program plan for the next quarter.

Operationally Responsive Space

The conferees provide the budget request of $35,625,000 for Operationally Responsive Space, of which $19,524,000 is for the Affordable Responsive Space-lift (ARES) program, $16,000,000 is for the FALCON small launch vehicle program, and the remaining amount for the TACSAT program. The conferees are pleased that the Air Force initiated a program element for Operationally Responsive Space and strongly support the concept.

The conferees note that, among projects planned by the Air Force and the National Reconnaissance Office over the next few years, several missions will require small launch vehicles of similar capability. Therefore, the conferees encourage these organizations to consider opportunities to partner and use their combined purchasing power to leverage capability and cost through procuring small launch vehicles for future space missions.

The conferees support the concept of a reusable launch vehicle, but question the pursuit of the ARES program as it exists. Further, the conferees note the lack of a comprehensive strategy for space launch. Therefore, the conferees direct no funds appropriated in this bill may be used for the ARES program. Of the $19,524,000 budgeted for ARES, the conferees direct that $7,500,000 be used for the purposes described in the classified annex and the remaining $12,024,000 be used to complete the purchase of multiple small launch vehicles. Should any funds appropriated to this program element for the above specific purposes become available for any reason, the conferees urge the Air Force to supplement the funds provided for the purchase of multiple small launch vehicles.

Combatant Commanders' Integrated Command and Control System (CCIC2S)

The budget requests $50,908,000 for the CCIC2S. CCIC2S was planned to provide combatant commanders a command and control system for Integrated Tactical Warning and Attack Assessment (ITW/AA) that would incorporate air, missile defense, and space components. The conferees understand the Air Force Space Command and United States Strategic Command plan to remove the space mission from Cheyenne Mountain Operations Center (CMOC) and therefore from CCIC2S. However, the conferees believe that in order to accomplish the ITW/AA mission effectively a closer relationship should exist between the missile defense mission at CMOC and activity at the Joint National Integration Center.

As a result, the conferees recommend $43,500,000, a reduction of $7,408,000, in research and development funding for the CCIC2S program. These funds are provided to complete the missile defense activity and restart work on the Single Integrated Space Picture (SISP) as a part of the aforementioned plan. The conferees note the growing importance for the SISP as a national capability to provide situational awareness of space and support improvements in that mission area. No funds have been provided for the other space-related items as requested due to pending changes in Air Force Space Command. A similar reduction is made to "Other Procurement, Air Force" for the same purposes.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars)			
		Budget	House	Senate	Conference
	RESEARCH, DEVELOPMENT, TEST & EVAL, DW				
	BASIC RESEARCH				
1	DTRA UNIVERSITY STRATEGIC PARTNERSHIP BASIC RESEARCH P	5,000	12,300	6,500	10,000
2	DEFENSE RESEARCH SCIENCES	150,690	173,190	139,715	145,790
3	GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY RESEAR	---	2,700	---	9,200
4	DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE	9,532	9,532	9,532	9,532
5	NATIONAL DEFENSE EDUCATION PROGRAM	19,532	19,532	15,332	19,532
6	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	99,182	117,782	84,082	104,652
	TOTAL, BASIC RESEARCH	283,936	335,036	255,161	298,706
	APPLIED RESEARCH				
7	INSENSITIVE MUNITIONS--EXPLORATORY DEVELOPMENT	10,447	10,447	11,197	11,197
8	MEDICAL FREE ELECTRON LASER	10,255	10,255	18,955	15,905
9	HISTORICALLY BLACK COLLEGES & UNIV (HBCU) SCIENCE	14,423	17,923	17,423	19,073
10	LINCOLN LABORATORY RESEARCH PROGRAM	28,975	28,975	28,975	28,975
11	INFORMATION AND COMMUNICATIONS TECHNOLOGY	242,852	242,852	229,452	234,952
12	COGNITIVE COMPUTING SYSTEMS	220,085	222,085	149,274	180,685
13	BIOLOGICAL WARFARE DEFENSE	112,242	112,242	113,342	113,242
14	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	280,422	284,822	236,522	259,872
15	TACTICAL TECHNOLOGY	383,680	388,280	315,622	363,460
16	MATERIALS AND BIOLOGICAL TECHNOLOGY	297,277	297,277	296,277	299,277
17	WMD DEFEAT TECHNOLOGY	213,152	215,552	219,152	219,902
18	ELECTRONICS TECHNOLOGY	246,978	248,978	215,597	240,278
19	WMD DEFENSE TECHNOLOGIES	105,021	111,021	105,021	111,021
21	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	12,698	22,698	14,698	18,198
22	SOF MEDICAL TECHNOLOGY DEVELOPMENT	2,293	2,293	2,293	2,293
23	MEDICAL ADVANCED TECHNOLOGY	---	---	2,000	1,100
	TOTAL, APPLIED RESEARCH	2,180,800	2,215,700	1,975,800	2,119,430

		(In thousands of dollars)			
		Budget	House	Senate	Conference
	ADVANCED TECHNOLOGY DEVELOPMENT				
24	SO/LIC ADVANCED DEVELOPMENT..........................	30,575	41,575	30,575	35,875
25	COMBATING TERRORISM TECHNOLOGY SUPPORT...............	65,768	121,018	73,268	115,388
26	COUNTERPROLIFERATION INITIATIVES--PROLIF PREV & DEFEAT	104,582	114,682	113,782	117,072
27	BALLISTIC MISSILE DEFENSE TECHNOLOGY.................	206,676	189,076	195,825	194,125
28	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT........	16,862	16,862	16,862	16,862
29	ADVANCED AEROSPACE SYSTEMS...........................	115,829	115,829	46,200	80,779
30	SPACE PROGRAMS AND TECHNOLOGY........................	254,913	254,913	225,651	254,913
31	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - ADVANCED DEV	207,114	238,714	195,008	236,654
33	JOINT ELECTRONIC ADVANCED TECHNOLOGY.................	9,400	11,400	9,400	10,400
34	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS...........	35,553	38,053	35,553	36,678
35	JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS............	7,700	7,700	10,200	8,825
36	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS.......	23,437	63,737	114,287	105,297
37	DISTRIBUTION PROCESS OWNER TECH. DEV. & IMPLEMENTATION	15,215	15,215	10,215	15,215
38	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM.............	67,149	68,149	64,749	64,049
39	MICROELECTRONIC TECHNOLOGY DEVELOPMENT AND SUPPORT....	---	46,600	21,200	46,900
40	JOINT WARFIGHTING PROGRAM............................	10,641	10,641	10,641	10,641
41	ADVANCED ELECTRONICS TECHNOLOGIES....................	248,627	250,627	231,627	244,652
42	ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS...........	158,334	162,834	156,334	163,134
43	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM......	175,313	189,313	207,213	209,663
44	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS..........	232,489	232,489	222,920	228,489
45	LAND WARFARE TECHNOLOGY..............................	48,975	48,975	37,925	44,975
46	CLASSIFIED DARPA PROGRAMS............................	151,598	151,598	151,598	151,598
47	NETWORK-CENTRIC WARFARE TECHNOLOGY...................	174,276	174,276	151,042	164,376
48	SENSOR TECHNOLOGY....................................	205,519	205,519	186,466	195,519
49	GUIDANCE TECHNOLOGY..................................	157,367	157,367	133,867	143,367
50	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT..	14,918	18,518	14,918	17,818
51	SOFTWARE ENGINEERING INSTITUTE.......................	26,594	26,594	29,594	28,544
53	QUICK REACTION SPECIAL PROJECTS......................	107,782	107,782	108,782	108,782
54	JOINT EXPERIMENTATION................................	115,684	115,684	108,284	104,084

		(In thousands of dollars)			
		Budget	House	Senate	Conference
55	JOINT WARGAMING SIMULATION MANAGEMENT OFFICE	36,179	36,179	36,179	36,179
56	TEST & EVALUATION SCIENCE & TECHNOLOGY	39,939	39,939	44,939	39,939
57	TECHNOLOGY LINK	6,822	9,622	11,422	12,272
59	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	80,402	152,352	50,421	137,351
	TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	3,152,232	3,433,832	3,056,947	3,380,415
	DEMONSTRATION & VALIDATION				
60	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT R	33,890	36,890	37,890	39,090
61	PHYSICAL SECURITY EQUIPMENT	---	---	2,000	---
62	RETRACT LARCH	22,383	22,383	22,383	22,383
63	JOINT ROBOTICS PROGRAM	12,210	22,010	14,210	23,110
64	ADVANCED SENSOR APPLICATIONS PROGRAM	18,820	20,320	19,820	24,270
65	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	28,841	35,841	28,841	32,441
67	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	1,038,310	1,008,310	1,111,310	1,096,710
68	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	2,876,972	2,758,072	3,103,972	3,055,972
69	BALLISTIC MISSILE DEFENSE BOOST DEFENSE SEGMENT	631,616	631,616	631,616	631,616
70	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	73,111	87,111	76,111	80,711
71	BALLISTIC MISSILE DEFENSE SENSORS	514,510	460,010	518,510	516,310
72	BALLISTIC MISSILE DEFENSE SYSTEM INTERCEPTOR	405,508	405,508	205,508	357,508
73	BALLISTIC MISSILE DEFENSE TEST & TARGETS	591,911	591,911	597,911	596,711
74	BALLISTIC MISSILE DEFENSE PRODUCTS	506,840	---	500,840	---
	BALLISTIC MISSILE DEFENSE C2BMC	---	242,789	---	247,896
	BALLISTIC MISSILE DEFENSE HERCULES	---	52,264	---	49,884
	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	---	55,146	---	55,167
	BALLISTIC MISSILE DEFENSE JOINT NATIONAL INTERGRATION	---	102,809	---	111,099
	BALLISTIC MISSILE DEFENSE CONCURRENT TEST AND OPERATIO	---	23,257	---	23,257
75	BALLISTIC MISSILE DEFENSE SYSTEMS CORE	473,077	476,777	428,077	431,237
76	SPECIAL PROGRAMS - MDA	374,532	374,532	354,532	354,532
77	AEGIS BMD	1,031,874	1,056,874	1,140,074	1,127,434
78	SPACE TRACKING & SURVEILLANCE SYSTEM	390,585	323,585	315,585	323,585
79	MULTIPLE KILL VEHICLES	164,975	99,975	164,975	144,975

	(In thousands of dollars) Budget	House	Senate	Conference
80 HUMANITARIAN DEMINING................................	14,489	14,489	14,489	14,489
81 COALITION WARFARE....................................	5,878	5,878	5,878	5,878
82 DEPARTMENT OF DEFENSE CORROSION PROGRAM..............	4,966	7,666	4,966	7,166
84 JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS...........	3,047	3,047	3,047	3,047
85 JOINT SYSTEMS INTEGRATION COMMAND (JSIC).............	20,755	20,755	20,755	20,755
86 JOINT FIRES INTEGRATION & INTEROPERABILITY TEAM.......	16,782	16,782	16,782	16,782
87 REDUCTION OF TOTAL OWNERSHIP COST....................	25,289	25,289	25,289	25,289
88 JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM........	3,672	4,672	7,672	7,872
TOTAL, DEMONSTRATION & VALIDATION..................	9,284,843	8,986,568	9,373,043	9,447,176
ENGINEERING & MANUFACTURING DEVELOPMENT				
89 DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP)..........	29,500	29,500	29,500	29,500
90 NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT R	9,277	9,277	12,777	12,077
91 CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM..............	212,072	219,072	210,374	213,174
93 JOINT ROBOTICS PROGRAM...............................	6,004	11,004	6,004	10,004
94 ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)..	9,392	9,392	9,392	9,392
95 JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	8,177	8,177	8,177	8,177
96 INFORMATION TECHNOLOGY DEVELOPMENT...................	11,005	11,005	11,005	11,005
101 BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES.........	140,245	142,245	160,245	145,745
102 TRUSTED FOUNDRY.....................................	42,522	42,522	42,522	42,522
103 DEFENSE ACQUISITION EXECUTIVE (DAE) PILOT PROGRAM.....	6,015	6,015	1,000	6,015
104 DEFENSE MESSAGE SYSTEM..............................	11,202	11,202	11,202	11,202
105 INFORMATION SYSTEMS SECURITY PROGRAM.................	---	---	2,000	---
106 GLOBAL COMBAT SUPPORT SYSTEM.........................	18,556	18,556	18,556	18,556
107 JOINT COMMAND AND CONTROL PROGRAM (JC2)..............	47,031	50,031	24,031	35,031
TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT......	550,998	567,998	546,785	552,400
RDT&E MANAGEMENT SUPPORT				
112 TRAINING TRANSFORMATION (T2).........................	72,897	78,197	72,897	71,232
115 DEFENSE READINESS REPORTING SYSTEM (DRRS)............	10,322	13,922	10,322	13,222
116 JOINT SYSTEMS ARCHITECTURE DEVELOPMENT...............	9,390	9,390	9,390	9,390

	(In thousands of dollars)			
	Budget	House	Senate	Conference
117 CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT....	130,290	132,290	138,290	138,440
118 THERMAL VICAR..	7,492	7,492	7,492	7,492
119 JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC).....	10,600	10,600	10,600	10,600
120 TECHNICAL STUDIES, SUPPORT AND ANALYSIS..............	30,339	31,339	35,339	36,339
122 USD(A&T)--CRITICAL TECHNOLOGY SUPPORT................	2,029	2,029	4,029	4,029
124 FOREIGN MATERIAL ACQUISITION AND EXPLOITATION.........	38,253	38,253	38,253	38,253
127 JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION....	52,486	52,486	52,486	52,486
128 CLASSIFIED PROGRAM USD(P)............................	---	90,000	98,000	94,000
129 FOREIGN COMPARATIVE TESTING..........................	31,995	31,995	31,995	31,995
130 NUCLEAR MATTERS - PHYSICAL SECURITY..................	4,285	4,285	4,285	4,285
131 SUPPORT TO NETWORKS AND INFORMATION INTEGRATION.......	10,990	10,990	16,990	16,740
132 GENERAL SUPPORT TO USD (INTELLIGENCE)................	5,637	5,637	5,637	5,637
133 CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM..............	80,134	82,834	84,134	82,834
138 SMALL BUSINESS INNOVATION RESEARCH/CHALLENGE ADMINISTR	2,073	6,373	2,073	4,448
139 DEFENSE TECHNOLOGY ANALYSIS..........................	5,577	5,577	8,577	7,977
140 FORCE TRANSFORMATION DIRECTORATE.....................	20,404	50,404	23,904	49,229
141 DEFENSE TECHNICAL INFORMATION CENTER (DTIC)...........	51,929	51,929	51,929	51,929
142 R&D IN SUPPORT OF DOD ENLISTMENT, TESTING & EVALUATION	9,348	9,348	9,348	9,348
143 DEVELOPMENT TEST AND EVALUATION......................	9,203	9,203	9,203	9,203
144 MANAGEMENT HEADQUARTERS (RESEARCH & DEVELOPMENT)......	50,951	50,951	45,951	48,951
147 INFORMATION TECHNOLOGY RAPID ACQUISITION.............	5,090	5,090	5,090	5,090
148 INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)...	14,128	14,128	14,128	14,128
150 PENTAGON RESERVATION.................................	15,586	15,586	15,586	15,586
151 MANAGEMENT HEADQUARTERS - MDA........................	87,389	87,389	87,389	87,389
152 IT SOFTWARE DEV INITIATIVES..........................	1,412	1,412	1,412	1,412
TOTAL, RDT&E MANAGEMENT SUPPORT....................	770,229	909,129	894,729	921,664
OPERATIONAL SYSTEMS DEVELOPMENT				
153 DEFENSE INFORMATION SYSTEM FOR SECURITY (DISS)........	35,439	35,439	35,439	35,439
154 PARTNERSHIP FOR PEACE (PFP) INFORMATION MANAGEMENT SYS	1,521	1,521	---	---
155 CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS D	7,035	7,035	7,035	7,035

	(In thousands of dollars)			
	Budget	House	Senate	Conference
156 JOINT INTEGRATION AND INTEROPERABILITY	66,906	66,906	51,906	51,906
157 JOINT STAFF ANALYTICAL SUPPORT	7,686	7,686	7,686	7,686
158 ISLAND SUN	1,662	1,662	1,662	1,662
159 C4I INTEROPERABILITY	84,313	84,313	84,313	84,313
167 NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	721	721	721	721
168 DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATIO	34,007	34,007	34,007	34,007
169 LONG HAUL COMMUNICATIONS (DCS)	1,523	1,523	10,023	5,373
170 MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK	7,691	7,691	7,691	7,691
171 PUBLIC KEY INFRASTRUCTURE (PKI)	14,240	14,240	14,240	14,240
172 KEY MANAGEMENT INFRASTRUCTURE (KMI)	38,257	38,257	38,257	38,257
173 INFORMATION SYSTEMS SECURITY PROGRAM	14,856	18,456	14,856	17,756
174 INFORMATION SYSTEMS SECURITY PROGRAM	404,337	405,337	404,337	405,337
175 DISA MISSION SUPPORT OPERATIONS	1,224	1,224	1,224	1,224
176 C4I FOR THE WARRIOR	3,556	3,556	3,556	3,556
177 C4I FOR THE WARRIOR	6,551	6,551	6,551	6,551
178 GLOBAL COMMAND AND CONTROL SYSTEM	59,681	63,681	59,681	62,881
179 JOINT SPECTRUM CENTER	12,448	12,448	12,448	12,448
181 NET-CENTRIC ENTERPRISE SERVICES (NCES)	28,630	28,630	28,630	28,630
182 TELEPORT PROGRAM	14,424	14,424	14,424	14,424
183 SPECIAL APPLICATIONS FOR CONTINGENCIES	---	---	6,302	9,302
186 CRITICAL INFRASTRUCTURE PROTECTION (CIP)	12,422	14,422	12,422	13,722
188 DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	20,791	20,791	20,791	20,791
191 NET CENTRICITY	8,746	8,746	8,746	8,746
197 DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	7,451	7,451	7,451	7,451
207 INDUSTRIAL PREPAREDNESS	18,748	33,848	32,348	33,698
208 LOGISTICS SUPPORT ACTIVITIES	2,912	2,912	2,912	2,912
209 MANAGEMENT HEADQUARTERS (JCS)	3,090	3,090	3,090	3,090
210 NATO JOINT STARS	41,670	41,670	41,670	41,670
212 SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEV	83,704	83,704	73,704	78,704

	(In thousands of dollars)			
	Budget	House	Senate	Conference
213 SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	45,241	88,241	51,713	84,313
214 SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	29,011	96,711	49,611	65,031
215 SOF OPERATIONAL ENHANCEMENTS	99,010	104,510	108,810	107,460
217 SPECIAL OPERATIONS AIRCRAFT DEFENSIVE SYSTEMS	7,850	7,850	4,850	4,850
218 OPS ADVANCED SEAL DELIVERY SYSTEM (ASDS) DEVELOPMENT	32,452	32,452	32,452	32,452
219 MISSION TRAINING AND PREPARATION SYSTEMS (MTPS)	1,782	1,782	1,782	1,782
220 UNMANNED VEHICLES (UV)	1,521	3,521	1,521	3,121
TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	1,263,109	1,407,009	1,298,862	1,360,232
999 CLASSIFIED PROGRAMS	3,323,792	3,382,992	3,142,066	3,211,033
JOINT FORCES COMMAND	---	-30,000	---	---
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, DW	20,809,939	21,208,264	20,543,393	21,291,056

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

R-1		Budget Request	House	Senate	Conference
1	**DTRA UNIVERSITY STRATEGIC PARTNERSHIP BASIC RESEARCH PROGRAM**	**5,000**	**12,300**	**6,500**	**10,000**
	WMD Technologies for Defense		4,500		2,000
	Dual Use Technologies Project for Defense		1,500		1,000
	Biomedical Engineering Initiative for Defense Use (Note: for continuation only)		1,300		1,000
	University Strategic Partnership			1,500	1,000
2	**DEFENSE RESEARCH SCIENCES**	**150,690**	**173,190**	**139,715**	**145,790**
	Alternative Futures at the Range-Complex Level for the Southwest US		1,000	1,000	1,000
	Focus Center Defense Research Program (Transferred to RDTE,DW Line 3)		10,000		
	Institute of Comparative Genomics: Advanced Research to Further National Security Goals		3,000		1,650
	John H. Hopps Defense Research Scholars Program		2,000		1,000
	India/Industry Collaborative Effort for Defense Research		5,000		0
	Drug Discovery and Development Initiative for National Security		1,500		1,200
	Bio Interfaces			-3,500	-3,500
	Computer Science Study Group			-3,573	-2,000
	Carbon Nanotube RF Devices			-1,000	-1,000
	MEMS Science and Focus Centers			-2,452	0
	Nanoscale/Biomolecular and MetaMaterials			-3,450	-3,450
	Spin Dependent Materials and Devices			-3,000	-3,000
	Advanced Materials Research Institute			4,000	2,200
	Next Generation Protective Gear Research			1,000	1,000
3	**GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY RESEARCH**	**0**	**2,700**	**0**	**9,200**
	Bio/Nano Electronic Defense Devices and Sensors		2,700		1,200
	Focus Center Defense Research Program (Transferred from RDTE,DW Line 2)				8,000
5	**NATIONAL DEFENSE EDUCATION PROGRAM**	**19,532**	**19,532**	**15,332**	**19,532**
	Unauthorized program expansion			-4,200	0
6	**CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM**	**99,182**	**117,782**	**84,082**	**104,652**
	CB Initiative Program		5,000		5,000
	Detection of Biological Agents in Water for National Security		1,500	1,500	1,500
	Anthrax Vaccine Research		500		500
	New York Structural Biology Center for Chem-Bio Defense (Note: only for Department of Defense military activities)		2,600		1,170
	High Speed, High Volume Laboratory Network for Infectious Disease (Note: only for Department of Defense military activities) (Includes High-Throughput Laboratory Initiative)		6,000	8,000	6,000
	Northeast Biodefense Center for National Security (Note: only for Department of Defense military activities)		1,000		1,000
	Mismatch Repair Derived Medicines to Treat Clostridium, Staphyloccus and Bacillus Bioweapons		2,000		2,000
	TMTI - unexecutable growth			-28,600	-15,000

R-1	Budget Request	House	Senate	Conference
Fluorescence Activated Sensing Technology Integrated Threat Management System			1,000	1,000
Next Generation Protective Gear Research			1,000	1,000
Organic Light Emitting Receptor Based Nanosensors			2,000	1,300
7 INSENSITIVE MUNITIONS--EXPLORATORY DEVELOPMENT	**10,447**	**10,447**	**11,197**	**11,197**
Non-lethal Stunning/Immobilizing Weapons			750	750
8 MEDICAL FREE ELECTRON LASER	**10,255**	**10,255**	**18,955**	**15,905**
Additional funding			8,700	5,650
9 HISTORICALLY BLACK COLLEGES & UNIVERSITY (HBCU) SCIENCES	**14,423**	**17,923**	**17,423**	**19,073**
Center for Human and Material Science Performance for National Security (Note: only for Department of Defense military activities)		1,000		1,000
Nanoscience and Biotechnology Laboratory Research Program (Note: only for Department of Defense military activities)		1,500		1,000
The Defense Leadership and Technology Initiative		1,000		1,000
Instrumentation Program for Tribal Programs			3,000	1,650
11 INFORMATION AND COMMUNICATIONS TECHNOLOGY	**242,852**	**242,852**	**229,452**	**234,952**
Responsive Computing Architectures			-3,900	-3,900
Security-Aware Systems			-3,000	-1,000
Automated Speech and Text Exploitation in Multiple Languages			-6,500	-3,000
12 COGNITIVE COMPUTING SYSTEMS	**220,085**	**222,085**	**149,274**	**180,685**
SOSI -- Secure Open Systems Institute for Defense		2,000		1,100
Integrated Cognitive Systems			-60,000	-30,000
Learning Locomotion and Navigation			-3,811	-3,500
Improved Warfighter Information Processing			-7,000	-7,000
13 BIOLOGICAL WARFARE DEFENSE	**112,242**	**112,242**	**113,342**	**113,242**
Detecting Emerging Classes of Explosives			1,100	1,000
14 CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	**280,422**	**284,822**	**236,522**	**259,872**
TMTI - unexecutable growth		-30,000	-60,400	-55,000
CB Initiative Program		10,000		10,000
Asymmetrical Protocols for Biological Defense Enhancement		2,400		1,000
Alternative Delivery Methods for Recombinant Protein Vaccines		1,500	3,500	1,900
Chemical Warfare Agent Fate Model Verification and Validation Phase II		2,000		1,000
Fault Protected Drives for Laser Diodes for Defense Use		1,000		1,000
Low-cost Protective Chem-bio Shelter		4,000		2,600
Multipurpose Biodefense Immunoarray		2,000		1,100
National Center for Integrated Civilian-Military Medical Response and Homeland Defense (Note: only for Department of Defense military activities)		1,500		1,000
ND Center for Environmental Networked Embedded Sensor Technology (CENEST) (Note: only for Department of Defense military activities)		3,000		2,450
Theater-Level Modeling of Chemical and Biological Operational Effects		1,000		1,000

R-1		Budget Request	House	Senate	Conference
	Zumwalt National Program for Countermeasures to Biological and Chemical Threats		2,000		1,300
	Botulinum Neurotoxin Research		3,000		2,400
	Specific Gas Detector		1,000		1,000
	Chemical/Biological Infrared Detection System			2,500	1,100
	Escape Hood			4,000	1,800
	Mustard Gas Antidote Research Consortium (STIMAL)			1,000	1,000
	Nanowire Mesh Fabrics for Chemical and Biological Agent Defense			1,500	1,000
	Personal Protection Against Infectious Agents			4,000	1,800
15	**TACTICAL TECHNOLOGY**	**383,680**	**388,280**	**315,622**	**363,460**
	NASEC Representing Enriched Context (RECON) & Robust, Responsive, Reconfigurable Invisible (r3I)				
	Antenna Systems		1,800		1,440
	Extreme Light Sources for Defense Applications		1,800		1,440
	Optinet Sensor System		1,000		1,000
	HyFly			-6,376	0
	HEDLight			-2,000	-1,000
	Super-Fast Submerged Transport			-1,500	-1,500
	MAHEM			-2,135	-2,000
	Sweeper			-2,000	-2,000
	Maneuver & Control on the Urban Battlefield			-2,000	-1,000
	HELLADS			-5,000	0
	Flare Aero Structures			-2,500	0
	Distributed Embedded Propulsion			-4,000	-2,000
	Laminar Flow Flight Demonstration			-2,200	-1,000
	Long Endurance Autonomous Powerfoil			-1,500	-500
	TETURAN			-2,000	-1,000
	Automated Battle Management			-7,400	-3,000
	Home Field			-3,200	-1,500
	Pre-Conflict Anticipation and Shaping			-6,247	-500
	TOPVU			-6,000	0
	Execution adjustment			-20,000	-15,700
	CEROS			7,000	5,600
	Research on a Molecular Approach to Hazardous Materials Decontamination			1,000	1,000
	Army Hypersonics Advanced Technology (Transferred from RDTE,A Line 47)				2,000
16	**MATERIALS AND BIOLOGICAL TECHNOLOGY**	**297,277**	**297,277**	**296,277**	**299,277**
	Neurotechnology for Intelligence Analysts			-5,000	-2,000
	Strategic Materials			4,000	4,000
17	**WMD DEFEAT TECHNOLOGY**	**213,152**	**215,552**	**219,152**	**219,902**
	Center for Nonproliferation Studies, Monterey Institute for International Affairs		2,000		1,000
	MMI Nanotechnology		400		400
	Project Ancile			6,000	3,900
	IED Electronic Signature Detection (Transferred from RDTE,A Line 41)				1,450
18	**ELECTRONICS TECHNOLOGY**	**246,978**	**248,978**	**215,597**	**240,278**
	Secure Advanced Electronics Fabrication "SAEF" (Note: only for Department of Defense military activities)		2,000		2,000
	Advanced Digital Receiver Technology			-2,000	-1,000
	AFPA			-5,039	-2,000
	Bio-Electronics and Photonics			-3,000	-2,000

R-1		Budget Request	House	Senate	Conference
	Clockless Logic			-2,500	-1,000
	Linear Photonic RF Front End Technology			-3,594	-2,000
	Metaphoric Computing			-3,000	-1,000
	Multiple Optical Non-Redundant Aperture Generalized Sensors			-2,248	-1,000
	TEAM			-3,000	-1,500
	Terahertz Imaging Focal-Plane Technology			-5,000	-2,000
	TFAST			-10,000	0
	3-D Technology for Advanced Sensor Systems			4,000	2,200
	Innovative Processing Instrumentation for Fabrication of Three-Dimensional Microdevices			4,000	2,600
19	**WMD DEFENSE TECHNOLOGIES**	**105,021**	**111,021**	**105,021**	**111,021**
	Comprehensive National Incident Characterization and Management Systems (Note: only for Department of Defense military activities)		4,000		4,000
	Center for Blast Mitigation and Protection		1,000		1,000
	Real-time Bio Detection System (RTBDS)		1,000		1,000
21	**SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT**	**12,698**	**22,698**	**14,698**	**18,198**
	Close-in Layered Shield		5,000		2,250
	Global Observer Hydrogen Fueled Unmanned Aircraft System		5,000		2,250
	Wearable Hyperspectral Imaging System			2,000	1,000
23	**MEDICAL ADVANCED TECHNOLOGY**			**2,000**	**1,100**
	Military Nutrition Research			2,000	1,100
24	**SO/LIC ADVANCED DEVELOPMENT**	**30,575**	**41,575**	**30,575**	**35,875**
	Day/Night Wide Area Surveillance Systems (DNWASS)		2,000		0
	Day/Night Wide Area Surveillance System		2,000		1,000
	Multiband BIGFOOT Tag		3,000		1,650
	Explosive Ordnance Disposal/Low Conflict (EOD/LIC) Advanced Robotic Vehicle Development		3,000		1,650
	Aerial Canopy Sensor Delivery System		1,000		1,000
25	**COMBATING TERRORISM TECHNOLOGY SUPPORT**	**65,768**	**121,018**	**73,268**	**115,388**
	Asymmetric Warfare		3,600		1,620
	Autonomous Re-Supply UAS		1,800		1,500
	Bioterrorism Operations Policy for Public Emergency Response (BOPPER) (Note: only for Department of Defense military activities)		2,000	2,000	2,000
	Civil Support Teams - Tactical Support Surveys for Alaska National Guard		1,000		1,000
	Comprehensive Port and Maritime Domain Awareness		7,300		7,300
	Counter Terrorism Quality Assurance Science (CT-QAS) Program		2,000		1,000
	Defense Against Explosive Effects Explosive Loading Laboratory		5,000	2,000	4,000
	Distributed Intrinsic Chemical Agent Sensing and Transmission		1,000		2,000
	DoD Portable Armor Wall System		1,800		1,500
	Early Responders Distance Learning Center (Note: only for Department of Defense military activities)		1,750		1,000
	Facility Security (Note: only for Department of Defense military activities)		10,000		8,000
	Language Learning Center (LLC) (Note: only for Department of Defense military activities)		700		700

R-1		Budget Request	House	Senate	Conference
	National Terrorism Preparedness Institute/WMD Military and Emergency Responder Training		4,000		4,000
	Port and Hull Security 3D, Real Time Sonar System - Echoscope		4,000		3,200
	Roll-On, Roll-Off Reconnaissance Pallet Improvements		3,600		2,900
	TSWG Information Sharing Pilot Project (Note: for continuation only)		2,700		2,700
	U.S. and Iraqi Force Protection Program		3,000		2,400
	Autonomous Border and Intrusion Surveillance Sensor Networks			2,000	1,300
	Asymmetric Warfare Initiative			500	500
	Unmanned Aerial Vehicle Avionics Upgrade (UAVAU)			1,000	1,000
26	**COUNTERPROLIFERATION INITIATIVES--PROLIFERATION PREVENTION & DEFEAT**	**104,582**	**114,682**	**113,782**	**117,072**
	Near Infrared Imaging Experiment		2,000		1,000
	Open Source Intelligence Center		3,000		1,350
	New Technology for Detecting Nuclear Weapons Materials		1,000		1,000
	National Nuclear Security Agency (NNSA) Metals Declassification for reuse by DoD in Armament		1,600		1,040
	Connectory Expansion for Rapid Identification of Technology Sources for DoD		500		500
	Continuation of Advanced Materials (Mercuric Iodide) research for Nuclear Detection, Counter-proliferation and Imaging for CBRNE Special Operations		2,000		1,600
	DETECTIVE (HPGe Based) Radiation Portal Monitors			2,000	1,300
	Guardian Glass Scintillation Fiber Radiation Detectors			7,200	4,700
27	**BALLISTIC MISSILE DEFENSE TECHNOLOGY**	**206,676**	**189,076**	**195,825**	**194,125**
	High Altitude Airship		-20,000	-25,000	-22,500
	Advanced Processing Architecture		2,400		1,080
	General Reduction			-15,651	-15,651
	Advanced RF Technology Development			1,000	1,000
	Center for Optical Logic Devices			1,000	1,000
	Conformal Embedded Antennas for Aerial Platforms			2,000	1,000
	MPOI for Micro Satellite Datacom Amplifier			2,800	2,320
	Multiple-Target-Tracking Optical Sensor-Array Technology			4,000	3,200
	NetCentric Airborne Defense Element			15,000	12,000
	Photoconductor on Active Pixel Sensor (POAP)			1,000	1,000
	SiC Thick Film Mirror Coatings			3,000	3,000
29	**ADVANCED AEROSPACE SYSTEMS**	**115,829**	**115,829**	**46,200**	**80,779**
	A160			-10,500	-3,500
	Advanced Aeronautics Demonstration			-5,000	-5,000
	Cormorant UAV			-14,600	-9,500
	Heavy Fuel Engine for A160			-10,729	-4,000
	Critical Munition Capability			-4,000	-2,000
	Global Range Transatmospheric Vehicle			-5,300	-5,300
	Dual Mode Small Gunship			-6,000	0
	Seaplane Unmanned Air Vehicle			-5,500	-2,750
	Heavy Lift			-3,000	-1,500
	CASTLE			-5,000	-2,500
	Heavy Fuel Engine Development (Transfer from Senate Section 8167)				1,000

R-1		Budget Request	House	Senate	Conference
30	**SPACE PROGRAMS AND TECHNOLOGY**	**254,913**	**254,913**	**225,651**	**254,913**
	Orbital Express			-10,000	0
	ISIS			-16,262	0
	Radiation Hardening by Design			-3,000	0
31	**CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - ADVANCED DEVELOPMENT**	**207,114**	**238,714**	**195,008**	**236,654**
	TMTI - unexecutable growth		-20,000	-36,106	-20,000
	CB Initiative Program		10,000		10,000
	Anthrax and A. Baumanii Research		1,000		1,000
	Anthrax Monoclonal Antibody Therapeutic and Prophylaxis Program		2,000		1,000
	Antioxidant Micronutrient Therapeutic Countermeasures for Chemical Agents		3,000		1,350
	Bioterrorism Preparedness		2,600		1,170
	Carbon Nanotube Bio-Chem Detector		2,000		1,100
	Chem-bio Preparedness Center (Note: only for DoD military activities) (Includes transfers from RDTE,DW Line 31 Chemical and Biological Defense Initiative)		2,000		2,000
	Chemical/Biological Defense Program - Advanced Development		2,300		1,850
	Hand-Held Biosensor and Continuous Monitor for Biodetection		1,800		1,450
	Immunological Biological/Chemical Agent Detection System		1,000		1,000
	Liquid Crystal Sensor Technology Research and Development for Force Protection		1,000		1,000
	Modular Chemical and Biological Detection System		1,000		1,000
	Next Generation Threat Detection		2,600		1,170
	Novel Viral Biowarfare Agent ID and Treatment		4,000		3,000
	Portable Rapid Bacterial Warfare Detection Unit		1,500	1,500	1,500
	Protective Self-Decontaminating Surfaces		2,800		1,500
	Rapid Response Database Systems Initiative (Note: only for Department of Defense military activities)		2,000	1,000	1,100
	Rapid Response Sensor Networking for Multiple DoD Applications Phase 3		1,000		1,000
	Rapid Response Therapeutic Platform for Biodefense		2,000		1,100
	Removal of NBC Agents in Drinking Water		2,000		1,300
	Small Accelerators and Detection Systems for Defense Applications		2,000	2,000	2,000
	Unmanned Vehicle CBRNE Unitary Sensor Suite Development and Demonstration		2,000		1,600
	Chemical and Biological Defense Initiative (Transfer to RDTE,DW Line 31, Chem-bio Preparedness Center)			1,000	0
	Engineered Biological Detectors for Biological Warfare			1,000	1,000
	Low Cost Chemical Agent (CA) Detection System for Mission Critical Facilities			1,000	1,000
	NIDS Handheld Biological Agent Detectors			6,500	2,900
	Plant Vaccine Development			7,000	3,150
	Reactive Coatings Enhanced to Resist Chemical/Biological Contamination			1,000	1,000
	Self-Detoxifying Materials in CB Protective Clothing			2,000	1,300
33	**JOINT ELECTRONIC ADVANCED TECHNOLOGY**	**9,400**	**11,400**	**9,400**	**10,400**
	Counter-Man Portal Air Defense System (MANPADS) Airspace Protection (CMAPS)		2,000		1,000

R-1		Budget Request	House	Senate	Conference
34	**JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS**	**35,553**	**38,053**	**35,553**	**36,678**
	Computer Assisted Threat Exploitation System		2,500		1,125
35	**JOINT ROBOTICS PROGRAM/AUTONOMOUS**	**7,700**	**7,700**	**10,200**	**8,825**
	Improved Robot Combat Integration			2,500	1,125
36	**GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS**	**23,437**	**63,737**	**114,287**	**105,297**
	Defense Technology Showcase Initiative		3,000		1,650
	Distributed Inventory Management System (DIMS) (Note: only for Department of Defense military activities)		1,000		1,000
	Emerging Critical Interconnection Technology Program - Embedded Passives Test Bed (Note: only for Department of Defense military activities)		4,300		1,935
	Locust MAV Enhancement Program (LME) Extended Warfighter Capability (Transferred to Line 39)		2,000		0
	Networked Micro-Sensors Technology Testbed at UTD (Note: only for Department of Defense military activities)		2,500		1,100
	Secure Digital Coherent Optical Communication		3,000		2,400
	Spintronics Memory Storage Technology		10,000		8,000
	California Center for Nanoscience Innovations for Defense (CALCNID)		12,000		9,600
	Florida Defense Manufacturing Initiative		2,500		2,000
	Advanced Mobile Gas-to-Liquid Fueler			4,500	2,900
	Chameleon Miniaturized Wireless System			12,000	9,000
	Defense Fuel Cell Locomotive			3,000	1,950
	DOD Vehicle Fuel Cell Program			7,000	4,550
	High Energy Battery Development for Aerial Vehicles			7,500	3,375
	Hydrogen Logistics Fuel Initiative			3,000	1,950
	New England Manufacturing Supply Chain Initiative			3,000	1,950
	Next Generation Manufacturing Technologies Initiative			6,000	2,700
	Silicon-28 Deposition Methodology Project			1,000	1,000
	Solid Hydrogen Storage and Fuel Cell Systems			4,000	2,200
	Solid Hydrogen Storage Initiative			8,000	5,200
	Spray Technique Analysis and Research for Defense			2,000	1,300
	Ultra-Low Power Battlefield Sensor System			29,850	15,000
	Emergency Power Source for National Guardsmen (Transferred from Line 39)				1,100
37	**DISTRIBUTION PROCESS OWNER TECH. DEVELOPMENT & IMPLEMENTATION**	**15,215**	**15,215**	**10,215**	**15,215**
	Project 2 - lack of transition plan			-5,000	0
38	**STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM**	**67,149**	**68,149**	**64,749**	**64,049**
	CMU Research Corporation Dendrimer Enhanced Water Remediation		1,000	2,000	1,300
	Funding ahead of need			-4,400	-4,400
39	**MICROELECTRONIC TECHNOLOGY DEVELOPMENT AND SUPPORT**	**0**	**46,600**	**21,200**	**46,900**
	DoD Advanced Filter Program		1,000		1,000
	Mode 5 / Mode S Identification Friend or Foe (IFF) System Technology		2,000		1,000
	Regional Defense Command Integration Center at Forbes Field (ANG) (Note: only for Department of Defense military activities)		4,500		2,000
	DoD Advanced Dynamic Technology Optics Program		1,000		1,000
	SuperLattice Nanotechnology		4,000	2,000	2,000

R-1		Budget Request	House	Senate	Conference
	Ultra-High Energy Micro Fuel Cell		4,000		2,600
	University Materials Characterization and Metrology Center		1,000		1,000
	Semiconductor Photomask Technology Defense Initiative		4,500		3,600
	DMEA Core Research Funding		20,000		16,000
	DoD Advanced Beam Steering Program		1,000		1,000
	Foliage-Penetrating Acoustically Cued Imagery Sensor (FACIS)		3,600		3,600
	Advanced Surface Radar Technologies			8,500	5,550
	Emergency Power Source for National Guardsmen (Transferred to RDTE,DW Line 36)			1,700	
	Feature Size Migration at DMEA ARMS Foundry			7,000	4,550
	Locust MAV Enhancement Program (Includes transfer from RDTE,DW Line 36)			2,000	2,000
41	**ADVANCED ELECTRONICS TECHNOLOGIES**	**248,627**	**250,627**	**231,627**	**244,652**
	Center for Advanced Microelectronics Manufacturing		2,000		1,100
	Digital Control of Analog Circuits RF Front Ends			-5,000	-2,500
	Analog Spectral Processors			-2,500	-1,000
	ADNERF			-2,500	-1,000
	High Gain Optical Transceiver on a Chip			-2,000	-1,500
	Stand-off Detection and Identification			-3,000	0
	Deep Ultraviolet Avalanche Photon Detectors			-3,000	-1,500
	WIFI-EYEPOD			-6,000	-3,000
	Electronic Miniaturization			3,500	2,800
	Enabling Ubiquitous Computing through Nanoscale Ultra-Low Power Electronics			1,000	1,000
	Mil-Tech Extension Technology Transition			2,500	1,625
42	**ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS**	**158,334**	**162,834**	**156,334**	**163,134**
	Processing Fuel Cell Components for Light Weight, Low Cost Transportation System using a 3+ Ring Extruder (Note: only for Department of Defense military activities)		3,000		3,000
	Special Operations Command Target Tracking and Knowledge Discovery System		1,500		1,000
	Reduction to new starts			-10,000	-5,000
	Crossed-Field Radiation Technology (CFRT)			4,000	3,200
	Masking Shunt			2,000	1,300
	Spartan Advanced Composite Technology			2,000	1,300
43	**HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM**	**175,313**	**189,313**	**207,213**	**209,663**
	Data Intensive, High Performance Computing, Phase 3		4,000		2,600
	High Performance Computational Design of Novel Materials (Note: only for Department of Defense military activities)		1,000	3,400	2,700
	High Performance Computer Prototype - Naval Research Lab		5,000		4,000
	High Performance Computing for Modeling and Simulation Research (Note: only for Department of Defense military activities)		2,000		1,000

R-1		Budget Request	House	Senate	Conference
	W-P HPC Modernization		2,000		1,300
	Arctic Regional Supercomputer			5,500	4,400
	MHPCC			5,000	5,000
	Next Generation Networking Electronic Medical Records Project			9,000	7,200
	Northern Tier Network			5,000	3,250
	Secure Skies Project			2,000	1,600
	Simulation Center HPC Upgrade			2,000	1,300
44	**COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS**	**232,489**	**232,489**	**222,920**	**228,489**
	PANDA			-5,000	-2,000
	XG			-2,869	-1,000
	WNaN			-1,700	-1,000
45	**LAND WARFARE TECHNOLOGY**	**48,975**	**48,975**	**37,925**	**44,975**
	HYFORM			-6,000	-2,000
	FCS Supporting Technologies			-5,050	-2,000
47	**NETWORK-CENTRIC WARFARE TECHNOLOGY**	**174,276**	**174,276**	**151,042**	**164,376**
	Network Command			-5,216	-2,000
	PUCS			-2,665	-2,500
	Confirmatory Hunter Killer System			-4,981	0
	Network Centric Logistics			-6,972	-2,000
	FOX			-3,400	-3,400
48	**SENSOR TECHNOLOGY**	**205,519**	**205,519**	**186,466**	**195,519**
	SEER			-3,000	-2,000
	Super-Resolution Vision System			-4,053	-1,000
	Augmented Aerial Sentry			-7,000	-3,000
	Bipedal Detection			-5,000	-4,000
49	**GUIDANCE TECHNOLOGY**	**157,367**	**157,367**	**133,867**	**143,367**
	Execution adjustment			-23,500	-14,000
50	**DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT**	**14,918**	**18,518**	**14,918**	**17,818**
	Immersive Learning Environments (ILES)		3,600		2,900
51	**SOFTWARE ENGINEERING INSTITUTE**	**26,594**	**26,594**	**29,594**	**28,544**
	Advanced Lithography - Thin Film Masks for Lithography			3,000	1,950
53	**QUICK REACTION SPECIAL PROJECTS**	**107,782**	**107,782**	**108,782**	**108,782**
	Unmanned Aerial Vehicles			1,000	1,000
54	**JOINT EXPERIMENTATION**	**115,684**	**115,684**	**108,284**	**104,084**
	Duplicative efforts			-15,400	-15,400
	Modeling and Simulation			8,000	3,800
56	**TEST & EVALUATION SCIENCE & TECHNOLOGY**	**39,939**	**39,939**	**44,939**	**39,939**
	National Unmanned Systems Experimentation Environment (Transferred to RDTE,DW Line 63)			5,000	0
57	**TECHNOLOGY LINK**	**6,822**	**9,622**	**11,422**	**12,272**
	Techlink Southeast		1,000		1,000
	IEE Technology Transfer Project		1,800		1,450
	P343 - non DOD mission			-3,400	-3,400
	DOD Springboard			8,000	6,400

R-1		Budget Request	House	Senate	Conference
59	**SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT**	**80,402**	**152,352**	**50,421**	**137,351**
	Advanced Multi-Purpose Microdisplay System		1,800		1,000
	Fuel Cell Power Systems for SOCOM Applications		2,400	2,400	2,400
	Field Experimentation Program for Special Operations		1,500		1,000
	High Altitude Long Endurance Airship (note only for the development of a fully-automated synthesis device for producing electronically and optically active nanostructures)		1,500		1,000
	Satellite Synthetic Aperture Radar (SATSAR) Phase II		4,500		3,600
	Special Operations Portable Power Source		2,000	5,000	3,250
	Transliteration and Genealogical Search Tools		1,500		1,000
	USSOCOM Tele-training System (SOFTS) for Foreign Language Training		2,000		1,100
	Partnership for Defense Innovations WI-FI Test Laboratory		2,400		1,080
	Remote Video Weapons Sight		4,000		1,800
	Field-Deployable Digital Holographic Imager (FDDHI)		3,000		2,000
	Improved Materials for Fireproof Protective Clothing		1,800		1,500
	Improved Special Operations Fast Rope (Soft Rope) Kit		1,800		1,500
	Airborne Psychological Operations Modernization Program		1,800		1,500
	Waterfront Perimeter Intrusion Detection		1,800		1,500
	Short Wave Infrared Technologies		1,350		1,100
	Autonomous Navigation Sensor Suites		1,800		1,500
	Counter Sniper & Surveillance Detection System (CSS)		2,500		2,000
	Life Cycle Support for Unmanned Systems		2,700		2,200
	Army DRAMA/Composer Integration & Development		1,800		1,500
	Target Location, Identification, and Engagement with Unmanned Systems		2,000		1,600
	Improved Information Transfer for Special Forces		7,000		7,000
	Multimode Radar with Low Probability of Intercept/ Low Probability of Detection Capability		3,000		2,400
	A-160 UAV Program		8,000		6,400
	Improvised Rapid Install Aircraft Self Defense EW Mounting System for USSOCOM/USMC		6,000		4,800
	UAV Situational Awareness System		2,000		1,000
	Advanced Tactical Laser			-40,000	0
	PSYOP Mod - unjustified program			-5,981	-5,981
	Mobile Electrical Power Utilizing Energy Harvesting			1,000	1,000
	Shock Mitigating Suspended Seat for NSW 11m RIB			2,000	1,300
	Snapshot Synthetic Aperture Radar			3,600	2,900
	Tagging, Tracking, and Locating System for High Value Targets			2,000	1,000
60	**NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT**	**33,890**	**36,890**	**37,890**	**39,090**
	Integrated High Activity Response System (INHARS)		2,000	4,000	2,600
	Digital Network Centric Remotely Operated Weapons System		1,000		1,000
	Intelligent Decision Exploration (Transferred from Line 61)				1,600

R-1		Budget Request	House	Senate	Conference
61	**PHYSICAL SECURITY EQUIPMENT**	**0**	**0**	**2,000**	**0**
	Intelligent Decision Exploration (Transferred to Line 60)			2,000	
63	**JOINT ROBOTICS PROGRAM**	**12,210**	**22,010**	**14,210**	**23,110**
	Joint Robotics Program		5,000		4,000
	Autonomous Machine Vision for Mapping and Investigation		1,000		1,000
	National Robotics Training Center of Excellence		2,000		1,100
	Robotics Workforce Curriculum Partnership		1,800		1,450
	Robotic Assisted Convoy Operations			2,000	1,100
	National Unmanned Systems Experimentation Environment (Transferred from RDTE,DW Line 55)				2,250
64	**ADVANCED SENSOR APPLICATIONS PROGRAM**	**18,820**	**20,320**	**19,820**	**24,270**
	Subterranean Defense Communications System		1,500		1,200
	Total Force Education Initiative			1,000	1,000
	Secure Airborne Freespace Optical Comm (Transfer from Line 70)				3,250
65	**ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM**	**28,841**	**35,841**	**28,841**	**32,441**
	Inland Empire Wellhead Treatment of Perchlorate Contaminated Wells		2,500		1,100
	UXO Innovative Technology Transfer		2,500		1,500
	Pilot project for integrated multi-sensor UXO detection and recovery system		2,000		1,000
67	**BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT**	**1,038,310**	**1,008,310**	**1,111,310**	**1,096,710**
	Unexecutable Test Program (1 test)		-30,000		0
	Arrow Co-production			50,000	40,000
	Arrow SRBMD			23,000	18,400
68	**BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT**	**2,876,972**	**2,758,072**	**3,103,972**	**3,055,972**
	Block 2010		-55,800		-23,000
	Long Lead Interceptors 41-50		-63,100		0
	Concurrent Test		{20,000}		0
	Test Program Enhancement and Operations Support			225,000	200,000
	Kauai Test Facility			[4,000]	[4,000]
	Range Mission Tool			1,000	1,000
	Sensor Data Fusion and Communications			1,000	1,000
70	**CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM**	**73,111**	**87,111**	**76,111**	**80,711**
	Naval Postgraduate School Coalition and Operating Area Surveillance and Targeting System (COASTS) Field Experimentation Program and Special Operations Advanced Technology Development		1,600		1,000
	Photovoltaic Power Supply for Autonomous Sensors		2,000		1,000
	Secure Airborne Freespace Optical Comm (Transfer to Line 64)		5,000		0
	Chemical/Biological Defense (ACDandP) MR4		1,400		1,000

R-1		Budget Request	House	Senate	Conference
	Radiation Countermeasure - Adult-derived Hematopoietic Progenitor Cells to Treat Acute Radiation Syndrome		1,000		1,000
	Wide-Spectrum Bio-ID		3,000		2,000
	CBNEWS execution delays			-2,000	-2,000
	Next Generation M291			1,000	1,000
	Oral Anthrax/Plague Vaccine			4,000	2,600
71	**BALLISTIC MISSILE DEFENSE SENSORS**	**514,510**	**460,010**	**518,510**	**516,310**
	FBX-T #4		-54,500		0
	Airborne Infrared Surveillance System (AIRS)			4,000	1,800
72	**BALLISTIC MISSILE DEFENSE SYSTEM INTERCEPTOR**	**405,508**	**405,508**	**205,508**	**357,508**
	General Reduction				-48,000
	KEI Interceptor Development			-120,000	
	KEI Launcher Development			-7,000	
	KEI System Integration and Test			-22,000	
	KEI Support			-20,000	
	KEI Engineering			-28,000	
	Program Wide Support			-3,000	
73	**BALLISTIC MISSILE DEFENSE TEST & TARGETS**	**591,911**	**591,911**	**597,911**	**596,711**
	Optical Sensors for PMRF (SHOTS)			4,000	3,200
	Real-Time Multi Frame Blind Deconvolution			2,000	1,600
74	**BALLISTIC MISSILE DEFENSE PRODUCTS**	**506,840**	**0**	**500,840**	**0**
	C2BMC (Transferred to RDTE,DW Line 70A)		-263,906		-263,906
	Hercules (Transferred to RDTE,DW Line 70B)		-50,562		-50,562
	Joint Warfighter Support (Transferred to RDTE,DW Line 70C		-53,350		-53,350
	Joint National Integration Center (JNIC) (Transferred to RDTE,DW Line 70D)		-99,461		-99,461
	Concurrent Test and Operations (Transferred to RDTE,DW Line 70AE		-22,500		-22,500
	Program Wide Support (Transferred to RDTE,DW Line 70A thru 74E)		-17,061		-17,061
	Hercules			-5,000	0
	Ballistic Missile Defense C2BMC			-20,000	0
	Ground Based Studies of Rocket Plume Chemistry (Transferred to RDTE,DW Line 74B)			4,000	0
	High Fidelity Missile Defense Modeling and Simulation (JNIC) (Transferred to RDTE,DW Line 74D)			15,000	0
74A	**BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATIONS (C2BMC)**		**242,789**	**0**	**247,896**
	Program (Transferred to RDTE,DW Line 70)		263,906		263,906
	Program Wide Support (Transferred to RDTE,DW Line 70)		8,883		8,990
	Program Reduction		-30,000		-25,000
74B	**BALLISTIC MISSILE DEFENSE HERCULES**		**52,264**	**0**	**49,884**
	Program (Transferred to RDTE,DW Line 70)		50,562		50,562
	Program Wide Support (Transferred to RDTE,DW Line 70)		1,702		1,722
	Program Reduction				-5,000
	Ground Based Studies of Rocket Plume Chemistry (Transferred from RDTE,DW Line 74)				2,600

R-1		Budget Request	House	Senate	Conference
74C	**BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT**		**55,146**	**0**	**55,167**
	Program (Transferred to RDTE,DW Line 70)		53,350		53,350
	Program Wide Support (Transferred to RDTE,DW Line 70)		1,796		1,817
74D	**BALLISTIC MISSILE DEFENSE JOINT NATIONAL INTEGRATION CENTER (JNIC)**		**102,809**	**0**	**111,099**
	Program (Transferred to RDTE,DW Line 70)		99,461		99,461
	Program Wide Support (Transferred to RDTE,DW Line 70)		3,348		3,388
	High Fidelity Missile Defense Modeling and Simulation (JNIC) (Transferred from RDTE,DW Line 74)				8,250
74E	**BALLISTIC MISSILE DEFENSE CONCURRENT TEST AND OPERATIONS**		**23,257**	**0**	**23,257**
	Program (Transferred to RDTE,DW Line 70)		22,500		22,500
	Program Wide Support (Transferred to RDTE,DW Line 70)		757		757
75	**BALLISTIC MISSILE DEFENSE SYSTEMS CORE**	**473,077**	**476,777**	**428,077**	**431,237**
	Lean Applications through Distance Learning		1,000		1,000
	Sensor Reliability		2,700		2,160
	Program growth			-45,000	-45,000
76	**SPECIAL PROGRAMS - MDA**	**374,532**	**374,532**	**354,532**	**354,532**
	Program growth			-20,000	-20,000
77	**AEGIS BMD**	**1,031,874**	**1,056,874**	**1,140,074**	**1,127,434**
	Aegis BMD Spiral Processor and Migration of Aegis BMD into OA		20,000	20,000	20,000
	Asymmetric Missile Defense		5,000		4,000
	AEGIS Improvements			80,000	65,000
	PMRF Upgrades			8,200	6,560
78	**SPACE TRACKING & SURVEILLANCE SYSTEM**	**390,585**	**323,585**	**315,585**	**323,585**
	Block 2012		-67,000	-75,000	-67,000
79	**MULTIPLE KILL VEHICLES**	**164,975**	**99,975**	**164,975**	**144,975**
	Excessive Program Growth		-65,000		-20,000
82	**DEPARTMENT OF DEFENSE CORROSION PROGRAM**	**4,966**	**7,666**	**4,966**	**7,166**
	DoD Technology Demonstration for Prevention of Material Degradation (TDPMD)		2,700		2,200
88	**JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM**	**3,672**	**4,672**	**7,672**	**7,872**
	Wireless Power Platform RF Energy Harvesting Technology		1,000		1,000
	Delta Mine Training Center (JET)			4,000	3,200
90	**NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT R**	**9,277**	**9,277**	**12,777**	**12,077**
	Transportable Under Vehicle Inspection System (TUVIS)			3,500	2,800

R-1		Budget Request	House	Senate	Conference
91	**CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM**	**212,072**	**219,072**	**210,374**	**213,174**
	Joint Warning and Reporting Network (JWARN)		2,000		1,300
	Countermeasures to Biological and Chemical Control, Rapid Response		5,000		4,000
	JBAIDS Increment II deferral			-7,198	-7,198
	ParallaVax Rapid Vaccine Testing Technology			2,500	1,650
	Rapid Identification of Biological Warfare Agents			3,000	1,350
93	**JOINT ROBOTICS PROGRAM**	**6,004**	**11,004**	**6,004**	**10,004**
	Joint Robotics Program		5,000		4,000
101	**BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES**	**140,245**	**142,245**	**160,245**	**145,745**
	DIMHRS (Note: Realigned from OM,DW BTA)		52,000	30,000	30,000
	Program Adjustment/Unjustified Request		-50,000		-30,000
	DBSE AoA delays			-20,000	0
	DIMHRS			10,000	5,500
103	**DEFENSE ACQUISITION EXECUTIVE (DAE) PILOT PROGRAM**	**6,015**	**6,015**	**1,000**	**6,015**
	Duplicative efforts			-5,015	0
105	**INFORMATION SECURITY SYSTEMS PROGRAM**			**2,000**	**0**
	Research on Secure Telecommunications Networks (Transfer to RDTE,DW Line 107)			2,000	
107	**JOINT COMMAND AND CONTROL PROGRAM (JC2)**	**47,031**	**50,031**	**24,031**	**35,031**
	Research on Secure Telecommunication Networks (FAU) (Includes transfer from RDTE,DW Line 105)		2,000		1,000
	Operations Security (OPSEC) Training Improvement Programs		1,000		1,000
	MS B delays			-25,000	-15,000
	Net-Centric Capabilities Pilot (NCCP) Program			2,000	1,000
112	**TRAINING TRANSFORMATION (T2)**	**72,897**	**78,197**	**72,897**	**71,232**
	Agile Software Capability Interventions (ASCI)		2,000		1,600
	JWARS: A Joint Simulation for Linking Campaign Analysis to Warfighter Mission Rehearsal		3,300		1,485
	Unexecutable growth			-8,000	-8,000
	Playas Command and Control Network			5,000	3,250
	Training Transformation in the Pacific (Transfer to RDTE,N Line 19)			3,000	0
115	**DEFENSE READINESS REPORTING SYSTEM (DRRS)**	**10,322**	**13,922**	**10,322**	**13,222**
	DRRS National Readiness Prototype		3,600		2,900
117	**CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT**	**130,290**	**132,290**	**138,290**	**138,440**
	Joint Gulf Range Complex Upgrade		1,000		1,000
	Range Tactical Data Link and Relay		1,000		1,000
	Pacific Region Interoperability Test and Evaluation Capability			4,000	3,200
	UAV Systems and Operations Validation Program			3,000	1,950
	Unmanned Systems Testbed Project/Pathfinder Demo			1,000	1,000

R-1		Budget Request	House	Senate	Conference
120	**TECHNICAL STUDIES, SUPPORT AND ANALYSIS**	**30,339**	**31,339**	**35,339**	**36,339**
	Capabilities Study for Improvised Explosive Devices Detection		1,000		1,000
	Transfer to OSD/ATL from RDN, 0604327N only for GS Study			5,000	5,000
122	**USD(A&T)--CRITICAL TECHNOLOGY SUPPORT**	**2,029**	**2,029**	**4,029**	**4,029**
	Military Critical Technologies Program - Transfer from OMDW, line 260			2,000	2,000
128	**CLASSIFIED PROGRAM USD(P)**	**0**	**90,000**	**98,000**	**94,000**
131	**SUPPORT TO NETWORKS AND INFORMATION INTEGRATION**	**10,990**	**10,990**	**16,990**	**16,740**
	Pacific Disaster Center			6,000	5,750
133	**CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM**	**80,134**	**82,834**	**84,134**	**82,834**
	Vacuum Sampling Pathogen Collection and Concentration		2,700	4,000	2,700
138	**SMALL BUSINESS INNOVATION RESEARCH/CHALLENGE ADMINISTRATION**	**2,073**	**6,373**	**2,073**	**4,448**
	Center for Pulsed Power and Power Electronics (Note: only for Department of Defense military activities)		1,800		1,000
	Electro-Magnetic Flak Impulse Systems Technology		2,500		1,375
139	**DEFENSE TECHNOLOGY ANALYSIS**	**5,577**	**5,577**	**8,577**	**7,977**
	Commodity Management Systems Consolidation Program			3,000	2,400
140	**FORCE TRANSFORMATION DIRECTORATE**	**20,404**	**50,404**	**23,904**	**49,229**
	Operationally Responsive Satellite (Note: $5M for Modular Bus; $5M for Bus Technology Development; and $15M for completion of Phase 3 Common Bus Effort)		25,000		25,000
	Project Sheriff/Full Spectrum Effects Platform		5,000		2,250
	Reconnaissance Payloads for Operationally Responsive Spacecraft			3,500	1,575
144	**MANAGEMENT HEADQUARTERS (RESEARCH & DEVELOPMENT)**	**50,951**	**50,951**	**45,951**	**48,951**
	Management Headquarters			-5,000	-2,000
154	**PARTNERSHIP FOR PEACE (PFP) INFORMATION MANAGEMENT SYS**	**1,521**	**1,521**	**0**	**0**
	Execution delays			-1,521	-1,521
156	**JOINT INTEGRATION AND INTEROPERABILITY**	**66,906**	**66,906**	**51,906**	**51,906**
	Unjustified growth			-15,000	-15,000
169	**LONG HAUL COMMUNICATIONS (DCS)**	**1,523**	**1,523**	**10,023**	**5,373**
	DISN Core Enhancements at STRATCOM			8,500	3,850
173	**INFORMATION SYSTEMS SECURITY PROGRAM**	**14,856**	**18,456**	**14,856**	**17,756**
	Code Assessment & Methodology Project (CAMP) (Note: only for Department of Defense military activities)		3,600		2,900
174	**INFORMATION SYSTEMS SECURITY PROGRAM**	**404,337**	**405,337**	**404,337**	**405,337**
	B-Secure Multi Media Digital Terminals		1,000		1,000

R-1	Budget Request	House	Senate	Conference
178 GLOBAL COMMAND AND CONTROL SYSTEM	**59,681**	**63,681**	**59,681**	**62,881**
Global Command & Control System - Joint		4,000		3,200
183 SPECIAL APPLICATIONS FOR CONTINGENCIES	**0**	**0**	**6,302**	**9,302**
Execution Delays			-5,000	-2,000
186 CRITICAL INFRASTRUCTURE PROTECTION (CIP)	**12,422**	**14,422**	**12,422**	**13,722**
Cyber Threat Validation Center		2,000		1,300
207 INDUSTRIAL PREPAREDNESS	**18,748**	**33,848**	**32,348**	**33,698**
Copper Based Casting Technology		2,000	2,000	2,000
Advanced Microcircuit Emulation (AME) Program		3,000		1,350
Lithium Battery Systems for Asset Tracking		1,800	3,000	1,800
Next Generation Manufacturing Technology Initiative (Note: only for Department of Defense military activities)		1,000	6,000	3,900
Northwest Manufacturing Initiative (Note: only for Department of Defense military activities)		2,500	2,600	2,500
4 Ship Network Training Center (Note: only for Department of Defense military activities)		3,000		1,950
Joint Diminishing Manufacturing Sources and Material Shortages (DMSMS) Mitigation Capabilities (JDMC)		1,800		1,450
212 SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT	**83,704**	**83,704**	**73,704**	**78,704**
CAAP program restructure			-5,000	-5,000
Sof K-Band TF/TA Radar program delays			-5,000	0
213 SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	**45,241**	**88,241**	**51,713**	**84,313**
Artic Warfare Mountaineering Boot		1,000	1,000	1,000
Full Range Oxygen Gas System Closed-Circuit Oxygen Rebreather		2,000		1,000
Integrated Bridge System		1,000		1,000
Nickel Boron Metal Coating Technology for USSOCOM Weapons		2,000		1,000
Special Operations Forces Combat Assault Rifle (SCAR)		4,000	2,400	1,800
Warrior Reach Project		1,500		1,000
Covert WPM Waveform Modules		4,400	1,000	2,000
Development, Production and Testing of a Prototype Advanced Design of Mark V Craft		5,000		4,000
Advanced Comnbat Boot-Manufacturing Enhancements using Polyurethane Direct Injection		1,000		1,000
Gunfire Detection System for Special Operations Combatant Craft		1,500		1,200
U. S. Special Operations Command STAR-TEC Partnership Program		3,000		2,400
Command and Control Mission Manager (C2MM) Spiral 4		1,000		1,000
Integrated Warfighter Information System (IWIS) II		2,100	2,100	2,100
Next Generation Navigation Computer System		1,000		1,000
SOCOM Imagery Dissemination System (SIDS)		1,800		1,500
Strategic Communications Support Initiative		3,500		2,800
Tactical Communication Systems Testbed Initiative		1,800		1,500
Small Boat Family Integrated Combat System		2,700		2,200
MARSOC BRITE M22 Imagery Dissemination Systems		2,700		2,200
MBMMR program cancellation			-5,928	-5,928
Holographic Close Combat Optic			1,000	1,000

R-1		Budget Request	House	Senate	Conference
	Over the Horizon Augmented Reconnaissance (ROAR)			2,000	1,300
	Special Operations Tactical Boot Suite Development			1,500	1,000
	Weapons Shot Counter			1,400	1,000
	MBITR (Transfer from P,DW Line 50)				9,000
214	**SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT**	**29,011**	**96,711**	**49,611**	**65,031**
	Optimal Placement of Unattended Sensors		2,500		1,650
	University Multi-Spectral Laboratory and Analytical Services Center		1,500	3,000	1,500
	Tactical Miniature Software Definable Receiver		2,000		1,600
	MEMS and Nanotechnology Defense Lab		2,300		2,300
	SOF Nanotechnology Integration Team		2,400		1,920
	SOCOM Power Sources Integration Team		2,500		2,000
	SOF Long Endurance Demonstrator (SLED)		5,000		5,000
	Special Ops Classified Activities Initiative		38,000		0
	Payload Interface Master Module		1,000		1,000
	SOF Tactical Interface (Note: only to continue development initiated on SBIR SOCOM 01-0006)		10,500		8,400
	Advanced, Long Endurance Unattended Ground Sensor Technology			2,100	1,700
	Biometric Signatures Research			3,000	2,000
	Joint METOC-SOCM Airdropped Sensors			2,500	1,400
	JTWS Variants for Network-Centric Advanced Platforms			5,000	2,250
	Special Operations-Application Specific Integrated Circuit Development			5,000	3,300
215	**SOF OPERATIONAL ENHANCEMENTS**	**99,010**	**104,510**	**108,810**	**107,460**
	Miniaturized Target Tracking and Locating Devices		3,000		1,350
	STOL Herk I continuation (Transferred to RDTE,AF Line 215)		2,500		0
	3-D Stabilized Facial Recognition Imaging Technology			2,000	1,300
	Advanced Tactical Electronic Countermeasures			1,500	1,000
	B-Band Covert Night Vision System LRIP			2,000	1,300
	Operational Enhancements to Low Profile NVGs (AN/PVS-21 LP/NVG)			1,000	1,000
	Special Operations Tactical Mobility Simulator			1,000	1,000
	SOCOM Counterterrorism Operational Enhancements in C4ISR			2,300	1,500
217	**SPECIAL OPERATIONS AIRCRAFT DEFENSIVE SYSTEMS**	**7,850**	**7,850**	**4,850**	**4,850**
	LBJ - funding excess to need			-3,000	-3,000
220	**UNMANNED VEHICLES (UV)**	**1,521**	**3,521**	**1,521**	**3,121**
	Unmanned Logistics Support Vehicles for SOF Initiative		2,000		1,600
999	**CLASSIFIED PROGRAMS**	**3,323,792**	**3,382,992**	**3,142,066**	**3,211,033**
	Classified Adjustment		59,200		-112,759
	JOINT FORCES COMMAND EXPERIMENTATION AND T2 - Unjustifed Program		**-30,000**	**0**	**0**

Chemical and Biological Defense Program

The conference agreement provides an increase of $25,000,000 for the Chemical and Biological Defense Initiative. The Secretary of Defense is directed to allocate these funds among the programs that yield the greatest gain in our chem-bio defensive posture. The conferees further direct that such funds may not be obligated until 15 days after a report, including a description of projects to be funded, is provided to the congressional defense committees.

MDA—Space Tracking and Surveillance System (STSS)

The budget request includes $390,585,000 for STSS, including $97,000,000 for the Block 2012 space system. The conference agreement includes $323,585,000, a reduction of $67,000,000 for Block 2012. The conferees note that two demonstration satellites will be launched in fiscal year 2007 and that exploitation of data from these satellites will allow the Missile Defense Agency to develop sensor requirements and a concept of operations that will drive the Block 2012 space system. As a result, the conferees believe it is premature to award a full Block 2012 space system acquisition contract and direct the Missile Defense Agency to use the appropriated STSS Block 2012 funds to initiate a contract to: (1) pursue sensor technology development and risk reduction; (2) complete the definition of the Block 2012 system through analysis and trades; and, (3) develop corresponding system requirements leveraging the demonstration satellites.

MDA—Avoidance of Congressional Reductions

The conferees remain concerned that the Missile Defense Agency is moving funds between various elements and programs and/or moving contract scope across elements and programs in order to avoid reductions made by the congressional defense committees. This practice is unacceptable and MDA is directed to use prior approval reprogramming procedures specified in the report accompanying the House version of the fiscal year 2007 Department of Defense Appropriations bill (H.R. 109-504) for any movement of funds or contract scope beyond the $10,000,000 threshold in research, development, test and evaluation. The MDA shall follow the limitation that prior approval reprogramming is set at either the specified dollar threshold or 20% of the line, whichever is less. The conferees agree that: Ballistic Missile Defense—AEGIS, PE 0603892C; Ballistic Missile Defense Terminal Defense Segment, PE 0603881C; Ballistic Missile Defense Midcourse Defense Segment, PE 0603882C; and Multiple Kill Vehicle, PE 0603894C are designated as congressional special interest items subject to prior approval reprogramming procedures.

MDA—Other Transaction Authority (OTA)

The conferees are concerned with the continued use of OTA contracts by the Missile Defense Agency. These OTA contracts lack the customary safeguards found under FAR-based contracts for organizational conflict of interest, truth in negotiations and submission of cost and pricing data. The conferees strongly encourage the Missile Defense Agency to convert large development and procurement contracts using OTA to FAR-based contracts. Accordingly, the conferees direct the Missile Defense Agency to submit a report on the use of Other Transaction Authority contracts by the Missile Defense Agency. This report should include the number, value, and justification for the use of Other Transaction Authority. The report should be delivered to the congressional defense committees 90 days after the enactment of this Act.

MilTech Extension Program

The conferees support the "MilTech Extension" program and encourage the Department of Defense to fund this program in the fiscal year 2008 budget request. MilTech has been highly successful at helping to transition technologies from innovative small companies to Department of Defense operational use.

MDA—AEGIS Improvements

The conferees have provided $65,000,000 for AEGIS Improvements. Of that amount $15,000,000 is available for the Sea-Based Terminal Capability, and $50,000,000 is available for development and procurement of SM-3 Interceptors.

The conferees are aware that there is an additional requirement of $20,000,000 in fiscal year 2007 for Sea-Based Terminal Defense, and direct the Missile Defense Agency to submit a prior approval reprogramming to fully fund this requirement.

Airborne Laser (ABL)

The conferees are encouraged by the recent technical progress that the Airborne Laser (ABL) program has made over the last two years with the accomplishment of the firing of the high energy laser and the flight testing of the associated beam control/fire control system. The conferees also note that these technical challenges were accomplished while the program stayed within the government determined schedule and budget.

As the acknowledged Primary Boost Phase Defense, the conferees are concerned by the recent decision of the Missile Defense Agency (MDA) to slip the planning for the development of an operational ABL by two years later than proposed in the fiscal year 2006 budget submittal. The conferees believe that if the ABL succeeds in the next two years of testing and accomplishes its main test objectives leading towards a lethal shoot down demonstration in late 2008, MDA should move the program into development of an operational ABL configuration at the earliest date.

Therefore, the conferees encourage MDA to re-evaluate funding in the Future Years Defense Plan to ensure that funding levels for ABL are consistent with its status as the Primary Boost Phase Defense. Further, the conferees recommend MDA develop a plan that would allow for the development of an advanced ABL configuration in the shortest time after a successful lethal shoot down demonstration. This plan should be delivered to the congressional defense committees 90 days after the enactment of this Act.

Defense Integrated Military Human Resources System (DIMHRS)

The conferees direct the Secretary of Defense and the currently participating individual services to maintain DIMHRS application development and implementation and DIMHRS performance development and emergent requirement efforts at the Space and Naval Warfare (SPAWAR) Systems Center (SSC) in New Orleans.

Defense Advanced Research Projects Agency (DARPA)

The conferees provide $3,135,303,000 for DARPA, a reduction of $159,045,000 from the request. The conferees direct the Director of DARP A to submit to the congressional defense committees no later than sixty days after enactment of this Act a report in writing that details by program the application of undistributed reductions made in this Act.

The conferees commend DARPA for its responsiveness and assistance in delineating its sizeable programmatic and budgetary information. However, given the magnitude of DARPA's budget and the significant quantity of programs managed by DARPA, the conferees believe that future budget justification materials should provide more individual programmatic detail, to include budget information, programmatic achievements and goals by fiscal year, as well as transition plans.

OPERATIONAL TEST AND EVALUATION, DEFENSE

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars) Budget	House	Senate	Conference
	OPERATIONAL TEST & EVAL, DEFENSE				
	RDT&E MANAGEMENT SUPPORT				
4	OPERATIONAL TEST AND EVALUATION	50,161	50,161	56,161	54,061
6	LIVE FIRE TESTING	11,245	11,245	11,245	11,245
8	OPERATIONAL TEST ACTIVITIES AND ANALYSES	120,114	120,114	120,114	120,114
	TOTAL, RDT&E MANAGEMENT SUPPORT	181,520	181,520	187,520	185,420
	TOTAL, OPERATIONAL TEST & EVAL, DEFENSE	181,520	181,520	187,520	185,420

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

		Budget Request	House	Senate	Conference
3	**OPERATIONAL TEST AND EVALUATION**	**0**	**0**	**0**	**0**
4	**OPERATIONAL TEST AND EVALUATION**	**50,161**	**50,161**	**56,161**	**54,061**
	Holloman High Speed Test Track			6,000	3,900
5	**LIVE FIRE TESTING**	**0**	**0**	**0**	**0**
6	**LIVE FIRE TESTING**	**11,245**	**11,245**	**11,245**	**11,245**
7	**DEVELOPMENT TEST AND EVALUATION**	**0**	**0**	**0**	**0**
8	**OPERATIONAL TEST ACTIVITIES AND ANALYSES**	**120,114**	**120,114**	**120,114**	**120,114**

TITLE V— REVOLVING AND MANAGEMENT FUNDS

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
TITLE V				
REVOLVING AND MANAGEMENT FUNDS				
Defense Working Capital Funds	1,345,998	1,345,998	1,345,998	1,345,998
National Defense Sealift Fund: Ready Reserve Force	1,071,932	1,071,932	616,932	1,071,932
Pentagon Reservation Maintenance Revolving Fund	18,500	18,500	18,500	18,500
Total, title V, Revolving and Management Funds	2,436,430	2,436,430	1,981,430	2,436,430

DEFENSE WORKING CAPITAL FUNDS

The conference agreement provides $1,345,998,000, as proposed by both the House and the Senate, for the Defense Working Capital Funds.

NATIONAL DEFENSE SEALIFT FUND

The conference agreement provides a total of $1,071,932,000 for the National Defense Sealift Fund as proposed by the House instead of $616,932,000 as proposed by the Senate. The conference agreement restores the reduction of $455,000,000 for the T-AKE cargo/ammunition ship program proposed by the Senate.

PENTAGON RESERVATION MAINTENANCE REVOLVING FUND

The conference agreement provides $18,500,000, as proposed by both the House and the Senate, for the Pentagon Reservation Maintenance Revolving Fund.

TITLE VI—OTHER DEPARTMENT OF DEFENSE PROGRAMS

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
TITLE VI				
OTHER DEPARTMENT OF DEFENSE PROGRAMS				
Chemical Agents & Munitions Destruction, Army:				
Operation and maintenance	1,046,290	1,046,290	1,046,290	1,046,290
Research, development, test and evaluation	231,014	231,014	231,014	231,014
Total, Chemical Agents 1/	1,277,304	1,277,304	1,277,304	1,277,304
Drug Interdiction and Counter-Drug Activities, Defense	926,890	936,990	978,212	977,632
Office of the Inspector General	216,297	216,297	216,297	216,297
Total, title VI, Other Department of Defense Programs	2,420,491	2,430,591	2,471,813	2,471,233

1/ Included in Budget under Procurement title.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conference agreement provides $977,632,000 for "Drug Interdiction and Counter-Drug Activities, Defense" instead of $936,990,000 as proposed by the House and $978,212,000 as proposed by the Senate. Adjustments to the budget request are as follows:

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE
(In thousands of dollars)

	House	Senate	Conference
	936,990	978,212	977,632
Recommended Increases:			
Indiana National Guard Counter-Drug Activities	1000		1,000
Nevada National Guard Counter-Drug Program	3,750	3,750	3,750
Florida National Guard Counter-Drug Activities	3,000		2,400
Regional Counter-Drug Training Academy, Mississippi	2,000	2,600	2,080
Southwest Border	8,000		5,200
RINGGOLD Linguists fot the Washington State NG	350		350
Multi-Jurisdictional Counter Drug Task Force Training	3,500		3,500
Young Marines	2,500		2,000
Alaska National Guard Counter-Drug Program		3,000	2,400
Hawaii National Guard Counter-Drug Program		3,100	2,480
West Virginia Counter-Drug Program		3,000	2,400
Minnesota National Guard Counter-Drug Program		1,500	1,000
Counter-Drug Plus Up for the Kentucky National Guard		3,500	2,280
Midwest Counter-Drug Training Center		6,000	4,500
Marijuana Cannabis Eradication Decision Support System		700	700
Northeast Regional Counter-Drug		5,500	3,580
Appalachia High Intensity Drug Trafficking Area Tennessee		4,000	2,600
New Mexico National Guard Counter-Drug Program		3,000	1,350
National Guard Counter-Drug Support		25,000	20,000
Recommended Reductions:			
SOUTHCOM	-7,000		0
NORTHCOM	-2,000		0
PACOM	-1,000		0
CENTCOM	-2,000		-2,000
Intelligence and Technology	-2,000		0
PC 9201 Support for Bolivia		-500	-500
PC 9201 Program Execution		-10,000	-10,000
PC 9493 SOUTHCOM OPS Support		-2,500	0
PC 9494 Support for Bolivia		-328	-328

OFFICE OF THE INSPECTOR GENERAL

The conferees have agreed to provide a total amount of $216,297,000 for the Office of the Inspector General. Of this amount, $214,897,000 shall be for operation and maintenance, and $1,400,000 shall be for procurement.

TITLE VII—RELATED AGENCIES

The conference agreement on items addressed by either the House or the Senate is as follows:

	Budget	House	Senate	Conference
	(In thousands of dollars)			
TITLE VII				
RELATED AGENCIES				
Central Intelligence Agency Retirement and Disability System Fund	256,400	256,400	256,400	256,400
Intelligence Community Management Account	634,811	597,111	597,011	621,611
Transfer to Department of Justice	---	(39,000)	---	(39,000)
Total, title VII, Related agencies	891,211	853,511	853,411	878,011

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

The conference agreement provides $256,400,000 for payment to the Central Intelligence Agency Retirement and Disability System Fund, as proposed by both the House and the Senate.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $621,611,000 for the Intelligence Community Management Account, instead of $597,111,000 as proposed by the House and $597,011,000 as proposed by the Senate.

The conference agreement provides for a transfer of $39,000,000 to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, the same amount as proposed by the House.

IRAQ NATIONAL INTELLIGENCE ESTIMATE

The conferees did not include bill language requiring the Office of the Director of National Intelligence (ODNI) to provide a National Intelligence Estimate (NIE) for Iraq. The conferees understand that the ODNI is currently drafting such a document. The conferees urge the ODNI in creating the NIE to follow the parameters set out in the Senate bill in Title VII, under the heading "Intelligence Community Management Account."

TITLE VIII—GENERAL PROVISIONS

The conference agreement incorporated general provisions of the House and Senate versions of the bill which were not amended. Those general provisions that were amended in conference follow:

The conferees include a general provision (Section 8005) as proposed by the House and the Senate concerning transfer authority. The conferees also include language that requires a prior approval reprogramming before obligating funds pursuant to section 1206 of Public Law 109-163.

The conferees include a general provision (Section 8008) which amends language, as proposed by the House and the Senate, concerning multi-year procurement authority. The conference agreement provides multi-year procurement authority for C-17 Globemaster; F-22A; MH-60R Helicopters; MH-60R Helicopter mission equipment; and V-22 Osprey.

The conferees include a general provision (Section 8023) which amends language, as proposed by the House and Senate, with respect to Federally Funded Research and Development Centers.

Section 8024 in title VIII of this Act prohibits the use of government funds to purchase armor steel plate that was not melted and rolled in the United States or Canada. The conferees are concerned that the Department of Defense may alter or weaken the intent of Congress through changes to the implementing instructions. The conferees direct the Department to discuss any proposed changes with the relevant congressional committees and gain congressional approval before altering the current interpretation of this prohibition.

The conferees include a general provision (Section 8039) which amends language, as proposed by the House and Senate, to make funds available under "Operation and Maintenance, Defense-Wide" for the Office of Economic Adjustment to make grants.

The conferees include a general provision (Section 8040) which amends language, as proposed by the House and Senate, recommending rescissions. The rescissions agreed to are:

(RESCISSIONS)

2005 Appropriations:	
Shipbuilding and Conversion, Navy: CVN-21/PUAF	$11,245,000
Aircraft Procurement, Air Force: F-15E Procurement	108,000,000
2006 Appropriations:	
Other Procurement, Army:	
Warfighter Information Network WIN-T	100,200,000
Modifications of In-Service Equipment	20,000,000
Aircraft Procurement, Navy:	
MH-60S (MYP)	36,000,000
KC-130J AP (CY)	11,500,000
C-130 Series	29,200,000
Aircraft Procurement, Air Force:	
F-22A Advance Procurement	77,000,000
F-15E Procurement	64,100,000
Missile Procurement, Air Force:	
EELV	100,000,000
GPS (AP)	42,000,000
Research, Development, Test and Evaluation, Army: Aerial Common Sensor	21,600,000
Research, Development, Test and Evaluation, Navy:	
Materials, Electronics and Computer Technology	1,400,000
Mine Development	8,700,000
Aerial Common Sensor	25,698,000
Research, Development, Test and Evaluation, Air Force: B-52 Standoff Jammer	92,800,000
Research, Development, Test and Evaluation, Defense-Wide:	
DARPA	100,000,000
Joint Robotics Program—EMD, Gladiator Teleoperated Unmanned Vehicle	2,500,000
Classified Program—C3I	7,200,000
Classified Programs	11,000,000

The conferees include a general provision (Section 8077) which amends language, as proposed by the House and Senate, to reduce funds available in Operation and Maintenance accounts by $158,100,000 for excessive growth in other contracted services.

The conferees include a general provision (Section 8079) which amends language, as proposed by the House and Senate, concerning the Arrow missile defense program. The conference agreement provides a total of $137,894,000 for the Arrow program of which $53,000,000 is earmarked for missile component co-production, and $20,400,000 is earmarked only for the Short Range Ballistic Missile Defense initiative.

The conferees include a general provision (Section 8080) which amends language, as proposed by the House and Senate, to provide transfer authority for specified shipbuilding programs. The agreement provides total transfer authority of $512,849,000 instead of $436,449,000 as proposed by the House and $557,849,000 as proposed by the Senate. The agreement also distributes funds to specified shipbuilding programs.

The conferees include a general provision (Section 8088) which amends language, as proposed by the House, to provide $11,100,000 for grants to various organizations.

The conferees include a general provision (Section 8096) which amends language, as proposed by the House and Senate to provide special transfer authority for Navy shipbuilding programs. The agreement accepts provisions contained in the House bill, but accepts the Senate proposal regarding the availability of transferred funds. The agreement specifies that transferred funds are available for the time period of the original appropriation and are not extended by the transfer.

The conferees include a general provision (Section 8102) which amends language, as proposed by the Senate, to provide funds for the operations and development of training and technology for warfighting and first responder training at the Joint Interagency Training Center-East.

The conferees include a general provision (Section 8103) which amends language, as proposed by the Senate, to extend the authority of a Defense Advanced Research Project Agency program through September 30, 2008.

The conferees include a general provision (Section 8106) which amends language, as proposed by the House and Senate, to reduce funds available in this Act to reflect savings from revised economic assumptions.

The conferees include a general provision (Section 8110) which amends language, as proposed by the Senate, which requires the Secretary of the Air Force to submit a cost-benefit analysis of research and development activities.

The conferees include a general provision (Section 8111) which amends language, as proposed by the House, to prohibit the use of funds provided in this Act to waive or modify regulations concerning the National Security Personnel System.

The conferees include a general provision (Section 8112) that clarifies the definition of "this Act".

TITLE IX - ADDITIONAL APPROPRIATIONS

The following table provides details of the supplemental appropriations in this title.

[In thousands of dollars]

Account	Conference
Military Personnel:	
Military Personnel, Army	4,346,710
Military Personnel, Navy	143,296
Military Personnel, Marine Corps	145,576
Military Personnel, Air Force	351,788
Reserve Personnel, Army	87,756
Reserve Personnel, Marine Corps	15,420
National Guard Personnel, Army	295,959
Total Military Personnel	5,386,505
Operation and Maintenance:	
O&M, Army	28,364,102
O&M, Navy	1,615,288
O&M, Marine Corps	2,689,006
O&M, Air Force	2,688,189
O&M, Defense-Wide	2,774,963
O&M, Army Reserve	211,600
O&M, Navy Reserve	9,886
O&M, Marine Corps Reserve	48,000
O&M, Air Force Reserve	65,000
O&M, Army National Guard	424,000
O&M, Air National Guard	200,000
Iraq Freedom Fund	50,000
Afghanistan Security Forces Fund	1,500,000
Iraq Security Forces Fund	1,700,000
Joint Improvised Explosive Device Defeat Fund	1,920,700
Total Operation and Maintenance	44,260,734
Procurement:	
Aircraft Procurement, Army	1,461,300
Procurement of WTCV, Army	3,393,230
Procurement of Ammunition, Army	237,750
Other Procurement, Army	5,003,995
Aircraft Procurement, Navy	486,881
Weapons Procurement, Navy	109,400
Procurement of Ammunition, Navy & Marine Corps	127,880
Other Procurement, Navy	319,965
Procurement, Marine Corps	4,898,269
Aircraft Procurement, Air Force	2,291,300
Missile Procurement, Air Force	32,650
Other Procurement, Air Force	1,317,607
Procurement, Defense-Wide	145,555
Total Procurement	19,825,782

[In thousands of dollars]

Account	Conference
Research, Development, Test and Evaluation:	
RDT&E, Navy	231,106
RDT&E, Air Force	36,964
RDT&E, Defense-Wide	139,644
Total RDT&E	407,714
Other Department of Defense Programs:	
Drug Interdiction and Counterdrug Activities, Defense	100,000
Related Agencies:	
Intelligence Community Management Account	19,265
General Provisions	
Transfer Authority for GWOT Supplemental [Non add]	[3,000,000]
Grand Total	70,000,000

REPORTING REQUIREMENTS

The conferees direct the Secretary of Defense to provide a report to the congressional defense committees within 30 days of enactment of this legislation on the allocation of the funds within the accounts listed in this title. The Secretary shall submit updated reports 30 days after the end of each fiscal quarter until funds listed in this title are no longer available for obligation. The conferees direct that these reports shall include: a detailed accounting of obligations and expenditures of appropriations provided in this title by program and subactivity group for the continuation of the war in Iraq and Afghanistan; and a listing of equipment procured using funds provided in this title.

The conferees expect that in order to meet unanticipated requirements, the Department of Defense may need to transfer funds within these appropriation accounts for purposes other than those specified in this report. The conferees direct the Department of Defense to follow normal prior approval reprogramming procedures should it be necessary to transfer funding between different appropriations accounts in this title.

RESET

The high operating tempo resulting from training and subsequent deployment to Iraq and Afghanistan, combined with severe environmental conditions, results in an equipment wear out factor that is several times the peace time rate. Combat losses add to the overall deterioration in the readiness rating of entire categories of equipment ranging from night vision devices to communications equipment to combat and support vehicles. While units deploying to combat theaters and in the combat theaters are fully equipped with the most capable equipment, units at home station are often faced with equipment shortages or unready equipment. These shortages limit the capacity of units to conduct readiness training, and in the case of the National Guard, may limit the capacity of units to perform state emergency missions. Units returning from deployment go through the reset process in which equipment is repaired and battle losses are replaced in order to return the unit to full readiness posture.

The conferees are concerned that the reset effort has not kept up with the requirements generated by the ongoing Global War on Terror, especially in the Army and Marine Corps for which nearly continuous ground combat operations have been especially hard on equipment. The conferees understand that the necessary capacity is available at industry and government facilities to repair or replace the worn out equipment. The House and Senate each included funds for reset in their version of the Defense Appropriations Act for fiscal year 2007. The conferees have worked closely with the Army and Marine Corps to examine reset funding requirements and the services' capacity to execute those funds and accomplish the reset mission as quickly as possible to ensure military readiness. Within title IX, the conferees have provided $17.1 billion for additional fiscal year 2007 reset funding for the Army and $5.8 billion for the Marine Corps, amounts identified by these services as necessary to meet their fiscal year 2007 requirements. The conferees recommend this substantial funding increase in order to ensure the readiness of the armed forces. The conferees note that this critical funding has been provided without a formal request from the administration and urge the Department of Defense to include funding in future budget requests to address reset requirements and ensure that readiness goals are achieved.

MILITARY PERSONNEL

The following table provides details of the supplemental appropriations in this title.

[In thousands of dollars]

Account	Conference
Military Personnel, Army:	
Foreign Language Proficiency Pay	60,949
Pay and Allowances	4,035,061
Other Military Personnel Costs: SGLI Extra Hazard Payments and Traumatic Injury Protection	250,700
Total Military Personnel, Army	4,346,710
Military Personnel, Navy:	
Foreign Language Proficiency Pay	28,796
Other Military Personnel Costs: SGLI Extra Hazard Payments and Traumatic Injury Protection	114,500
Total Military Personnel, Navy	143,296
Military Personnel, Marine Corps:	
Foreign Language Proficiency Pay	3,256
Pay and Allowances	88,120
Other Military Personnel Costs: SGLI Extra Hazard Payments and Traumatic Injury Protection	54,200
Total Military Personnel, Marine Corps	145,576
Military Personnel, Air Force:	
Pay and Allowances	202,300
Foreign Language Proficiency Pay	20,488
Other Military Personnel Costs: SGLI Extra Hazard Payments and Traumatic Injury Protection	129,000
Total Military Personnel, Air Force	351,788
Reserve Personnel, Army:	
Other Training and Support: Special Training (Pre/Post Mobilization Training)	87,756
Total Reserve Personnel, Army	87,756
Reserve Personnel, Marine Corps:	
Unit and Individual Training	15,420
Total Reserve Personnel, Marine Corps	15,420
National Guard Personnel, Army:	
Authorized End Strength	251,000
Other Training and Support: School Training	44,959
Total National Guard Personnel, Army	295,959
Total Military Personnel	5,386,505

OPERATION AND MAINTENANCE

The following table provides details of the supplemental appropriations in this title.

[In thousands of dollars]

Account	Conference
Operation and Maintenance, Army:	
Operating Forces	8,308,000
LOGCAP	2,700,000
Theater Communications	620,000
Personnel Support	1,690,000
Airlift and Sealift	3,100,000
Rapid Fielding Initiative	500,000
Depot Maintenance	4,154,200
Reset (Unit and Intermediate Maintenance)	3,690,000
Army Pre-positioned Stocks	344,800
Recapitalization	695,000
Body Armor and Personal Force Protection	1,000,000
Servicewide Transportation	747,380
Classified Programs	305,722
Commander's Emergency Response Program	500,000
Hemostatic Agents (from Senate Sec. 9014)	9,000
Total Operation and Maintenance, Army	28,364,102
Operation and Maintenance, Navy:	
Operating Forces	304,490
Mission and Other Flight Operations	340,000
Combat Support Forces	297,000
Aviation Depot Maintenance (for Marine Corps)	380,000
Coast Guard Support	90,000
Ship Prepositioning and Surge	2,300
Training and Recruiting	4,900
Administration and Servicewide Activities	110,200
Classified Programs	41,598
Counter IED Collection and Exploitation	44,800
Total Operation and Maintenance, Navy	1,615,288
Operation and Maintenance, Marine Corps:	
Operating Forces	1,324,000
Reset/Personnel Combat Equipment	85,000
Depot Maintenance	471,000
Field Logistics	366,104
Prepositioning	18,897
Recruiting and Advertising	34,458
Training Support	87,023
Servicewide Transportation	191,558
Base Support	104,400
Hemostatic Agents (from Senate Sec. 9014)	2,000
Classified Programs	4,566
Total Operation and Maintenance, Marine Corps	2,689,006

[In thousands of dollars]

Account	Conference
Operation and Maintenance, Air Force:	
Operating Forces/Flying Hours	790,600
Combat Communications	200,000
Combat Forces Depot Maintenance	480,400
Airlift Operations	862,900
Training and Recruiting	26,500
Classified Programs	177,289
Administration and Servicewide Activities	107,400
U-2	43,100
Total Operation and Maintenance, Air Force	2,688,189
Operation and Maintenance, Defense-Wide:	
DISA	38,800
DLA	26,100
DLSA	11,000
DODEA Family Advocacy Program and Counseling Assistance for Military Families	50,000
DHRA	9,800
WHS	9,300
Joint Advertising, Market Research and Studies Program (from Senate Sec. 8120)	7,500
Classified Programs	802,463
Special Operations	900,000
DCSA Coalition Support	900,000
Sudan Peacekeeping	20,000
Total Operation and Maintenance, Defense-Wide	2,774,963
Operation and Maintenance, Army Reserve:	
Operating Forces Support	71,600
Pre-Deployment and Post-Deployment Training	140,000
Total Operation and Maintenance, Army Reserve	211,600
Operation and Maintenance, Navy Reserve:	
Operating Forces Support	8,036
Classified Programs	1,850
Total Operation and Maintenance, Navy Reserve	9,886
Operation and Maintenance, Marine Corps Reserve:	
Initial Issue/Personnel Protection Equipment	42,000
Pre-Deployment Training	6,000
Total Operation and Maintenance, Marine Corps Reserve	48,000

[In thousands of dollars]

Account	Conference
Operation and Maintenance, Air Force Reserve:	
Pre-Deployment and Post-Deployment Training	65,000
Total Operation and Maintenance Air Force Reserve	65,000
Operation and Maintenance, Army National Guard:	
Authorized End Strength	220,000
Operating Forces Support	104,000
Pre-Deployment and Post-Deployment Training	100,000
Total Operation and Maintenance, Army National Guard	424,000
Operation and Maintenance, Air National Guard:	
Pre-Deployment and Post-Deployment Training	200,000
Total Operation and Maintenance, Air National Guard	200,000
Iraq Freedom Fund:	
Joint Rapid Acquisition for Global War on Terror	50,000
Total Iraq Freedom Fund	50,000
Afghanistan Security Forces Fund	1,500,000
Iraq Security Forces Fund	1,700,000
Joint Improvised Explosive Device Defeat Fund	1,920,700
Total Operation and Maintenance	44,260,734

HOME STATION READINESS TRAINING, LOGISTICS, AND RESET

In this title the conferees recommend $44,260,734,000 in the operation and maintenance accounts. In addition to substantial funding required to support continuing combat and security operations in Afghanistan and Iraq, the conferees understand that significant amounts are required in support of a range of home station activities, including unit mobilizations, specialized pre-deployment training, transportation, reset, and post-deployment training. The funding provided in this title, particularly the substantial funding for repair of equipment, will ensure recovery to established readiness standards for full spectrum combat operations around the world. To the extent that training, maintenance and reset activities displace normal peacetime training events, the amounts provided in home station operation and maintenance lines in title II of this conference report have been reduced. The Department of Defense should allocate title IX operation and maintenance funding accordingly to ensure full support for pre-deployment and post-deployment operations, as well as for continuing combat and security operations in support of the Global War on Terror.

AFGHANISTAN AND IRAQ SECURITY FORCES FUNDS

The conferees provide $1,500,000,000 for the Afghanistan Security Forces Fund and $1,700,000,000 for the Iraq Security Forces Fund. These funds will continue the training of indigenous security forces and provide equipment and infrastructure essential to developing capable security forces in Afghanistan and Iraq. The conferees direct the Department to continue to provide comprehensive financial plans for the security forces funds as directed in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234). The conferees further expect that up to $2,000,000 of the funds provided for the Afghanistan Security Forces Fund be available for infrastructure improvements for the Afghanistan military legal system, as proposed by the Senate.

COMMANDER'S EMERGENCY RESPONSE PROGRAM

The conferees recommend $500,000,000 to continue the Commander's Emergency Response Program (CERP). The conferees direct the Department to submit quarterly reports on CERP not later than 15 days after the end of each fiscal quarter to the congressional defense committees. The quarterly reports should include detailed information on the source of funds for the program, the allocation and use of funds during that quarter, the recipient of the funds, and the specific purposes for which the funds were used.

PROCUREMENT

The following table provides details of the supplemental appropriations in this title.

[In thousands of dollars]

Account	Conference
Aircraft Procurement, Army:	
CH-47 Replacement/Mods/Battle Losses (17 aircraft)	511,500
AH-64 Replacement (18 aircraft)	621,000
UH-60 Blackhawk - Battle Losses (15 aircraft)	225,000
UH-60 Blackhawk - Army National Guard (5 aircraft)	95,100
Aviation Ground Support Equipment	2,200
Air Traffic Control	6,500
Total Aircraft Procurement, Army	1,461,300
Procurement of Weapons and Tracked Combat Vehicles, Army:	
Bradley Base Sustainment	1,402,500
Abrams Integrated Management Program, incl. TUSK and IED prot.	574,700
Abrams SEP M1A2, incl. Combat losses	700,000
Stryker--Combat Losses	82,130
Stryker Slat Armor	25,000
Carrier Mods	132,200
FIST Vehicle Mods	130,000
Improved Recovery Vehicle	272,400
MK-19 Grenade Machine Gun (40mm)	10,050
M240 medium machine gun (7.62mm)	21,600
M4 carbine mods	15,450
M249 SAW machine gun (5.56mm)	22,200
M2 50 caliber machine gun mods	5,000
Total Procurement of WTCV, Army	3,393,230
Procurement of Ammunition, Army:	
CTG, 5.56MM, All Types	107,300
CTG, 7.62MM, All Types	56,800
CTG, .50 CAL, All Types	62,550
CTG, 20MM Phalanx	11,100
Total Procurement of Ammunition, Army	237,750
Other Procurement, Army:	
Tactical Trailer/Dolly Sets	56,800
Semitrailer FB/BB/Cont Trans 22 1/2 T	87,000
Semitrailer, Tankers	53,600
Up-Armor HMMWVs: M1114, M1151, M1152	1,074,900
Up-Armor HMMWV Fragmentation Kits and Gunner Protection Kits	214,000
Family of Medium Tactical Vehicles	794,700
Truck, Firefighting, Tactical	6,000
HMMWV Recap	455,000
HEMTT ESP	131,200
Family of Heavy Tactical Vehicles	647,600
Family of Heavy Tactical Vehicles Trailers	12,500
Armored Security Vehicles	83,000
Truck, Tractor, Line Haul	138,200
Items less than $5 million (tactical vehicles)	8,000
Towing Device - Fifth Wheel	174
SINCGARS Family	124,500

[In thousands of dollars]

Account	Conference
Radio Improved, HF Family	48,200
Combat Survivor Radios	8,270
Information System Security Program	1,100
Force XXI Battle Command BDE and Below (FBCB2)	80,000
Mortar Fire Control System	6,300
NAVSTAR Global Positioning System (Space)	12,700
Prophet Ground	48,250
Knight Family	50,000
TC AIMS II	124
Night Vision Devices	160,500
Fire Finder Radar	9,600
CBRN Soldier Protection	50,300
Tactical Unmanned Aerial System (TUAS) (MIP)	50,150
Ground Standoff Mine Detection System	26,400
GSTAMIDS Route Clearance Team Equipment	66,100
Laundries, Showers, and Latrines	12,300
Field Feeding Equipment	1,800
Items less than $5 million (engineering support)	800
Distribution Systems, Petroleum and Water	42,600
Water Purification System	800
Combat Support Medical	21,900
Shop Equipment Contact Maintenance Truck (MYP)	32,100
Welding Shop, Trailer MTD	2,100
Items less than $5 million (maintenance equipment)	25,700
Grader, MTZD, HVY	10,000
Loader, Scoop Type	5,000
Hydraulic Excavator	2,600
Cranes	4,200
High Mobility Engineer Excavator (HMEE)	1,400
Construction Equiipment ESP	17,500
Generators and Associated Equipment	21,600
Rough Terrain Container Handler	64,500
All Terrain Lifting Arm System	33,200
Integrated Family of Test Equipment	4,700
Physical Security Systems	1,000
Mod of In-Service Equipment (OPA 3)	4,600
Fire Support C2 Family	7,000
Tactical Bridge, Float Ribbon	70,900
Classified Programs	64,527
Single Army Logistics Enterprise (PBUSE)	36,000
HMMWV and Tactical Truck Crew/Convoy Training Simulator ($1,500,000 is available only for convoy training simulators for the National Guard)	10,000
Total Other Procurement, Army	5,003,995

[In thousands of dollars]

Account	Conference
Aircraft Procurement, Navy:	
War Consumables	34,916
P-3 Series Modifications	62,500
AV-8B Attrition Recovery	15,507
AV-8B Oil Tester/JETSCAN	1,400
AV-8B Litening on Station 4	4,200
TAV-8B 30KVA Generator	3,470
TAV-8B Depot Maintenance	10,700
CH-46E Aircraft Sustainment	11,850
CH-46E Engine Electrical Overspeed Protection	3,866
CH-46E M240D Machine Gun	750
CH-53E AMARC	5,620
CH-53E IMDS	8,900
CH-53 EAPS Seals	2,100
CH-53 T-64 Engine Reliability Improvement	5,100
CH-53D rate gyro	1,150
H-1 Y/Z Procurement	68,600
H-46 Crash Attenuating CC & AO Seats	2,752
KC-130-J procurement	71,800
Misc Aviation Sustainment Support Packages	35,800
MV-22 Aircraft Procurement	71,000
MV-22 Pre Block A to Block B Mods	54,600
MV-22 Spares	10,300
Total Aircraft Procurement, Navy	486,881
Weapons Procurement, Navy:	
Hellfire II -- Marine Corps	100,000
Pioneer UAV Sustainment	9,400
Total Weapons Procurement, Navy	109,400
Procurement of Ammunition, Navy and Marine Corps:	
5.56mm, All Types	16,437
7.62MM, All Types	10,675
.50 Caliber	4,947
Grenades, All Types	13,145
Artillery, All Types	11,956
Linear Chages, All Types	4,216
40mm, All Types	9,227
60mm, All Types	9,876
81mm, All Types	17,474
120mm, All Types	11,034
Ctg 25mm, All Types	1,322
9mm, All Types	471
Rockets, All Types	7,062
Demolition Munitions, All Types	7,668

[In thousands of dollars]

Account	Conference
Fuzes, All Types	1,136
Non Lethals	1,137
Item Less Than $5 Million	97
Total Procurement of Ammunition, Navy and Marine Corps	127,880
Other Procurement, Navy:	
Physical Security Equipment	28,865
Classified Programs	21,500
Construction & Maintenance Equipment	48,584
Items under $5 million	19,203
Material Handling Equipment	1,000
Tactical Vehicles	186,213
Littoral Battlespace Sensing	500
Al Asad Facility Transfer	14,100
Total Other Procurement, Navy	319,965
Procurement, Marine Corps:	
AAV7A1 PIP	39,448
Air Operations C2 Systems	35,279
Amphibious Support Equipment	28,257
Bridge Boat	22,717
Bulk Liquid Equipment	20,174
Comm Switching and Control Systems	218,671
Comm & Electrical Infrastructure Support	53,580
Command Post Systems	102,357
Common Computer Resources	40,162
Container Family	7,741
Environmental Control Equipment	30,998
EOD Systems	652,067
Expeditionary Air Defense System	2,924
Family of Construction Equipment	98,914
Family of Field Feeding Systems	2,598
Family of Internally Transportabe Vehicles (ITV)	10,845
Family of Tactical Trailers	92,807
Field Medical Equipment	6,902
Fire Support System	43,265
HIMARS	215,350
Intelligence Support Equipment	81,720
Items Less Than $5M (BLI 523000)	775
Items Less Than $5M (BLI 667000)	26,891
Items Less Than $5M (BLI 462000)	14,183
Javelin	46,500
LAV PIP	73,300

[In thousands of dollars]

Account	Conference
Logistics Vehicle Replacement	48
M1A1 Firepower Enhancements	1,154
Material Handling Equipment	68,818
Medium Tactical Vehicle Replacement	15,226
Mod Kits (BLI 206100)	78,266
Mod Kits (BLI 312300)	159,434
Mod Kits (BLI 465200)	43,185
Mod Kits (BLI 665400)	7
Modular Weapon System	51,590
Motor Transport Modifications	163,600
Night Vision Equipment	210,501
Power Equipment Assorted	12,569
Radar Systems	21,093
Radio Systems	854,719
Repair and Test Equipment	96,609
Tactical Fuel Systems	37,455
Training Devices	165,653
Unit Operations Center	267,200
Up Armored HMMWV: M1114, M1151, M1152	557,521
Weapons Enhancement Program	2,703
Weapons and Combat Vehicles under $5 million	122,493
Total Procurement, Marine Corps	4,898,269
Aircraft Procurement, Air Force:	
C-17 Procurement (10 Aircraft)	2,094,000
Predator UAV	131,900
Predator UAVs for SOCOM	65,400
Total Aircraft Procurement, Air Force	2,291,300
Missile Procurement, Air Force:	
Predator Hellfire Missiles	32,650
Total Missile Procurement, Air Force	32,650
Other Procurement, Air Force:	
HMMWV, Up-Armored	5,650
HMMWV Armored	4,200
Classified Programs	1,307,757
Total Other Procurement, Air Force	1,317,607

[In thousands of dollars]

Account	Conference
Procurement, Defense-Wide:	
MH-47 Service life extension program	4,100
Time delay firing device/Sympathetic detonation	6,000
Persistent Predator Operations and Intelligence (PPOI)	13,400
Payload Integration - Predator	6,000
Specialized Ballistic Protection	2,200
Counter-Ambush Weapons System	6,300
MH-47 Radio Frequency countermeasures	8,000
M134 DT Miny-Gun Replacement	12,400
Miniature Milti-Band Beacons	8,900
Small Arms-Laser Acquisition Marker	5,300
SU-232 / PAS Thermal Clip On Night Vision Device	6,100
Classified Programs	66,855
Total Procurement, Defense-Wide	145,555
Total Procurement	19,825,782

C-17 PROCUREMENT

The conference agreement provides an additional $2,094,000,000 for 10 C-17 aircraft in title IX to support airlift requirements in the Global War on Terror. The Air Force is encouraged to rapidly procure these additional aircraft in the most efficient method possible. Reprogramming of these funds for uses other than procurement of C-17s, and ancillary equipment, is expressly prohibited without prior approval of Congress.

The conferees are concerned that the Department of Defense study establishing the strategic airlift requirement may be flawed and may seriously understate the need for C-17 aircraft. The Government Accountability Office has raised questions about the study and has suggested that Congress exercise caution in using that study to make investment decisions. The conferees direct the Department of Defense to continue funding C-17 production in the fiscal year 2008 budget.

NATIONAL GUARD AND RESERVE EQUIPMENT

The Senate included a general provision which provided that $2,440,000,000 of the procurement funds in title IX shall be available for the National Guard and the Army Reserve for National Guard and Reserve equipment. The House provided $500,000,000 in National Guard and Reserve Equipment for the Army National Guard to continue an effort begun in fiscal year 2006 to meet the "Essential 10 Equipment Requirements for the Global War on Terror" as identified by the National Guard Bureau. The conferees direct that $2,940,000,000 of the procurement funds provided in title IX shall be available only for the Army National Guard and the Army Reserve, and that $500,000,000 of those funds shall be available for the purposes identified in House Report 109–504 under the heading "National Guard and Reserve Equipment". The conferees further direct the Chief of the National Guard Bureau to submit a report specifying the items to be procured with this funding and a fielding plan for this equipment not later than 60 days after the enactment of this Act.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The following table provides details of the supplemental appropriations in this title.

[In thousands of dollars]

Account	Conference
RDT&E, Navy:	
Classified Programs	110,000
Situational awareness improvements at forward operating bases in Iraq	2,000
AV-8(B) litening on station 4	6,656
AV-8(B) low pressure compressor	1,200
EA-6(B) acceleration of advanced IRCM capability	80,900
EA-6(B) AAR-47(V)2 missile warning system (ASE)	20,000
AV-8(B) digital ITER 1760 (JDAM) precision weapons	10,350
Total RDT&E, Navy	231,106
RDT&E, Air Force:	
Classified Programs	36,964
Total RDT&E, Air Force	36,964
RDT&E, Defense-Wide:	
Classified Programs	139,644
Total RDT&E, Defense-Wide	139,644
Total RDT&E	407,714

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conferees are concerned with the increased level of poppy production in Afghanistan. Since fiscal year 2004, Congress has provided the Department of Defense nearly $500,000,000 to curtail poppy production and train and equip the Afghanistan special narcotics police units and border agents. The conferees have included an additional $100,000,000 to continue to expedite this effort in fiscal year 2007. The conferees direct the Department of Defense to provide the congressional defense committees with a detailed execution plan on the use of these funds. The Department may not obligate any of these funds until the committees have received this report. Further, these funds may not be used for the construction or modification of facilities. In addition, the Department is directed to provide to the Appropriations Committees an interagency report on the Administration's plan to address drug production, drug smuggling, and narco-terrorism financing in the Central Asian region no later than March 1, 2007.

GENERAL PROVISIONS—THIS TITLE

The conferees include a general provision (Section 9001) as proposed by the House and the Senate, which provides that appropriations made in this title are available for obligation until September 30, 2007, unless otherwise so provided in this title.

The conferees include a general provision (Section 9002) as proposed by the House and the Senate, which provides that funds made available in this title are in addition to amounts provided elsewhere in this Act.

The conferees include a general provision (Section 9003) which amends language, as proposed by the House and the Senate, which provides that the Secretary of Defense is permitted to transfer up to $3,000,000,000 of funds made available in this title subject to certain conditions and reporting requirements.

The conferees include a general provision (Section 9004) as proposed by the House and the Senate, which provides that funds appropriated in title IX of this Act for intelligence activities are deemed to be authorized for purposes of section 504 of the National Security Act of 1947.

The conferees include a general provision (Section 9005) as proposed by the House and the Senate, which prohibits the use of funds provided in title IX to finance programs or activities denied by Congress, or to initiate a new start program without prior notification to the congressional defense committees.

The conferees delete language as proposed by the House, which provided funds for support to the military and security forces of Iraq and Afghanistan. These matters are addressed in the relevant appropriations accounts.

The conferees include a general provision (Section 9006) as proposed by the House and the Senate, which provides up to $500,000,000 from funds available in this title for the Commander's Emergency Response Program, and requires quarterly reports regarding the use of these funds.

The conferees include a general provision (Section 9007) as proposed by the Senate, which provides that funds available in this title may be used by the Department of Defense to purchase armored vehicles for force protection, and requires quarterly reports.

The conferees include a general provision (Section 9008) as proposed by the House and Senate, which provides that funds available to the Department of Defense for operation and maintenance may be used to provide supplies, services and transportation to coalition forces in Afghanistan and Iraq.

The conferees include a general provision (Section 9009) as proposed by the House and Senate, which provides that for construction projects in Iraq and Afghanistan funded with operation and maintenance funds, supervisory and administrative costs may be obligated when the contract is awarded.

The conferees include a general provision (Section 9010) as proposed by the House and Senate, which requires the Secretary of Defense to provide quarterly reports to Congress on a comprehensive set of indicators and measures for progress toward military and political stability in Iraq. The conferees urge the Secretary to also address procedures and guidelines to protect U.S. military and civilian personnel in Iraq in the event of increased sectarian violence.

The conferees include a general provision (Section 9011) as proposed by the House, which contains a technical correction to clarify the designation of certain funds.

The conferees include a general provision (Section 9012) as proposed by the House and Senate, which prohibits funds in this Act for establishing permanent U.S. military installations in Iraq or exercising U.S. control over oil resources in Iraq.

The conferees include a general provision (Section 9013), which amends language, as proposed by the Senate, which designates amounts appropriated or otherwise made available in this title as making appropriations for contingency operations related to the global war on terrorism. The House included such designation in each appropriations account.

The conferees delete language as proposed by the Senate, which provided additional funds for the Army and Marine Corps to fund equipment reset requirements resulting from continuing combat operations. The conferees addressed this matter in the appropriations accounts within this title.

The conferees delete language as proposed by the Senate, which provided funds for a pilot program of the Army National Guard on the reintegration of the National Guard into civilian life after deployment. This matter is addressed in title II, under the account "Operation and Maintenance, Defense-Wide".

The conferees delete language as proposed by the Senate, which provided funds for the procurement of hemostatic agents. This matter is addressed in the appropriations accounts within this title.

The conferees delete language as proposed by the Senate, which provided funds for National Guard and Reserve equipment. This matter is addressed elsewhere within this title.

The conferees delete language as proposed by the Senate, which required a report regarding sectarian violence in Iraq. This matter is addressed elsewhere within this title.

The conferees modify a general provision (Section 9014) as proposed by the Senate, to provide funds for the purpose of assisting peacekeeping forces in Darfur.

The conferees delete language as proposed by the Senate, which provided funds for the procurement of Predators. This matter is addressed in this title under the account "Aircraft Procurement, Air Force".

The conferees include a general provision (Section 9015), as proposed by the House, which prohibits the use of funds provided in this Act to be used in contravention of laws or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The conferees delete a general provision as proposed by the Senate, to provide $700,000,000 for "Drug Interdiction and Counter-Drug Activities, Defense", for counter-drug activities in Afghanistan. This matter is addressed in this title under the funding provided for this account.

The conferees include a general provision (Section 9016) as proposed by the House and the Senate, which provides that none of the funds appropriated or otherwise made available by this Act may be obligated or expended to provide award fees to any defense contractor for performance that does not meet the requirements of the contract.

The conferees include a general provision (Section 9017) as proposed by the Senate, which prohibits the use of funds to enter into an agreement with the Iraq government that would subject members of the Armed Forces to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

The conferees include a general provision (Section 9018) which amends language, as proposed by the Senate, which allows the Secretary of the Army to reimburse a servicemember for expenses incurred as a result of preparation for, or execution of, military orders, when such expenses are not reimbursable under law.

TITLE X—FISCAL YEAR 2006 WILDLAND FIRE EMERGENCY APPROPRIATIONS

Title X of the conference agreement provides $100,000,000 for the Department of the Interior and $100,000,000 for the Forest Service in emergency firefighting funds. These funds are critically needed for wildfire suppression activities and to repay other appropriations accounts from which funds were transferred on an emergency basis to pay for firefighting costs. Fiscal year 2006 has been the worst wildfire year in decades. The funds are related to unanticipated needs and are for situations that are sudden, urgent, and unforeseen, consistent with the Congressional budget resolution's definition of emergency spending.

COMPLIANCE WITH HOUSE RESOLUTION 1000

The conference agreement contains no appropriations as defined in House Resolution 1000 that were not otherwise addressed in the House or Senate bills or reports.

CONFERENCE TOTAL–WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2007 recommended by the Committee of Conference, with comparisons to the fiscal year 2006 amount, the 2007 budget estimates, and the House and Senate bills for 2007 follow:

(In thousands of dollars)

New budget (obligational) authority, fiscal year 2006	$	466,438,633
Budget estimates of new (obligational) authority, fiscal year 2007		420,413,166
House bill, fiscal year 2007		416,340,489
Senate bill, fiscal year 2007 1/		427,329,190
Conference agreement, fiscal year 2007		436,540,771
Conference agreement compared with:		
New budget (obligational) authority, fiscal year 2006		-29,897,862
Budget estimates of new (obligational) authority, fiscal year 2007		+16,127,605
House bill, fiscal year 2007		+20,200,282
Senate bill, fiscal year 2007		+9,211,581

1/ Excludes $42,343,850 that will be considered under Military Quality of Life and VA Appropriations.

DIVISION B—CONTINUING RESOLUTION, 2007

The conference agreement includes division B making continuing appropriations for fiscal year 2007 for those departments and agencies for which appropriations will not be enacted into law before October 1, 2006.

BILL YOUNG,
DAVE HOBSON,
HENRY BONILLA,
R.P. FRELINGHUYSEN,
TODD TIAHRT,
ROGER F. WICKER,
JACK KINGSTON,
KAY GRANGER,
RAY LAHOOD,
JERRY LEWIS,
J.P. MURTHA,
NORMAN D. DICKS,
MARTIN OLAV SABO,
PETER J. VISCLOSKY,
JAMES P. MORAN,
MARCY KAPTUR,
DAVID OBEY,
Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETER V. DOMENICI,
CHRISTOPHER BOND,
MITCH MCCONNELL,
RICHARD C. SHELBY,
JUDD GREGG,
KAY BAILEY HUTCHISON,
CONRAD BURNS,
DANIEL K. INOUYE,
ROBERT C. BYRD,
PATRICK LEAHY,
TOM HARKIN,
BYRON L. DORGAN,
DICK DURBIN,
HARRY REID,
DIANNE FEINSTEIN,
BARBARA A. MIKULSKI,
Managers on the Part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DENT). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

CALLING ON THE PRESIDENT TO TAKE IMMEDIATE STEPS TO HELP IMPROVE THE SECURITY SITUATION IN DARFUR, SUDAN

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 723) calling on the President to take immediate steps to help improve the security situation in Darfur, Sudan, with a specific emphasis on civilian protection, as amended.

The Clerk read as follows:

H. RES. 723

Whereas the United States Congress and the President are on record as declaring that the atrocities being committed in Darfur, Sudan are genocide;

Whereas the United States has demonstrated leadership on the Sudan issue for years, including by mediating Sudan's North-South Peace Agreement, by declaring genocide in Darfur, by providing nearly $1 billion in humanitarian assistance over time, and by having United States Permanent Representative to the United Nations John Bolton, in his first action as President of the United Nations Security Council, request in February 2006 that United Nations Secretary-General Kofi Annan initiate contingency planning for a transition from the African Union Mission in Sudan (AMIS) to a United Nations peacekeeping force;

Whereas the African Union deployed AMIS to Darfur to monitor the violence and, in spite of attacks on AMIS observers and the fact that the recently improved AMIS mandate still does not provide sufficiently for proactive protection of civilians, AMIS has been successful in creating pockets of security for displaced persons simply through its presence;

Whereas the N'Djamena Ceasefire Agreement of April 8, 2004, the Abuja Protocols of November 9, 2004, and the Darfur Peace Agreement of May 5, 2006, have not resulted in a cessation of hostilities in Darfur;

Whereas the Government of Sudan and its armed militia groups continue to commit crimes against humanity and engage in genocidal acts in Darfur, in spite of the presence of AMIS forces, and, in early September 2006, launched a major offensive in Darfur, in direct violation of the Darfur Peace Agreement;

Whereas United Nations Secretary-General Annan has indicated that, "People in many parts of Darfur continue to be killed, raped, and driven from their homes by the thousands.";

Whereas it has been reported that an estimated 300,000 to 400,000 people have died in the conflict-affected area of Darfur and eastern Chad, and due to the number of areas that cannot be accounted for, the total number of deaths may be higher;

Whereas the ongoing assault against civilians by Sudanese Government forces, Janjaweed militias, and rebels necessitates the deployment of a larger, more capable international peacekeeping force with a strong mandate to protect civilians in Darfur;

Whereas, although the United Nations Security Council approved Security Council Resolution 1706 (August 31, 2006) which provides for the deployment of a United Nations peacekeeping mission in Darfur to include up to 22,500 personnel, the Government of Sudan has rejected the terms of such Resolution and alternatively issued an ultimatum to AMIS to extend its current mission beyond September 2006 without transitioning to a United Nations peacekeeping force; and

Whereas on the same day on which the Government of Sudan issued its ultimatum, the African Union stated that it would quit the war-ravaged Darfur region if the Government of Sudan did not allow a United Nations peacekeeping force to take over AMIS: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the African Union Mission in Sudan (AMIS) for its actions in monitoring the N'Djamena Ceasefire Agreement in Darfur and its role in diminishing some acts of violence;

(2) strongly condemns the continued genocide and violence directed against civilians in Darfur by the Government of Sudan and government-sponsored militias, as well as attacks perpetrated against civilians by rebels in Darfur;

(3) calls upon all parties to the N'Djamena Ceasefire Agreement—

(A) to abide by the terms of the N'Djamena Ceasefire Agreement and the Darfur Peace Agreement; and

(B) to engage in good-faith negotiations to end the conflict in Darfur;

(4) calls upon the Government of Sudan immediately—

(A) to comply with United Nations Security Council Resolution 1706 (August 31, 2006), support the transition of AMIS to a United Nations peacekeeping mission, and facilitate the deployment of United Nations peacekeepers throughout Sudan toward that end;

(B) to withdraw all offensive military aircraft and personnel from the region;

(C) to cease all support for Janjaweed militias and rebels from Chad; and

(D) to disarm all Janjaweed militias;

(5) calls upon the international community to provide sufficient funding to support the AMIS mission as it transitions to a United Nations peacekeeping mission;

(6) calls on the African Union to work closely with the United Nations and the North Atlantic Treaty Organization (NATO) to strengthen its capacity to deter violence and instability until a United Nations peacekeeping force is fully deployed in Darfur;

(7) calls on NATO to extend its current mission of advisors to the African Union, as requested by the leadership of the African Union;

(8) urges the President to take steps immediately to help improve the security situation in Darfur, including by proposing that NATO support an interim civilian protection force with sufficient ground and air assets under centralized planning, direction, and control, to protect civilians and facilitate the deployment of United Nations peacekeepers in Darfur;

(9) calls upon NATO allies to support such a NATO mission;

(10) calls upon NATO headquarters staff to begin prudent planning in advance of such a NATO mission; and

(11) urges the President to take immediate steps to work through diplomatic channels to obtain the support of the People's Republic of China, the Russian Federation, and United States allies in the Arab League to secure the compliance of the Government of Sudan with United Nations Security Council Resolution 1706 and support full funding for the United Nations peacekeeping force in Sudan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as may consume.

Mr. Speaker, 14 months ago, Greg Simpkins on our International Relations staff and I visited Darfur and met some of the heroic survivors of genocide at two camps, Mukjar and Kalma. When the helicopter landed at the remote Mukjar camp, thousands of women and children danced, clapped and sang beautiful traditional African songs. The people of Darfur have a remarkable generosity and spirit, and it was awe-inspiring.

At first glance, most of the people had a superficial glow of physical wellness, thanks in large part to the brave NGO workers bearing food, clothing and medicine. However, now even those necessities are disappearing due to the insecurity in the camps, further exacerbating the genocide with even more starvation and more disease.

In addition to the horrific loss of life in Darfur, estimated to be at upwards of 400,000 dead and 2 million displaced, I was struck by the appalling fear and trepidation that is ever present, just below the surface, just below the smiles that greet any visitor. Among the refugees and IDPs, emotional woundedness and brokenness is everywhere.

Like you and me, Mr. Speaker, all that the wonderful people of Darfur want is to love God and their families and friends and earn a living and to live in peace. Yet they have had atrocities imposed upon them that no human being should ever have to bear. Just about everyone that we spoke with, especially the women, told us personal stories of rape, senseless beatings and massacres by the Janjaweed and by Sudanese militias.

On that same trip, Mr. Speaker, I also met with Sudanese President Omar Hassan El-Bashir at his presidential suite in Khartoum. Perhaps like some others before me and after me, I pushed hard for the end of genocide. I argued, if peace and a fledgling reconciliation was achievable in southern Sudan, the other genocide that killed 2 million people and displaced 4 million, why not peace in Darfur?

The exchange was not encouraging. All Bashir wanted was to talk about ending U.S. trade sanctions, not the horrific loss of life.

Mr. Speaker, the very important resolution before us today, authored by my good friend and colleague, Mr. LANTOS, H. Res. 723, reflects congressional concern about the recent escalation of violence in Darfur and the government of Sudan's continued refusal to create a permissive environment for the deployment of United Nations peacekeepers. It also speaks to the fear that a security vacuum could be left in Darfur if the African Mission in Sudan, AMIS, is not immediately reinforced and transitioned to a larger, more capable U.N. peacekeeping mission.

On August 31, Mr. Speaker, the administration's skillful and resolute efforts to build international consensus on the need for action in Darfur resulted in the passage of Resolution 1706 by the United Nations Security Council. This urgently needed resolution approved a robust peacekeeping force for Darfur of up to 22,000 soldiers and police officers to relieve a severely undermanned and overfatigued African Union mission which has valiantly struggled against acute disadvantages to maintain some level of protection for innocent civilians.

Still, every day it becomes clear that the government of Sudan is more interested in imposing its own solution in Darfur than in pursuing a swift and lasting resolution to the conflict. Even as the U.N. Security Council's Resolution 1706 was being debated, the Sudanese government was preparing a major military offensive in Darfur, in direct violation of a peace agreement that it signed on May 5. And despite the government's agreement to accept the deployment of U.N. peacekeepers in Darfur upon conclusion of the Darfur Peace Agreement, the government then turned around and categorically rejected the passage of Security Council Resolution 1706, renouncing the U.N. mission as a "western invasion of Sudan" and threatening attacks against peacekeepers.

H. Res. 723, Mr. Speaker, calls upon the Sudanese government to comply immediately with U.N. Security Council Resolution 1706, to support the transition of AMIS to a U.S. peacekeeping mission and to facilitate the deployment of U.N. peacekeepers. It also demands that the Sudanese government immediately withdraw all offensive military aircraft and personnel from the region, cease all support for the Janjaweed militias and rebels from Chad and disarm the Janjaweed militias themselves.

H. Res. 723 makes clear that the deployment of a capable U.N. force is our paramount objective, but also calls on the African Union to work closely with U.N. and NATO to strengthen its capacity to deter violence in the Darfur region during the interim. And while the resolution does not suggest the introduction of U.S. Armed Forces, it does call upon the President to continue urging NATO to extend and expand upon the support it currently is providing to AMIS.

Mr. Speaker, this is a good bipartisan resolution, and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I am delighted to yield such time as he might consume to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip and a strong voice on all human rights issues.

Mr. HOYER. I thank my friend Mr. LANTOS, and I want to thank my friend Mr. SMITH as well. Mr. SMITH and I had the honor of co-chairing, he was in the minority at that point in time and I was chairing the Helsinki Commission, but there was no distinction in terms of party. Mr. SMITH has been a strong and compelling voice on human rights.

Mr. LANTOS, my friend of over a quarter of a century, has been a giant on behalf of peace and security and human rights, and I am honored to support his resolution.

Mr. Speaker, I strongly support the bill before us offered by my good friend, the ranking Democrat on the International Relations Committee. It calls on the President to take immediate steps to improve the security situation in Darfur, Sudan.

Mr. Speaker, for 3 years the world has turned effectively a blind eye to the genocide in Darfur, the vast region in Western Sudan; a blind eye not because we did not hear and not because we did not see, but because we have not acted.

Already more than 200,000 civilians have died and more than 2.5 million have been driven from their homes as a result of violent warfare between the government-sanctioned Janjaweed and the disparate rebel groups. Frighteningly, Mr. Speaker, a report in the Washington Post just 2 weeks ago suggested these numbers could indeed be higher, maybe even double the figures I have just cited.

Did we not learn anything from the lessons of Bosnia, Kosovo, Rwanda and other places in Africa? Did we not learn the consequences of our negligence in the 1930s? We watched in horror as troops in blue helmets in Bosnia stood by and witnessed the rape, murder and displacement of thousands.

I don't know how many people, Mr. Speaker, saw Hotel Rwanda. Nick Nolte played the colonel. As Rwanda was imploding and thousands were being murdered, the manager of the Hotel appealed to Nick Nolte, the colonel, in charge of the U.N. troops, "Do something." And his sad response was, "My duty is to watch and report. I neither have the troops nor the power to intervene."

Clearly, Mr. Speaker, the situation in Darfur is the world's worst current human rights crisis. There are others, of course, of significant magnitude, but this clearly is currently the worst.

We must do more to stem the violence. The measure offered by Mr. LANTOS as well as those offered by Chairman HYDE and Congressman WOLF are a good start. Mr. SMITH's leadership on these three bills is appreciated by all.

Chairman HYDE's bill is the long-awaited Darfur Peace and Accountability Act, which already passed this Chamber once with my support; and I am pleased to support it again. The bill includes key sanctions, provisions and authorizes the support for an expanded African Union mission in Sudan.

A year-and-a-half ago, maybe 2 years ago now, I had a discussion with Secretary Powell about supporting the contingent from the African Union. In fact, we have done that. Moneys have been made available, as has equipment.

H.R. 723, introduced by Congressman LANTOS, goes even further, insisting that the President do more to improve the security situation in Darfur by calling for an interim NATO civilian protection force. That was similar to what we did in Bosnia.

Finally, we are considering here H. Res. 992, calling on the President to appoint a special envoy for Sudan. Recognizing that the President appointed former USAID Administrator Andrew Natsios to the job last week, I nevertheless intend to support the resolution. By doing so, I believe we send a strong message to the President that he should have long ago designated such an envoy, and I applaud him for doing so now. It is never too late to do the right thing.

July, 2004, this Chamber voted unanimously to declare the crisis in Darfur a genocide. July, 2004. July, 2004. Twenty-seven months later, thousands of souls murdered, hundreds of thousands ripped from their home and their security.

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And we continue to talk. For more than 2 years we have stood by as the situation deteriorated and ignored the mounting casualty and dislocation rates.

Sadly, Mr. Speaker, the case of Darfur is yet another demonstration of the international community's collective lack of will to confront those who would commit such horrific acts of cowardice.

Mr. Speaker, I believe that the world needs the United Nations. I believe that we need a collective organ for international security and stability. But if that organ cannot act either because the Security Council permanent members veto such action or because of the lack of will of that body, then others must act. If morality plays any part in the consideration of the policies of this country and the civilized countries of this world, there is no course but to act.

I congratulate my friend and a great leader of this House, the gentleman from California, Mr. LANTOS, for his leadership on this critically important issue.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I might consume.

First, I would like to thank my chief cosponsor, Congressman JOSEPH PITTS, and the other 116 cosponsors of this resolution who, along with me, continue to demand action to protect civilians and stop the genocide in Darfur.

Mr. Speaker, as we meet here today, the Sudanese Government has launched a new brutal campaign against innocent civilians in Darfur. The only troops standing in their way are the understaffed and underfunded African Union Monitoring Force. But even the days of the African Union forces are numbered. Their mission is scheduled to end in 3 short months, leaving the people of Darfur completely unprotected. I fear, Mr. Speaker, that a full-scale onslaught mass murder against the civilians is imminent.

The signing of the Darfur Peace Agreement on May 5 of this year seemed to offer a ray of hope that the darkest days were behind the innocent men, women, and children of Darfur. But immediately after the negotiators left Abuja with the peace agreement signed and sealed, the security situation in Darfur began to deteriorate. In characteristic fashion, the Sudanese Government launched a massive and indiscriminate assault on civilians, humanitarian efforts, and the rebel forces.

Nearly 1 month ago, the United Nations Security Council authorized the deployment of 22,500 military and police into the Darfur region. To no one's surprise, Khartoum rejected the proposed deployment, and instead launched into unspeakable vitriol against the world community, threatening a terrorist war against the peacekeepers and, in a sickening anti-Semitic rant, invoked a Jewish conspiracy behind the international humanitarian movement to save Darfur. To counter the deployment of U.N. peacekeepers, Khartoum said it would send 30,000 of its own troops to Darfur to protect civilians.

Mr. Speaker, as a Holocaust survivor, I cannot think of more despicable cruelty than to have Khartoum send its armed forces who have raped, tortured, and slaughtered thousands and displaced 2 million to protect civilians in Darfur.

In the past few weeks, the government has escalated its campaign of death in Darfur. Bombers, attack helicopters, and Arab militias have been deployed in a new campaign of terror.

Just recently, the government unleashed its forces on Tawilla Town and seven nearby villages, forcing thousands of residents to flee. The barbed wire fence surrounding the nearby African Union peacekeeping base provided scant protection for terrified civilians fearing for their lives.

Mr. Speaker, it is time for the international community to put words into action whether or not Khartoum agrees to a U.N. peacekeeping force. The international community knows full well that Khartoum should not be given a choice whether to stop the genocide. If necessary, an enforced civilian protection regime must be put in place.

I concluded 2 years ago when I first called for NATO's support to the African Union to protect civilians in Darfur that diplomacy does not move the leaders in Khartoum. The Sudanese Government must be made to understand that there will be severe consequences for further genocidal assaults on the people of Darfur.

Mr. Speaker, H. Res. 723 calls on the world to put actions behind words and to undertake civilian protection once and for all by supporting the transition of the African Union mission to the United Nations and for NATO to broaden its support. The genocide in Darfur is not just an African crisis; it is a crisis of all humanity and obligates all of us to act with urgency.

I urge my colleagues to support this resolution.

Mr. Speaker, I am pleased to yield 2½ minutes to our colleague from Massachusetts (Mr. OLVER), a bold fighter for human rights.

Mr. OLVER. Mr. Speaker, I thank the gentleman from California for yielding time.

Mr. Speaker, I rise in strong support of both H.R. 3127, the Darfur Peace Accountability Act of 2006, which was debated earlier, and of H. Res. 723, the bill presently before us. But even stronger steps must be taken if we hope to save the people of Darfur.

Lack of decisive action and follow-through by the international community has made it possible for the genocide in Darfur to continue unabated. The government-backed Janjaweed militia continues to terrorize the Darfurees on the ground while the Sudanese Government itself wages an aerial assault on the region. Officials in Khartoum have been allowed to deflect the clear urgent need for U.N. peacekeepers in Darfur by raising sovereignty claims.

We should commend the African Union for extending its mission in Darfur through the end of the year and for announcing plans to increase the number of troops in Darfur. However, without international support, the African Union will remain powerless to stop the slaughter.

For months, the poorly trained and underequipped African Union force has operated without mandate or means to protect the civilians in Darfur from the ongoing slaughter. Because of its ineffectiveness up to now, the Sudanese Government clearly wants the African Union to remain in place, but, equally clearly, not if they have the mandate or the means to be effective.

President Bush, working with our allies, must take the lead in holding the Sudanese accountable for their actions and send a clear message to the Sudanese Government that it will not be allowed to systematically and indiscriminately kill its own citizens using tactics of terror.

If the Sudanese Government does not withdraw all military aircraft from the region, as this resolution requires, then NATO should immediately coordinate and enforce a no-fly zone over Darfur. Ultimately, the Sudanese Government must agree as U.N. peacekeepers as authorized by the Security Council, or have them imposed. Appeasing the officials has not worked and will not work. It is time for a stronger approach in Darfur, an approach with resolve and the means to finally stop the killing.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to my friend from Texas, Congresswoman SHEILA JACKSON-LEE, an eloquent voice for human rights.

Ms. JACKSON-LEE of Texas. Despite the hour, Mr. Speaker, I believe that these initiatives offered by Mr. LANTOS, Mr. PAYNE, and others are probably the most important work that we will do this week. It is that way because we are talking about absolute slaughter. And I thank the gentleman for his leadership in recognizing the horror of the Khartoum government. And let me just recite for my colleagues the sheer arrogance of the leadership in Khartoum that after the comprehensive peace agreement between the Government of Sudan and others, the Government of Sudan refused a proposal from the Sudanese Peoples Liberation movement to send joint troops to protect civilians and disarm the government-supported militia.

Now, who can understand that? You have a peace agreement, and you only ask the government to adhere to the peace agreement and they refuse to adhere to the peace agreement by providing protection to the civilians. And so this particular legislation is crucial because it provides for NATO support and it provides for the African Union troops to be able to provide security for the area.

It is unbelievable that the President of Sudan would reject U.N. peacekeepers. U.N. peacekeepers come to keep the peace; they do not provoke the government.

And I simply want to share with you the sheer crime of what is going on. Take, for example, the Hashaba camp near the small village of Mersheng in southern Darfur. Each shelter contains a family that has fled the home after terrifying attacks by militia groups. An estimated 1.2 million people in Darfur have been forced from their homes by the fighting and attacks. They are urgently in need of outside help.

Their housing is made of sticks and rags. These are shelters in name only. Against the rains that are beginning to sweep Darfur, they offer no protection. Until recently, no help was available in the camps. The conflict made the region too dangerous for aid agencies to access it. And we know that we have lost humanitarian aid workers in the last couple of weeks.

This is what we are facing in Sudan. Now aid is obviously beginning to trickle in, but Mr. LANTOS is right, until we secure the region, no amount of agreements and treaties are going to work. The slaughter will continue.

And so I want to support H. Res. 723 that calls on the African Union to work closely with the United Nations and the North Atlantic Treaty Organization to strengthen its capacity to deter violence and instability until the United Nations peacekeeping force is fully deployed in Darfur. Minimally, minimally the government of Khartoum has to have a sense of mercy for people who are living in the devastating conditions and violence that these refugees are now living in. I ask my colleagues to view this legislation as crucial not in passage but also in its implementation.

Mr. Speaker, I rise today in strong support of H. Res. 723, which calls on the President to take immediate steps to help improve the security situation in Darfur, Sudan, with a specific emphasis on civilian protection.

The genocidal regime in Sudan has left 2.5 million people displaced and at least 400,000 people dead in Darfur. Due to increasing violence, 15,000 innocent civilians continue to die each month. Genocide cannot continue on our watch; the United States must move towards effective action against this most terrible crime. The United Nations Secretary General has described the situation in Darfur as "little short of hell on earth." Expert John Prendergast calls it "Rwanda in slow motion." The United States Congress and Administration are on record as declaring that the atrocities being committed in Darfur, Sudan are genocide.

Until the security situation vastly improves, the people of Sudan will experience increasingly long-term adversity. Civilians can't plan on stability in the future. They can't grow crops, or raise livestock, if there is a likelihood—not a chance, a likelihood—that roving government-sponsored militias will beat, rape, or kill them if they wander outside the protection of makeshift camps. And these government-sponsored criminals burn fields the people have managed to grow, and steal or slaughter the livestock the people have managed to keep.

Over 400,000 people have died in the Darfur conflict since 2003, with 3.5 million people driven into hunger, and another 2.5 million displaced due to violence. Imagine if the entire city of Las Vegas had perished at the hands of government-sponsored bandits, the population of Los Angeles was starving, and both the cities of Houston and Atlanta had all relocated due to conflict. The upheaval of the South after Hurricane Katrina is our closest reference to understanding the devastation Sudan is experiencing, and yet the scale in Sudan is overwhelming. We should all be quaking with anger.

Human rights are not for any government to give and take—they are inherent, self-evident, and vital, as our founding fathers understood so well. We should not be complacent when such rights are violated or refused—we must use what power we have to ensure that people are free to live and thrive safely.

The United States has demonstrated leadership on the Sudan issue for years by: mediating Sudan's North-South Peace Agreement, declaring genocide in Darfur, providing nearly $1 billion in humanitarian assistance over time, and having United States Permanent Representative to the United Nations John Bolton, in his first action as President of the United Nations Security Council, request in February 2006 that Secretary-General Annan initiate contingency planning for a transition from AMIS to a United Nations peacekeeping operation.

Our role is clear, and we must do what we can to alleviate the desperation of the civilians caught in the mayhem in Sudan. I urge my colleagues to support this measure.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield the balance of my time to the ranking member of the African Subcommittee, my good friend from New Jersey, Congressman PAYNE.

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Mr. PAYNE. Mr. Speaker, let me once again thank Mr. LANTOS for House Resolution 723, calling on the President to take immediate steps to help improve the security situation in Darfur.

Let me just say that things are getting worse. Increased rapes, 500 rapes over the summer in one camp alone; renewed attacks; 12 humanitarian workers killed, including two of the last 6 weeks; 26,000 Sudan armed forces headed to the Darfur region for major offensive; renewed aerial bombings; the Darfur Peace Agreement not being held to by the government of Sudan; continued integration of the Janjaweed into the Sudan armed forces.

United Nations Security Resolution 1706 says that 17,300 U.N. troops and 3,300 policemen should go into Darfur. I think we should urge the U.N. to fulfill this mandate.

President Bush did not ask Aideed to go into Somalia. President Clinton did not ask Milosevic to go into Bosnia. We should not wait for a murderous leader like Bashir to invite us in.

We should even create no-fly zones where we would do as we did in Iraq. A no-fly zone means you don't go in and you don't go out. We were able to protect the Kurds in southern Iraq through all those years of the dictatorship of Saddam Hussein.

We can do the same kind of no-fly zone. You don't use one single human being in a no-fly zone when you use drones and other kinds of sophisticated weaponry. We have to take out some antonovs, destroy some helicopters, and let Bashir know we are not playing.

I think if we sent that message there, you would see that this opposition to the United Nations would simply disappear. They are only bold when they are with unarmed civilians, weak women, small children, elderly men. That is when they show how strong and powerful they are. I think that we should go in.

The United Nations already has U.N. troops in the Sudan. It is simply expanding the mandate that is already there. I commend the President for appointing Andrew Natsios as the Presidential Special Envoy, and I think that is even more significant than the special envoy in the past. I urge passage of this resolution.

Mr. LANTOS. Mr. Speaker, I want to thank members of my staff who worked so hard on this resolution, and I yield back the balance of my time.

Ms. WATERS. Mr. Speaker, I rise to support H. Res. 723, which urges the President to take steps to improve the security situation in Darfur, Sudan. This resolution urges the President to propose that NATO implement an interim civilian protection force in Darfur and request supplemental funding to support the African Union Mission in Sudan and a NATO mission in Darfur.

Members of Congress already have done everything we can possibly do to stop the genocide in Darfur.

Members of Congress have written numerous letters to the Bush Administration and the United Nations urging action to end this genocide.

We have visited the United Nations and met with Secretary General Kofi Annan.

I wrote to the President back in 2004 and implored that he take action.

In July of 2004, I sent letters to the other members of the United Nations Security Council urging that the United Nations take action to end the slaughter in Sudan; this letter was signed by 41 Members of Congress, including my good friend from across the aisle, Congressman SPENCER BACHUS.

On April 28 and again on May 16, several of my colleagues where arrested in front of the Embassy of Sudan, protesting this genocide.

Last April, Members of Congress sent a letter to Secretary of State Condoleezza Rice expressing our support for the appointment of a Special Envoy for Sudan. Last week, President Bush finally appointed a Special Envoy for Sudan. This is a good first step, and we appreciate it, but a single administrative appointment will not put an end to a genocide.

Early this year, I traveled to Sudan as part of a bipartisan congressional delegation led by my good friend from California, Minority Leader NANCY PELOSI. We visited the refugee camps. As far as the eyes could see, there were crowds of displaced people who had been driven from their homes, living literally on the ground with little tarps just covering them. It is unconscionable that this should continue.

Also last April, the House of Representatives passed HR 3127, the Darfur Peace and Accountability Act, by an overwhelming vote of 416 to 3. This bill would impose sanctions on the government of Sudan and block the assets and restrict travel for individuals who are responsible for acts of genocide, war crimes or crimes against humanity in Darfur. Last Thursday, the Senate passed this bill, and the House is acting on the final version today. Hopefully, the President will sign it into law.

More than 450,000 people have died since 2003 as a result of the genocide in Darfur. There are 2.5 million displaced people in camps in Darfur and another 350,000 in refugee camps in neighboring Chad. Almost 7,000 people are dying every month in Darfur. There can be no doubt that what is taking place in Darfur is genocide and the Government of Sudan is responsible.

The world stood by and watched the genocide that occurred in Rwanda. The world has noted over and over again the atrocities of the Holocaust. Yet we cannot seem to get the President and the international community to move fast enough to stop the genocide that is taking place in Darfur.

I urge my colleagues to support this resolution and I urge the Bush Administration and the United Nations to put an end to these crimes before millions more men, women and children are allowed to die.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 723, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5631, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

Mr. GINGREY (during consideration of H.R. 3127) from the Committee on Rules, submitted a privileged report (Rept. No. 109–677) on the resolution (H. Res. 1037) waiving points of order against the conference report to accompany the bill (H.R. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2679, VETERANS' MEMORIALS, BOY SCOUTS, PUBLIC SEALS, AND OTHER PUBLIC EXPRESSIONS OF RELIGION PROTECTION ACT OF 2006

Mr. GINGREY (during consideration of H.R. 3127), from the Committee on Rules, submitted a privileged report (Rept. No. 109–678) on the resolution (H. Res. 1038) providing for consideration of the bill (H.R. 2679) to amend the Revised Statutes of the United States to eliminate the chilling effect on the constitutionally protected expression of religion by State and local officials that results from the threat that potential litigants may seek damages and attorney's fees, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 403, CHILD CUSTODY PROTECTION ACT

Mr. GINGREY (during consideration of H.R. 3127), from the Committee on Rules, submitted a privileged report (Rept. No. 109–679) on the resolution (H. Res. 1039) providing for consideration of the Senate bill (S. 403) to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions, which was referred to the House Calendar and ordered to be printed.

DARFUR PEACE AND ACCOUNTABILITY ACT OF 2006

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3127) to impose sanctions against individuals responsible for genocide, war crimes, and crimes again humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Darfur Peace and Accountability Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Findings.
Sec. 4. Sense of Congress.
Sec. 5. Sanctions in support of peace in Darfur.
Sec. 6. Additional authorities to deter and suppress genocide in Darfur.
Sec. 7. Continuation of restrictions.
Sec. 8. Assistance efforts in Sudan.
Sec. 9. Reporting requirements.

SEC. 2. DEFINITIONS.

In this Act:

(1) AMIS.—The term "AMIS" means the African Union Mission in Sudan.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(3) COMPREHENSIVE PEACE AGREEMENT FOR SUDAN.—The term "Comprehensive Peace Agreement for Sudan" means the peace agreement signed by the Government of Sudan and the SPLM/A in Nairobi, Kenya, on January 9, 2005.

(4) DARFUR PEACE AGREEMENT.—The term "Darfur Peace Agreement" means the peace agreement signed by the Government of Sudan and by Minni Minnawi, leader of the Sudan Liberation Movement/Army Faction, in Abuja, Nigeria, on May 5, 2006.

(5) GOVERNMENT OF SUDAN.—The term "Government of Sudan"—

(A) means—

(i) the government in Khartoum, Sudan, which is led by the National Congress Party (formerly known as the National Islamic Front); or

(ii) any successor government formed on or after the date of the enactment of this Act (including the coalition National Unity Government agreed upon in the Comprehensive Peace Agreement for Sudan); and

(B) does not include the regional government of Southern Sudan.

(6) OFFICIALS OF THE GOVERNMENT OF SUDAN.—The term "official of the Government of Sudan" does not include any individual—

(A) who was not a member of such government before July 1, 2005; or

(B) who is a member of the regional government of Southern Sudan.

(7) SPLM/A.—The term "SPLM/A" means the Sudan People's Liberation Movement/Army.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) On July 23, 2004, Congress declared, "the atrocities unfolding in Darfur, Sudan, are genocide".

(2) On September 9, 2004, Secretary of State Colin L. Powell stated before the Committee on Foreign Relations of the Senate, "genocide has occurred and may still be occurring in Darfur", and "the Government of Sudan and the Janjaweed bear responsibility".

(3) On September 21, 2004, in an address before the United Nations General Assembly, President George W. Bush affirmed the Secretary of State's finding and stated,"[a]t this hour, the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide".

(4) On July 30, 2004, the United Nations Security Council passed Security Council Resolution 1556 (2004), calling upon the Government of Sudan to disarm the Janjaweed militias and to apprehend and bring to justice Janjaweed leaders and their associates who have incited and carried out violations of human rights and international humanitarian law, and establishing a ban on the sale or supply of arms and related materiel of all types, including the provision of related technical training or assistance, to all nongovernmental entities and individuals, including the Janjaweed.

(5) On September 18, 2004, the United Nations Security Council passed Security Council Resolution 1564 (2004), determining that the Government of Sudan had failed to meet its obligations under Security Council Resolution 1556 (2004), calling for a military flight ban in and over the Darfur region, demanding the names of Janjaweed militiamen disarmed and arrested for verification, establishing an International Commission of Inquiry on Darfur to investigate violations of international humanitarian and human rights laws, and threatening sanctions should the Government of Sudan fail to fully comply with Security Council Resolutions 1556 (2004) and 1564 (2004), including such actions as to affect Sudan's petroleum sector or individual members of the Government of Sudan.

(6) The Report of the International Commission of Inquiry on Darfur, submitted to the United Nations Secretary-General on January 25, 2005, established that the "Government of the Sudan and the Janjaweed are responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law," that "these acts were conducted on a widespread and systematic basis, and therefore may amount to crimes against humanity," and that officials of the Government of Sudan and other individuals may have acted with "genocidal intent".

(7) On March 24, 2005, the United Nations Security Council passed Security Council Resolution 1590 (2005), establishing the United Nations Mission in Sudan (referred to in this section as the "UNMIS"), consisting of up to 10,000 military personnel and 715 civilian police tasked with supporting the implementation of the Comprehensive Peace Agreement for Sudan and to "closely and continuously liaise and coordinate at all levels with the African Union Mission in Sudan (AMIS)", which had been established by the African Union on May 24, 2004, to monitor the implementation of the N'Djamena Humanitarian Ceasefire Agreement, signed on April 8, 2004, "with a view towards expeditiously reinforcing the effort to foster peace in Darfur".

(8) On March 29, 2005, the United Nations Security Council passed Security Council Resolution 1591 (2005), extending the military embargo established by Security Council Resolution 1556 (2004) to all the parties to the N'Djamena Ceasefire Agreement of April 8, 2004, and any other belligerents in the states of North Darfur, South Darfur, and West Darfur, calling for an asset freeze and travel ban against those individuals who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, are responsible for offensive military overflights, or violate the military embargo, and establishing a Committee of the Security Council and a panel of experts to assist in monitoring compliance with Security Council Resolutions 1556 (2004) and 1591 (2005).

(9) On March 31, 2005, the United Nations Security Council passed Security Council Resolution 1593 (2005), referring the situation in Darfur since July 1, 2002, to the prosecutor of the International Criminal Court and calling on the Government of Sudan and all parties to the conflict to cooperate fully with the Court.

(10) On July 30, 2005, Dr. John Garang de Mabior, the newly appointed Vice President of Sudan and the leader of the SPLM/A for the past 21 years, was killed in a tragic helicopter crash in Southern Sudan, sparking riots in Khartoum and challenging the commitment of all Sudanese to the Comprehensive Peace Agreement for Sudan.

(11) On January 12, 2006, the African Union Peace and Security Council issued a communique endorsing, in principle, a transition from AMIS to a United Nations peacekeeping operation and requested the Chairperson of the Council to initiate consultations with the United Nations and other stakeholders toward this end.

(12) On February 3, 2006, the United Nations Security Council issued a Presidential Statement authorizing the initiation of contingency planning for a transition from AMIS to a United Nations peacekeeping operation.

(13) On March 10, 2006, the African Union Peace and Security Council extended the mandate of AMIS, which had reached a force size of 7,000, to September 30, 2006, while simultaneously endorsing the transition of AMIS to a United Nations peacekeeping operation and setting April 30, 2006 as the deadline for reaching an agreement to resolve the crisis in Darfur.

(14) On March 24, 2006, the United Nations Security Council passed Security Council Resolution 1663 (2006), which—

(A) welcomes the African Peace and Security Council's March 10, 2006 communique; and

(B) requests that the United Nations Secretary-General, jointly with the African Union and in consultation with the parties to the Abuja Peace Talks, expedite planning for the transition of AMIS to a United Nations peacekeeping operation.

(15) On March 29, 2006, during a speech at Freedom House, President Bush called for a transition to a United Nations peacekeeping operation and "additional forces with a NATO overlay . . . to provide logistical and command-and-control and airlift capacity, but also to send a clear signal to parties involved that the west is determined to help effect a settlement.".

(16) On April 25, 2006, the United Nations Security Council passed Security Council Resolution 1672 (2006), unanimously imposing targeted financial sanctions and travel restrictions on 4 individuals who had been identified as those who, among other acts, "impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities", including the Commander of the Western Military Region for the armed forces of Sudan, the Paramount Chief of the Jalul Tribe in North Darfur, the Commander of the Sudan Liberation Army, and the Field Commander of the National Movement for Reform and Development.

(17) On May 5, 2006, under the auspices of African Union mediation and the direct engagement of the international community, including the United States, the Government of Sudan and the largest rebel faction in Darfur, the Sudan Liberation Movement, led by Minni Minnawi, signed the Darfur Peace Agreement, which addresses security, power sharing, and wealth sharing issues between the parties.

(18) In August 2006, the Sudanese government began to amass military forces and equipment in the Darfur region in contravention of the Darfur Peace Agreement to which they are signatories in what appears to be preliminary to full scale war.

(19) On August 30, 2006, the United Nations Security Council passed Security Council Resolution 1706 (2006), without dissent and with abstentions by China, Russian Federation, and Qatar, thereby asserting that the existing United Nations Mission in Sudan "shall take over from AMIS responsibility for supporting the implementation of the Darfur Peace Agreement upon the expiration of AMIS' mandate but in any event no later than 31 December 2006", and that UNMIS "shall be strengthened by up to 17,300 military personnel . . . 3,300 civilian police personnel and up to 16 Formed Police Units", which "shall begin to be deployed [to Darfur] no later than 1 October 2006".

(20) Between August 30 and September 3, 2006, President Bashir and other senior members of his administration have publicly rejected United Nations Security Council Resolution 1706 (2006), calling it illegal and a western invasion of his country, despite the current presence of 10,000 United Nations peacekeepers under the UNMIS peacekeeping force.

(21) Since 1993, the Secretary of State has determined, pursuant to section 6(j) of the Export Administration Act of 1979 (50 App. U.S.C. 2405(j)), that Sudan is a country, the government of which has repeatedly provided support for acts of international terrorism, thereby restricting United States assistance, defense exports and sales, and financial and other transactions with the Government of Sudan.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the genocide unfolding in the Darfur region of Sudan is characterized by acts of terrorism and atrocities directed against civilians, including mass murder, rape, and sexual violence committed by the Janjaweed and associated militias with the complicity and support of the National Congress Party-led faction of the Government of Sudan;

(2) all parties to the conflict in the Darfur region have continued to violate the N'Djamena Ceasefire Agreement of April 8, 2004, and the Abuja Protocols of November 9, 2004, and violence against civilians, humanitarian aid workers, and personnel of AMIS is increasing;

(3) the African Union should immediately make all necessary preparations for an orderly transition to a United Nations peacekeeping operation, which will maintain an appropriate level of African participation, with a mandate to protect civilians and humanitarian operations, assist in the implementation of the Darfur Peace Agreement, and deter violence in the Darfur region;

(4) the international community, including the United States and the European Union, should immediately act to mobilize sufficient political, military, and financial resources through the United Nations and the North Atlantic Treaty Organization, to support the transition of AMIS to a United Nations peacekeeping operation with the size, strength, and capacity necessary to protect civilians and humanitarian operations, to assist with the implementation of the Darfur Peace Agreement, and to end the continued violence in the Darfur region;

(5) if an expanded and reinforced AMIS or subsequent United Nations peacekeeping operation fails to stop genocide in the Darfur region, the international community should take additional measures to prevent and suppress acts of genocide in the Darfur region;

(6) acting under article 5 of the Charter of the United Nations, the United Nations Security Council should call for suspension of the Government of Sudan's rights and privileges of membership by the General Assembly until such time as the Government of Sudan has honored pledges to cease attacks upon civilians, demobilize and demilitarize the Janjaweed and associated militias, and grant free and unfettered access for deliveries of humanitarian assistance in the Darfur region;

(7) the President should use all necessary and appropriate diplomatic means to ensure the full discharge of the responsibilities of the Committee of the United Nations Security Council and the panel of experts established pursuant to section 3(a) of Security Council Resolution 1591 (2005);

(8) the President should direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States to urge the adoption of a resolution by the United Nations Security Council that—

(A) extends the military embargo established by United Nations Security Resolutions 1556 (2004) and 1591 (2005) to include a total ban on the sale or supply of offensive military equipment to the Government of Sudan, except for use in an internationally recognized demobilization program or for nonlethal assistance necessary to carry out elements of the Comprehensive Peace Agreement for Sudan or the Darfur Peace Agreement; and

(B) calls upon those member states of the United Nations that continue to. undermine efforts to foster peace in Sudan by providing military assistance to the Government of Sudan, government supported militias, or any rebel group operating in Darfur in violation of the embargo on such assistance and equipment, as called for in United Nations Security Council Resolutions 1556 (2004) and 1591 (2005), to immediately cease and desist.

(9) the United States should not provide assistance to the Government of Sudan, other than assistance necessary for the implementation of the Comprehensive Peace Agreement for Sudan and the Darfur Peace Agreement, the support of the regional Government of Southern Sudan, the Transitional Darfur Regional Authority, and marginalized areas in Northern Sudan (including the Nuba Mountains, Southern Blue Nile, Abyei, Eastern Sudan (Beja), Darfur, and Nubia), or for humanitarian purposes in Sudan, until the Government of Sudan has honored pledges to cease attacks upon civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance in the Darfur region, and allow for the safe and voluntary return of refugees and internally displaced persons;

(10) the President should seek to assist members of the Sudanese diaspora in the United States by establishing a student loan forgiveness program for those individuals who commit to return to Southern Sudan for a period of not less than 5 years for the purpose of contributing professional skills needed for the reconstruction of Southern Sudan;

(11) the Presidential Special Envoy for Sudan should be provided with appropriate resources and a clear mandate to—

(A) provide stewardship of efforts to implement the Comprehensive Peace Agreement for Sudan and the Darfur Peace Agreement;

(B) seek ways to bring stability and peace to the Darfur region;

(C) address instability elsewhere in Sudan, Chad, and northern Uganda; and

(D) pursue a truly comprehensive peace throughout the region;

(12) the international community should strongly condemn attacks against humanitarian workers and African Union personnel, and the forcible recruitment of refugees and internally displaced persons from camps in Chad and Sudan, and demand that all armed groups in the region, including the forces of the Government of Sudan, the Janjaweed, associated militias, the Sudan Liberation Movement/Army, the Justice and Equality Movement, the National Movement for Reform and Development (NMRD), and all other armed groups refrain from such activities;

(13) the United States should fully support the Comprehensive Peace Agreement for Sudan and the Darfur Peace Agreement and urge rapid implementation of their terms;

(14) the May 5, 2006 signing of the Darfur Peace Agreement between the Government of Sudan and the Sudan Liberation Movement was a positive development in a situation that has seen little political progress in 2 years and should be seized upon by all sides to begin the arduous process of post-conflict reconstruction, restitution, justice, and reconciliation; and

(15) the new leadership of the Sudan People's Liberation Movement (referred to in this paragraph as "SPLM") should—

(A) seek to transform SPLM into an inclusive, transparent, and democratic body;

(B) reaffirm the commitment of SPLM to—

(i) bring peace to Southern Sudan, the Darfur region, and Eastern Sudan; and

(ii) eliminate safe haven for regional rebel movements, such as the Lord's Resistance Army; and

(C) remain united in the face of efforts to undermine SPLM.

SEC. 5. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

(a) BLOCKING OF ASSETS AND RESTRICTION ON VISAS.—Section 6 of the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note) is amended—

(1) in the heading of subsection (b), by inserting "OF APPROPRIATE SENIOR OFFICIALS OF THE GOVERNMENT OF SUDAN" after "ASSETS";

(2) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(3) by inserting after subsection (b) the following:

"(c) BLOCKING OF ASSETS AND RESTRICTION ON VISAS OF CERTAIN INDIVIDUALS IDENTIFIED BY THE PRESIDENT.—

"(1) BLOCKING OF ASSETS.—Beginning on the date that is 30 days after the date of the enactment of the Darfur Peace and Accountability Act of 2006, and in the interest of contributing to peace in Sudan, the President shall, consistent with the authorities granted under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of any individual who the President determines is complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur, including the family members or any associates of such individual to whom assets or property of such individual was transferred on or after July 1, 2002.

"(2) RESTRICTION ON VISAS.—Beginning on the date that is 30 days after the date of the enactment of the Darfur Peace and Accountability Act of 2006, and in the interest of contributing to peace in Sudan, the President shall deny a visa and entry to any individual who the President determines to be complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur, including the family members or any associates of such individual to whom assets or property of such individual was transferred on or after July 1, 2002.".

(b) WAIVER.—Section 6(d) of the Comprehensive Peace in Sudan Act of 2004, as redesignated by subsection (a), is amended by adding at the end the following: "The President may waive the application of paragraph (1) or (2) of subsection (c) with respect to any individual if the President determines that such a waiver is in the national interests of the United States and, before exercising the waiver, notifies the appropriate congressional committees of the name of the individual and the reasons for the waiver.".

(c) SANCTIONS AGAINST JANJAWEED COMMANDERS AND COORDINATORS OR OTHER INDIVIDUALS.—It is the sense of Congress, that the President should immediately impose the sanctions described in section 6(c) of the Comprehensive Peace in Sudan Act of 2004, as added by subsection (a), against any individual, including the Janjaweed commanders and coordinators, identified as those who, among other acts, "impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities".

SEC. 6. ADDITIONAL AUTHORITIES TO DETER AND SUPPRESS GENOCIDE IN DARFUR.

(a) PRESIDENTIAL ASSISTANCE TO SUPPORT AMIS.—Subject to subsection (b) and notwithstanding any other provision of law, the President is authorized to provide AMIS with—

(1) assistance for any expansion of the mandate, size, strength, and capacity to protect civilians and humanitarian operations in order to help stabilize the Darfur region of Sudan and dissuade and deter air attacks directed against civilians and humanitarian workers; and

(2) assistance in the areas of logistics, transport, communications, material support, technical assistance, training, command and control, aerial surveillance, and intelligence.

(b) CONDITIONS.—

(1) IN GENERAL.—Assistance provided under subsection (a)—

(A) shall be used only in the Darfur region; and

(B) shall not be provided until AMIS has agreed not to transfer title to, or possession of, any such assistance to anyone not an officer, employee or agent of AMIS (or subsequent United Nations peacekeeping operation), and not to use or to permit the use of such assistance for any purposes other than those for which such assistance was furnished, unless the consent of the President has first been obtained, and written assurances reflecting all of the forgoing have been obtained from AMIS by the President.

(2) CONSENT.—If the President consents to the transfer of such assistance to anyone not an officer, employee, or agent of AMIS (or subsequent

United Nations peacekeeping operation), or agrees to permit the use of such assistance for any purposes other than those for which such assistance was furnished, the President shall immediately notify the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1).

(c) NATO ASSISTANCE TO SUPPORT AMIS.—It is the sense of Congress that the President should continue to instruct the United States Permanent Representative to the North Atlantic Treaty Organization (referred to in this section as "NATO") to use the voice, vote, and influence of the United States at NATO to—

(1) advocate NATO reinforcement of the AMIS and its orderly transition to a United Nations peacekeeping operation, as appropriate;

(2) provide assets to help dissuade and deter air strikes directed against civilians and humanitarian workers in the Darfur region of Sudan; and

(3) provide other logistical, transportation, communications, training, technical assistance, command and control, aerial surveillance, and intelligence support.

(d) RULE OF CONSTRUCTION.—Nothing in this Act, or any amendment made by this Act, shall be construed as a provision described in section 5(b)(1) or 8(a)(1) of the War Powers Resolution (Public Law 93–148; 50 U.S.C. 1544(b), 1546(a)(1)).

(e) DENIAL OF ENTRY AT UNITED STATES PORTS TO CERTAIN CARGO SHIPS OR OIL TANKERS.—

(1) IN GENERAL.—The President should take all necessary and appropriate steps to deny the Government of Sudan access to oil revenues, including by prohibiting entry at United States ports to cargo ships or oil tankers engaged in business or trade activities in the oil sector of Sudan or involved in the shipment of goods for use by the armed forces of Sudan until such time as the Government of Sudan has honored its commitments to cease attacks on civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance, and allow for the safe and voluntary return of refugees and internally displaced persons.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to cargo ships or oil tankers involved in—

(A) an internationally-recognized demobilization program;

(B) the shipment of non-lethal assistance necessary to carry out elements of the Comprehensive Peace Agreement for Sudan or the Darfur Peace Agreement; or

(C) the shipment of military assistance necessary to carry out elements of an agreement referred to in subparagraph (B) if the President has made the determination set forth in section 8(c)(2).

(f) PROHIBITION ON ASSISTANCE TO COUNTRIES IN VIOLATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS 1556 AND 1591.—

(1) PROHIBITION.—Amounts made available to carry out the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) may not be used to provide assistance (other than humanitarian assistance) to the government of a country that is in violation of the embargo on military assistance with respect to Sudan imposed pursuant to United Nations Security Council Resolutions 1556 (2004) and 1591 (2005).

(2) WAIVER.—The President may waive the application of paragraph (1) if the President determines, and certifies to the appropriate congressional committees, that such waiver is in the national interests of the United States.

SEC. 7. CONTINUATION OF RESTRICTIONS.

(a) IN GENERAL.—Restrictions against the Government of Sudan that were imposed pursuant to Executive Order 13067 of November 3, 1997 (62 Federal Register 59989), title III and sections 508, 512, 527, and 569 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102), or any other similar provision of law, shall remain in effect, and shall not be lifted pursuant to such provisions of law, until the President certifies to the appropriate congressional committees that the Government of Sudan is acting in good faith to—

(1) implement the Darfur Peace Agreement;

(2) disarm, demobilize, and demilitarize the Janjaweed and all militias allied with the Government of Sudan;

(3) adhere to all associated United Nations Security Council Resolutions, including Security Council Resolutions 1556 (2004), 1564 (2004), 1591 (2005), 1593 (2005), 1663 (2006), 1665 (2006), and 1706 (2006);

(4) negotiate a peaceful resolution to the crisis in eastern Sudan;

(5) fully cooperate with efforts to disarm, demobilize, and deny safe haven to members of the Lord's Resistance Army in Sudan; and

(6) fully implement the Comprehensive Peace Agreement for Sudan without manipulation or delay, by—

(A) implementing the recommendations of the Abyei Boundaries Commission Report;

(B) establishing other appropriate commissions and implementing and adhering to the recommendations of such commissions consistent with the terms of the Comprehensive Peace Agreement for Sudan;

(C) adhering to the terms of the Wealth Sharing Agreement; and

(D) withdrawing government forces from Southern Sudan consistent with the terms of the Comprehensive Peace Agreement for Sudan.

(b) WAIVER.—The President may waive the application of subsection (a) if the President determines, and certifies to the appropriate congressional committees, that such waiver is in the national interests of the United States.

SEC. 8. ASSISTANCE EFFORTS IN SUDAN.

(a) ASSISTANCE FOR INTERNATIONAL MALARIA CONTROL ACT.—Section 501 of the Assistance for International Malaria Control Act (Public Law 106–570; 50 U.S.C. 1701 note) is repealed.

(b) COMPREHENSIVE PEACE IN SUDAN ACT.—Section 7 of the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note) is repealed.

(c) ECONOMIC ASSISTANCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President is authorized to provide economic assistance for Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, Abyei, Darfur, and marginalized areas in and around Khartoum, in an effort to provide emergency relief, to promote economic self-sufficiency, to build civil authority, to provide education, to enhance rule of law and the development of judicial and legal frameworks, to support people to people reconciliation efforts, and to implement any nonmilitary program in support of any viable peace agreement in Sudan, including the Comprehensive Peace Agreement for Sudan and the Darfur Peace Agreement.

(2) CONGRESSIONAL NOTIFICATION.—Assistance may not be obligated under this subsection until 15 days after the date on which the Secretary of State notifies the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) of such obligation in accordance with the procedures applicable to reprogramming notifications under such section.

(d) AUTHORIZED MILITARY ASSISTANCE.—

(1) IN GENERAL.—If the President has not made a certification under section 12(a)(3) of the Sudan Peace Act (50 U.S.C. 1701 note) regarding the noncompliance of the SPLM/A or the Government of Southern Sudan with the Comprehensive Peace Agreement for Sudan, the President, notwithstanding any other provision of law, may authorize, for each of fiscal years 2006, 2007, and 2008, the provision of the following assistance to the Government of Southern Sudan for the purpose of constituting a professional military force—

(A) non-lethal military equipment and related defense services, including training, controlled under the International Traffic in Arms Regulations (22 C.F.R. 120.1 et seq.) if the President—

(i) determines that the provision of such items is in the national security interest of the United States; and

(ii) not later than 15 days before the provision of any such items, notifies the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives of such determination; and

(B) small arms and ammunition under categories I and III of the United States Munitions List (22 C.F.R. 121.1 et seq.) if the President—

(i) determines that the provision of such equipment is essential to the national security interests of the United States; and

(ii) consistent with the procedures set forth in section 614(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2364(a)(3)), notifies the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives of such determination.

(2) END USE ASSURANCES.—For each item exported pursuant to this subsection or subsection (c), the President shall include with the notification to Congress under subparagraphs (A)(ii) and (B)(ii) of paragraph (1)—

(A) an identification of the end users to which the provision of assistance is being made;

(B) the dollar value of the items being provided;

(C) a description of the items being provided; and

(D) a description of the end use verification procedures that will be applied to such items, including—

(i) any special assurances obtained from the Government of Southern Sudan or other authorized end users regarding such equipment; and

(ii) the end use or retransfer controls that will be applied to any items provided under this subsection.

(3) WAIVER AUTHORITY.—Section 40 of the Arms Export Control Act (22 U.S.C. 2780) shall not apply to assistance provided under paragraph (1).

(e) EXCEPTION TO PROHIBITIONS IN EXECUTIVE ORDER NUMBER 13067.—Notwithstanding any other provision of law, the prohibitions set forth with respect to Sudan in Executive Order No. 13067 (62 Fed. Reg. 59989) shall not apply to activities or related transactions with respect to Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, Abyei, Darfur, or marginalized areas in and around Khartoum.

SEC. 9. REPORTING REQUIREMENTS.

Section 8 of the Sudan Peace Act (Public Law 107–245; 50 U.S.C. 1701 note) is amended—

(1) by redesignating subsection (c) as subsection (g); and

(2) by inserting after subsection (b) the following:

"(c) REPORT ON AFRICAN UNION MISSION IN SUDAN.—Until such time as AMIS concludes its mission in Darfur, in conjunction with the other reports required under this section, the Secretary of State, in consultation with all relevant Federal departments and agencies, shall prepare and submit a report, to the appropriate congressional committees, regarding—

"(1) a detailed description of all United States assistance provided to the African Union Mission in Sudan (referred to in this subsection as

'AMIS') since the establishment of AMIS, reported by fiscal year and the type and purpose of such assistance; and

"(2) the level of other international assistance provided to AMIS, including assistance from countries, regional and international organizations, such as the North Atlantic Treaty Organization, the European Union, the Arab League, and the United Nations, reported by fiscal year and the type and purpose of such assistance, to the extent possible.

"(d) REPORT ON SANCTIONS IN SUPPORT OF PEACE IN DARFUR.—In conjunction with the other reports required under this section, the Secretary of State shall submit a report to the appropriate congressional committees regarding sanctions imposed under section 6 of the Comprehensive Peace in Sudan Act of 2004, including—

"(1) a description of each sanction imposed under such provision of law;

"(2) the name of the individual or entity subject to the sanction, if applicable; and

"(3) whether or not such individual has been identified by the United Nations panel of experts.

"(e) REPORT ON UNITED STATES MILITARY ASSISTANCE.—In conjunction with the other reports required under this section, the Secretary of State shall submit a report to the appropriate congressional committees describing the effectiveness of any assistance provided under section 8 of the Darfur Peace and Accountability Act of 2006, including—

"(1) a detailed annex on any military assistance provided in the period covered by this report;

"(2) the results of any review or other monitoring conducted by the Federal Government with respect to assistance provided under that Act; and

"(3) any unauthorized retransfer or use of military assistance furnished by the United States.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

For as long as I can remember, we have received conflicting messages about the situation in Sudan. My staff and I, like many people in this body, have met with Sudanese government officials. We have met with African Union officials and Darfur rebel leaders in Khartoum, Darfur, Addis Ababa, Abuja, and in Washington; and we have gotten varying accounts and assurances between the northern and southern officials in the Sudan government, between the African Union military and political departments, and between the SLM factions and the JEM.

Unfortunately, the past few months have brought more of the same. On May 5, 2006, we welcomed the news that the government of Sudan had signed a peace agreement with the largest rebel group in Darfur, the Minni Minnawi-led faction of the Sudan Liberation Movement Army. Modeled after the peace agreement which ostensibly ended over 20 years of war in southern Sudan, the Darfur Peace Agreement was hailed as a breakthrough in the peace process that had seen little progress in 2 years.

Our hopes for peace in Darfur were further raised on August 30 as the United Nations Security Council finally approved Resolution 1706, authorizing the transition of the well-meaning but severely constrained African Union Mission in Sudan, AMIS, to a larger, more capable U.N. peacekeeping mission with a robust mandate providing for civilian protection.

Before the microphones were silenced and the ink had dried, however, it became clear that eloquent speeches and agreements on paper would do little, if anything, to protect human life in Darfur.

Given its conduct of the war in the south, it should have been come as no surprise to learn that the government of Sudan had launched a new major military offensive in north Darfur in late August, in direct violation of the peace agreement it had signed just 3 months earlier.

Rather than serving as a harbinger of peace, it appears that the Darfur Peace Agreement has emboldened the Sudanese government, the Janjaweed militias, and rebel groups in Darfur to act with even greater impunity in killing, abusing and displacing civilians as they seek to consolidate their positions before international peacekeepers are deployed.

And despite assurances that a U.N. peacekeeping mission would be accepted upon conclusion of a peace agreement, Security Council Resolution 1706 was greeted by the Sudanese government with unmitigated hostility.

Regardless of the fact that a U.N. peacekeeping mission already exists in southern Sudan, the Sudanese government now seeks to portray the proposed expansion to Darfur as a "western invasion" and has called upon jihadists to attack any U.N. peacekeepers who dare to deploy in Darfur.

While it is not require under U.N. Security Council Resolution 1706, the Sudanese government's intransigence and inflammatory remarks have all but guaranteed that the long-awaited transition of AMIS will not take place before the end of this year.

It is these sharp contrasts between word and deed in Sudan which underlie the importance of today's consideration of H.R. 3127, the Darfur Peace and Accountability Act.

H.R. 3127, which was authored by Chairman HYDE and cosponsored by Mr. LANTOS, Mr. PAYNE and me and 160 other Members, passed the House in April and was amended by the Senate just last week. It offers the President the tools he needs both to support the immediate expansion of AMIS and to facilitate its transition to a U.N. peacekeeping mission as soon as possible. It also provides the President with the authority to provide emergency economic and development assistance to marginalized areas in Sudan, including southern Sudan and Darfur.

H.R. 3127 also carries punitive measures intended to promote accountability in Sudan and act as a deterrent against further atrocities. It imposes targeted sanctions against individuals determined to be complicit in or responsible for acts of genocide, war crimes or crimes against humanity in Darfur. It calls upon the President to take all necessary actions to deny the government of Sudan access to oil revenues, which have been used to fund its genocidal campaign in Darfur. H.R. 3127 also calls for the suspension of the government of Sudan's rights and privileges at the U.N. until it has honored its commitments before that body.

The Senate amendment updates the bill to reflect events that have taken place following House passage last April and expresses the conviction of this Congress that AMIS must be transitioned to a larger, more capable U.N. mission. It also allows the President to provide limited military assistance to the government of southern Sudan, thereby fulfilling commitments to facilitate the transformation of the Sudan People's Liberation Army from a rebel group to a professional military force.

I note with considerable regret that the Senate amendment also strikes an important provision to make clear that nothing in this bill shall preempt State laws on divestment.

I am very proud of the fact that New Jersey has divested its pension fund investments from companies that do business with Khartoum. I would note that some States like Illinois are in court, in litigation, because they have done likewise. This provision would have made clear that nothing in the bill would preempt State laws on disinvestment. That is a loss, but there are many other things in this bill that I think warrant its passage.

Mr. Speaker, in their addresses to the U.N. Assembly last week, both President Bush and Secretary General Kofi Annan recognized the transcendent importance of a show of resolve on Darfur. While it is true that the bill before us as amended by the Senate requires Members to make difficult compromises, it is nevertheless a solid bill. It is a serious bill. It is an urgent bill. Far too much time has lapsed. Far too many graves have been filled since we first began debating this resolution. The time to show Congress's resolve is now.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this bill, and I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Illinois, Chairman HYDE, and our ranking subcommittee member, Mr. PAYNE, for the extraordinary hard work that went into writing this potentially life-saving legislation, the Darfur Peace and Accountability Act.

This bill, Mr. Speaker, has a simple goal: to increase steadily the pressure on the politicians in Khartoum so they finally will end the genocide there.

Congress has acted before to pressure the Sudanese government, and perhaps we will have to do so again in the future. But we must continue to press until the genocide is ended, the displaced can return to their home, and justice will have been served.

This important and comprehensive piece of legislation does many things. It imposes sanctions on political and military leaders in Sudan who are responsible for the Darfur genocide. It authorizes the President to provide additional assistance to the currently over-matched African Union military mission. It prohibits assistance to countries in violation of the United Nations Security Council resolutions which impose sanctions on Sudan. It maintains existing United States sanctions on the government of Sudan to keep on the pressure.

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And it makes special provisions to aid the Government of southern Sudan by exempting it from sanctions.

Madam Speaker, the measures in this bill are "smart sanctions" on individuals. They target specific measures against political and military leaders who have directed the scorched Earth policy against men, women, and children in Darfur.

Consider the scope of this tragedy: over 200,000 have died. More than 2 million innocent civilians have been displaced from their homes. Rape is a weapon of choice against women and girls. And even those who find shelter in refugee camps beyond the country's borders are not safe from attack.

The perpetrators of genocide in Darfur have lied about their actions. They defied international rebuke. And they attempted to hide their duplicitous nature by participating in peace negotiations while keeping up the aggression against the people of Darfur.

Madam Speaker, the murderers in Khartoum do not respond to the fine points of diplomacy without blunt pressure that hampers their ability to do business as usual. Khartoum responds only to hardball tactics and then only reluctantly.

Madam Speaker, genocide is not perpetrated by anonymous unidentifiable individuals and groups. Genocide is conceived, planned, and carried out by malicious immoral people with names and faces. Our legislation focuses specifically on those individuals who have been identified by the President as complicit in or responsible for acts of genocide, war crimes, or crimes against humanity in Darfur. The list of individuals includes their family members and people to whom assets have been transferred since the genocide began.

Madam Speaker, we know who these perpetrators of evil are, and I am pleased beyond words that the House and the Senate are prepared to act against them. But our bill goes beyond sanctions against the evil-doers in Khartoum. It also ensures that sanctions on Sudanese Government officials remain in place until they have stopped the genocide and implanted the Darfur Peace Agreement, disarmed the murderous Arab militia, adhered to all U.N. Security Council resolutions, and negotiated a peaceful settlement to the crisis in eastern Sudan.

Madam Speaker, the legislation before us today does not contain divestment provisions of the type that were so instrumental in bringing down the Apartheid government in South Africa. I strongly support such provisions, and the other body's refusal to include them in the comprehensive bill represents a missed opportunity. But this bill remains a very strong piece of legislation that will undoubtedly increase pressure on the Government of Sudan to end the genocide.

With its passage, Congress is signaling that we will not be passive observers to mass murder. We will act and act decisively.

I urge all of my colleagues to support this important bill.

Madam Speaker, I am delighted to yield 2 minutes to a distinguished member of the International Relations Committee, my good friend from Minnesota, a strong voice for human rights, Congresswoman BETTY MCCOLLUM.

Ms. MCCOLLUM of Minnesota. Madam Speaker, I am here to support H.R. 3127, but I have serious concerns that this legislation is too little too late for hundreds of thousands of innocent people who have died and continue to be in danger.

Secretary of State Colin Powell declared the murder in Sudan a genocide in September, 2004, 2 years ago. I voted on this legislation in subcommittee 15 months ago. And every day since then, the violence and the humanitarian crisis in Darfur have gotten worse. Passing this legislation today may make us all feel good, but it will not end the genocide or even slow down the killing.

Sudan is a rogue nation. Sudan is a state sponsor of terrorism. In the Darfur region, the Sudanese regime terrorizes its citizens; it trains, it funds, and it arms the Janjaweed militia that commits acts of terrorism and mass murder and the systematic rape of girls and women. More than 2,000 villages have been destroyed in Darfur. More than 2 million people have been driven from their homes, and thousands of lives are at risk of disease and ongoing terrorist attacks by the Khartoum regime and the Janjaweed militia. This is an evil regime perpetrating genocide.

Genocide is not a number of random incidents of violence. Genocide is the sum, the horrible outcome, of acts of terrorism perpetrated in a systematic manner against civilians; 400,000 innocent people have died.

When H.R. 3127 passed this House, it included language calling upon the Secretary of State to declare the Janjaweed militia a foreign terrorist organization. I thank Mr. HYDE, Mr. SMITH, and Mr. LANTOS for supporting it. This language, unfortunately, has been stripped from the bill. But let us today call upon Secretary of State Rice to immediately designate the Janjaweed militia a foreign terrorist organization. Those who murder Africans are terrorists. Those who murder Muslim Africans are terrorists, and they should be given the same terrorist designation as those who attack Americans and Israelis. The Janjaweed militia are terrorists, and they must be held accountable for their crimes against humanity.

Mr. LANTOS. Madam Speaker, I am pleased to yield 3 minutes to my friend from Texas, Congresswoman SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Madam Speaker, I am here because I indicated that I believe that this debate or these debates that we have had over these last couple of hours may be some of the most important lifesaving efforts that this Congress can spend its time on this week.

We have heard our colleagues over and over again talk about the devastation and the outrage of what is going on in Sudan. Let me thank Mr. LANTOS and Mr. HYDE and Mr. PAYNE because I am reminded that, as my good friend and colleague who just recently debated this question on the floor reminded us, we have been here before. And when we came here before, we should have moved this legislation, not contending to give deference to the leader of Sudan anymore because he has obviously shown us that it is not his intention to do what is right for the suffering people.

I have mentioned the fact that there are so many who have fled and who have been devastated out of the camps. So many women, so many poor conditions, so many harsh conditions, lack of water, lack of clothing, lack of housing and shelter, if you will, and certainly the inability to protect oneself.

This legislation provides the sanctions against those who will perpetrate this horrible violence, but it also is the kind of strong legislation that is needed. And as my good friend from California, Ranking Member Mr. LANTOS, has said, it could do more. We could support divestiture. And, frankly, that is why I am supporting the legislation of Congresswoman BARBARA LEE to call for the divestiture all over the Nation of any investment in Sudan.

But allow me to share with you why this is such an important initiative. We have just heard from the President of Sudan, who has now begun new military offenses in Darfur and who has gone from country to country, Morocco, Egypt, and argued his case that he does not want U.N. peacekeepers in Sudan. Who is he to reject U.N. peacekeepers when he is perpetrating violence on his own constituents, his own people?

Now, we have stood on this floor and we have affirmed some of the positive steps that our good friends in the Arab world are making, and I do not step away from that. But this is a time, with the passage of this legislation, for Algeria and Morocco and Egypt to reject the pleas of the Khartoum government and allow U.N. peacekeepers into the Sudan. This is a time for this legislation, which was passed some months back, to be able to immediately go to the President's desk so that sanctions can go against the individuals that are perpetrating this violence. And if we could, we need to move forward on legislation that causes the divestiture, and the reason is it seems impossible for the President of Sudan, for the Khartoum government to understand the urgency and the necessity of coming to grips with an existing peace agreement that has not been implemented or enforced. People are dying. Surrounding countries are bending under the pressure, and I would simply argue vigorously that this legislation needs to be passed and moved on to the President's desk. I ask my colleagues to support it.

Madam Speaker, I rise today in strong support of H.R. 3127, which imposes sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, supports measures for the protection of civilians and humanitarian operations, and supports peace efforts in the Darfur region of Sudan.

The Darfur Peace and Accountability Act of 2005, H.R. 3127, is a bipartisan effort to impose sanctions on the Government of Sudan, its officials, and the Janjaweed militia who have engaged in genocidal acts in the Darfur region of Sudan over the past 2 years.

The genocidal regime in Sudan has left 2.5 million people displaced and at least 400,000 people dead in Darfur. Due to increasing violence, 15,000 innocent civilians continue to die each month. Genocide cannot continue on our watch; the United States must move towards effective action against this most terrible crime. The United Nations Secretary General has described the situation in Darfur as "little short of hell on earth." Expert John Prendergast calls it "Rwanda in slow motion." The United States Congress and administration are on record as declaring that the atrocities being committed in Darfur, Sudan are genocide.

Until the security situation vastly improves, the people of Sudan will experience increasingly long-term adversity. Civilians can't plan on stability in the future. They can't grow crops, or raise livestock, if there is a likelihood-not a chance, a likelihood—that roving government-sponsored militias will beat, rape, or kill them if they wander outside the protection of makeshift camps. And these government-sponsored criminals burn fields the people have managed to grow, and steal or slaughter the livestock the people have managed to keep.

Over 400,000 people have died in the Darfur conflict since 2003, with 3.5 million people driven into hunger, and another 2.5 million displaced due to violence. Imagine if the entire city of Las Vegas had perished at the hands of government-sponsored bandits, the population of Los Angeles was starving, and both the cities of Houston and Atlanta had all relocated due to conflict. The upheaval of the South after Hurricane Katrina is our closest reference to understanding the devastation Sudan is experiencing, and yet the scale in Sudan is overwhelming. We should all be quaking with anger.

Human rights are not for any government to give and take—they are inherent, self-evident, and vital, as our founding fathers understood so well. We should not be complacent when such rights are violated or refused—we must use what power we have to ensure that people are free to live and thrive safely.

We must work to deter any escalation of violence, and provide unwavering assistance to diffuse the current strife. I commend the tireless efforts of United States officials who have helped secure the Comprehensive Peace Agreement and the Darfur Peace Agreement. And yet there is much to be done, the welfare of a nation lies within our hands.

Our role is clear, and we must do what we can to alleviate the desperation of the civilians caught in the mayhem in Sudan. I urge my colleagues to support this measure.

Mr. LANTOS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself the balance of my time.

I would like to just at this point thank the following congressional staff for their extraordinary work and persistence in shaping this bill. As my colleague from Minnesota pointed out earlier, we did mark this bill up 15 months ago in my subcommittee, and it has been a long, arduous journey to this night on this Hyde-Lantos legislation. So I want to thank Joan Collins, Gregory Simpkins, Pearl Alice Marsh, Noelle LuSane, Ian Campbell, Hannah Royal, Aysha House-Moshi, Greg Adams, Samantha Stockman, Walker Roberts, Jock Scharfen, David Abramowitz, Will Lowell.

And I hope I didn't leave anybody out because there was an extraordinary amount of give and take on this legislation. Again, some of its aspects that we would have liked to have seen dealing with disinvestment was dropped by the Senate. I think that was a setback. But it is still a very solid piece of legislation and deserves the full support of this body to advance our efforts to mitigate and hopefully end the genocide in Darfur.

This now goes to the President, as I have just been reminded, and I think he will sign it very quickly. I urge its passage.

Ms. WATERS. Madam Speaker, I rise to support H.R. 3127, the Darfur Peace and Accountability Act. This bill imposes sanctions on the government of Sudan and blocks the assets and restricts travel for individuals who are responsible for acts of genocide, war crimes or crimes against humanity in the Darfur region of Sudan.

More than 450,000 people have died since 2003 as a result of the genocide in Darfur. There are two-and-a-half million displaced people in camps in Darfur and another 350,000 in refugee camps in neighboring Chad. Almost 7,000 people are dying every month in Darfur. There can be no doubt that what is taking place in Darfur is genocide, and the government of Sudan is responsible.

Crimes against humanity in Darfur have escalated in recent months. Over 500 women were raped over the summer in one camp alone. There have been renewed attacks and aerial bombardment, and twelve humanitarian workers were killed, two of them in the last 4 weeks. If the United Nations does not intervene in Darfur now, the death toll could rise dramatically in the next few months.

Earlier this year, I visited the Darfur region with my good friend from California, Congresswoman NANCY PELOSI, and I was deeply disturbed by what I saw. As far as the eyes could see, there were crowds of displaced people who had been driven from their homes, living literally on the ground with little tarps just covering them. It is unconscionable that this should continue.

I urge my colleagues to vote in favor of this bill and take a firm stand against the crime of genocide in Darfur.

The world stood by and watched the genocide that occurred in Rwanda. The world has noted over and over again the atrocities of the Holocaust. We must take action now to prevent a repeat of these horrific chapters in human history.

Mr. LARSON of Connecticut. Madam Speaker, I once again rise in strong support of H.R. 3127, the Darfur Peace and Accountability Act. I am proud to be a cosponsor of this important legislation, and look forward to it being signed into law.

The scope of the Darfur tragedy is nothing less than horrific. As far as we know, an estimated 400,000 people are now dead and over two million have been displaced as a result of the violence. Thousands continue to die each month as a result of starvation, neglect and sickness. Unfortunately, little has changed since the House first passed H.R. 3127 in April: the Sudanese government has continued to ignore United Nations Security Council resolutions calling for the end of the conflict, the May 2006 peace agreement has largely been ignored and the violence against the people of Darfur has raged on.

As United Nations Undersecretary General for Humanitarian Affairs Jan Egeland noted in August, the situation has only gone "from real bad to catastrophic." It is therefore more important than ever that the United States provide the strong moral leadership necessary to spur the world community to act to stop the killings, kidnappings and rapes in Darfur. As our nation continues to work within the United Nations for strong international action on Darfur, passage of this bill, and its enactment into law, will send a clear message to the government of Sudan that the United States will not simply stand by as these atrocities continue.

Two years ago, this Congress and the administration declared the atrocities in Darfur to be genocide and vowed to end the ongoing campaign of violence. It is in that spirit that we must continue to work to ensure that these strong words are not empty ones, that peace can be found in Sudan, and that the people of Darfur are one day free of the threat of genocide. This bill, and the other Darfur measures that we will pass today, are small but important steps towards reaching these goals.

Mr. KIRK. Madam Speaker, I would like to express my strong support for the three bills under consideration this week relating to the crisis in Darfur, Sudan. These bills, H.R. 3127, the Darfur Peace and Accountability Act of 2006 conference report, H. Res. 723, which calls on the President to take immediate steps to improve the security situation in Darfur, and H. Res. 992, which urges the President to appoint a Presidential Special Envoy for Sudan, all take concrete steps towards ending the genocide in Darfur.

The situation in Darfur, Sudan is increasingly concerning. Nearly three million Sudanese citizens will require emergency assistance in the next year. Sudanese government forces support Janjaweed Arab militias that commit crimes against humanity, including genocide. More than one million people were driven from their homes since February 2003, while over 150,000 people took refuge in neighboring Chad. The hundreds of thousands of displaced people who remain in the Darfur region are confined to government controlled camps. Using Sudanese government resources, the Janjaweed militias rape, attack and prey upon these helpless victims.

We must hold the Sudanese government accountable. I commend Representative HENRY HYDE (R–IL) for introducing the Darfur Peace and Accountability Act of 2005. I am a cosponsor of this important bill that intensifies sanctions on the Government of Sudan, particularly targeting those responsible for genocide, war crimes, or crimes against humanity.

The United States should do more to end the brutal killing and ethnic cleansing of civilians. We must bring war criminals to justice. I was glad to see H.R. 3127, the Darfur Peace and Accountability Act conference report pass the House of Representatives yesterday by voice vote. I urge President Bush to sign this important bill which takes significant measures to bring a lasting peace to this war-stricken region.

I am also a firm supporter and cosponsor of House Resolution 992, which urges President Bush to appoint a Special Envoy for Sudan. I joined Representative FRANK WOLF (R–VA) in sending a letter to the President requesting he appoint a Special Envoy earlier this summer. I was pleased to hear President Bush declare in his speech to the United Nations General Assembly that he is appointing former USAID Administrator Andrew Natsios to be the new Presidential Special Envoy for Sudan. Earlier in my career I worked closely with Mr. Natsios to tackle one of the worst humanitarian crises of the 1990's. Natsios coordinated food aid during the North Korea famine which saved tens of thousands of lives. Mr. Natsios is an experienced diplomat, and I am confident in his ability to coordinate American policy in the region to resolve this conflict.

Despite the sincere efforts of our government, which has led the international community in providing nearly $440 million in emergency supplemental aid this year, millions of victims continue to live in camps under horrible conditions. Murderous militias continue to slaughter innocent civilians. We have a duty to bring an end to this humanitarian crisis. I urge my colleagues to join me in supporting these bills that demonstrate America's leadership in defense of those who need our help the most.

Mr. SMITH of Texas. Madam Speaker, I strongly support the Darfur Peace and Accountability Act." This bill demonstrates the strong bipartisan commitment of Congress to address to the terrible crisis in Sudan.

Day after day, month after month, we have watched the situation in Darfur deteriorate before our eyes. The genocide occurring there is a clear example and tragic reminder that atrocities still exist in the world today.

This bill sends a clear message that the United States and the entire global community must do more to intervene in this catastrophe. It will expand our ability to support peacekeeping operations in the region and will hold accountable those responsible for committing atrocities.

I recognize that this bill alone will not stop the violence in Darfur. However, it is a step, and an important step. I am hopeful that this will signal the beginning of our increased engagement with this issue.

Mr. SMITH of New Jersey. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. DRAKE). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3127.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

COMMENDING THE MONTENEGRIN PEOPLE ON THE REFERENDUM ON INDEPENDENCE

Mr. POE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 965) commending the people of Montenegro on the conduct of the referendum on independence, welcoming United States recognition of the sovereignty and independence of the Republic of Montenegro, and welcoming Montenegrin membership in the United Nations and other international organizations.

The Clerk read as follows:

H. RES. 965

Whereas the Constitutional Charter of the State Union of Serbia and Montenegro established provisions and procedures for withdrawal of a member state from the State Union, providing that a decision to withdraw "shall be made after a referendum has been held";

Whereas, in accordance with Article 60 of the Constitutional Charter of the State Union of Serbia and Montenegro, the Parliament of Montenegro unanimously adopted in March 2006 the Law on the Referendum on the State Legal Status of the Republic of Montenegro, which established the conditions for the conduct of the referendum on state independence, including establishing the standard that 55 percent of voters must support independence to achieve a valid mandate;

Whereas the people of Montenegro in a popular referendum on May 21, 2006, voted to support the sovereign independence of the Republic of Montenegro from the State Union of Serbia and Montenegro by a margin of 55.5 percent in favor of independence with over 86 percent of eligible voters participating in the referendum;

Whereas, in accordance with the expressed will of a majority of the people of Montenegro, on June 3, 2006, the Parliament of Montenegro declared the independence of Montenegro, declaring that the Republic is a "multiethnic, multicultural and multireligious society . . . based on the rule of law and market economy";

Whereas countries and international organizations throughout the world, including the United States and the European Union, have formally recognized Montenegro as an independent state and are establishing diplomatic relations with Montenegro;

Whereas Secretary of State Condoleezza Rice said as she announced that the United States formally recognized the sovereignty and independence of the Republic of Montenegro that "the honor of being counted among the free and independent states of the world brings with it the challenge of protecting and advancing the freedom, rights, and prosperity of all the people of Montenegro, and the responsibility to make a positive contribution to the community of nations";

Whereas on June 28, 2006, Montenegro was welcomed as the 192nd member of the United Nations, on which occasion, United Nations Secretary-General Kofi Annan said: "In achieving its independence through a nonviolent and democratic process, conducted in a fair and open way, Montenegro showed the entire world not only its patience, but its political maturity."; and

Whereas the Republic of Serbia and the Republic of Montenegro have acted responsibly in their bilateral relationship following the decision of the Montenegrin people to withdraw from the State Union of Serbia and Montenegro: on June 15, 2006, Serbia recognized the independence of Montenegro, the two countries have established formal diplomatic relations, and the President of Serbia was the first foreign head of state to pay an official visit to Montenegro: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the people and the Government of the Republic of Montenegro for the free, fair, and responsible way in which the referendum on independence was conducted and acknowledges the broad participation of the citizens of Montenegro in that important vote;

(2) congratulates the people of Montenegro on their decision to establish an independent and sovereign state and welcomes them to the community of nations, to membership in the United Nations, to full participation in the Organization for Security and Cooperation in Europe (OSCE), and to membership in other international organizations;

(3) welcomes the decision of the United States to recognize the sovereignty and independence of the Republic of Montenegro and urges the expeditious establishment of diplomatic relations between our two countries; and

(4) urges the people and Government of Montenegro to continue to embrace the principles of democratic government and to take actions that will encourage respect for human rights, for a free market economy, and for a free, open and democratic society with full respect for all people of Montenegro.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. POE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. POE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. POE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Res. 965. This resolution was introduced by the distinguished gentleman from California (Mr. LANTOS). H. Res. 965 commends the people of Montenegro for conducting their referendum on independence and welcomes the sovereignty and independence of the Republic of Montenegro.

Madam Speaker, the former Federal Republic of Yugoslavia formally ceased to exist in February of 2003, when the Serbian and Montenegro Parliaments and the Yugoslav Federal Parliament adopted a constitutional charter creating the state union of Serbia and Montenegro. This constitutional charter of the State Union of Serbia and Montenegro established provisions and procedures for the withdrawal of a member state from the State Union, including that a decision to withdraw from the State Union of Serbia and Montenegro shall be made after a referendum has been held.

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In accordance with this constitutional charter, the parliament of Montenegro unanimously adopted, in March of 2006, the law on the referendum on the state legal status of the Republic of Montenegro which established the conditions for conducting the referendum on this state independence.

On May 21, 2006, the people of Montenegro conducted the referendum on independence and voted in favor of independence by a margin of 55½ percent, with over 86 percent of all eligible voters participating in the referendum.

And then on May 23rd, 2006, the U.N. Ambassador to Serbia Montenegro congratulated the people of Montenegro for the peaceful, democratic and transparent manner in which the referendum was carried out and stated that the United States fully supports the Organization For Security and Cooperation in Europe, referred to OSCE, and the assessment of the election which determined that the referendum was conducted in line with the OSCE and the Council of Europe commitments and other international standards for a democratic electoral process.

On June 13, 2006, Secretary of State Condoleezza Rice announced that the United States has formally recognized the Republic of Montenegro as a sovereign and independent state, following the request of its government and consistent with the provisions of the constitutional charter which establishes the state union of Serbia and Montenegro.

It is important to state for the record that the government of the Republic of Serbia has acted responsibly in accordance with the commitments following the referendum of the Montenegrin people.

On June 5, 2006, the Serbian parliament accepted the independence of Montenegro.

On June 15, 2006, the Serbian Government officially recognized the independence of the Republic of Montenegro.

Over the course of the summer, Montenegro has become a member of the United Nations and numerous international organizations and established formal diplomatic relations with countries throughout this world.

Today, it is important that the United States House of Representatives consider this resolution and recognize Montenegro's historic achievement. Madam Speaker, this resolution congratulates the people and government of Montenegro for conducting their free, fair and responsible independence referendum, welcomes Montenegro as an independent and sovereign state, and urges the people and government of Montenegro to continue to embrace the principles of democratic government, human rights and freedom.

I urge the adoption of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I rise in strong support of this resolution and yield myself such time as I might consume.

Madam Speaker, Montenegro is a place of great beauty, of rugged mountains and a spectacular coast on the Adriatic Sea. Its people are warm and friendly, and they have a fascinating history and culture. I had the pleasure of visiting Montenegro on many occasions, and I find it a truly delightful place.

The people of Montenegro are fiercely independent. During the five centuries of Turkish dominance of the Balkans, from the late 1300s to the late 1800s, Montenegro was never under Turkish rule, despite repeated attempts of the Sultan to conquer the area.

At the end of World War I, an assembly of Montenegrin representatives voted to unite Montenegro with Serbia. Shortly thereafter, it became part of the Kingdom of Serbs, Croats and Slovenes, which later became known as Yugoslavia.

When Marshal Tito established the Federation of Yugoslavia in 1945, Montenegro was recognized as one of its constituent republics. In 1991, the Yugoslav Federation began to disintegrate as its republics chose independence.

For over a decade, Montenegro and Serbia continued as the Yugoslav Federation. On May 21 of this year, the government of Montenegro held a free, fair, and open referendum on the question of separating the Republic of Montenegro from Serbia.

Madam Speaker, you will be pleased to note that some 86 percent of the people of Montenegro participated in the referendum, and well over half voted in favor of independence. On June 3, the Montenegrin parliament declared the country's independence.

The United States recognized this status in June. The United Nations General Assembly unanimously accepted Montenegro as the UN's 192nd member at the end of June; and, on August 15, we established diplomatic relations with Montenegro pursuant to an exchange of letters between the Presidents of the United States and Montenegro.

Just 3 weeks ago, Montenegrins voted in their first general election since gaining their independence. A coalition headed by Milo Djukanovic took 40 seats, and it will lead the country's government.

Prime Minister Djukanovic has been the leading political figure in the country over the past decade and a half. The vote that I just referred to is important because the new parliament will draft the constitution defining the newly independent country's goals and its governmental structure.

Madam Speaker, this peaceful separation of Montenegro from Serbia is truly historic. Montenegro has demonstrated its readiness to assume the responsibilities of independence. As UN Secretary General Kofi Annan said, "In achieving its independence through a nonviolent and democratic process conducted in a fair and open way, Montenegro showed the entire world not only its patience but also its political maturity."

The government of Serbia also acted responsibly and maturely with regard to the independence of Montenegro. Shortly after the parliament of Montenegro declared its independence, the government of Serbia formally recognized the country, established diplomatic relations with Montenegro, and the President of Serbia, Boris Tadic, was the first head of state to pay an official visit to Montenegro.

President Tadic was our guest here in Washington just this past week, and I want to commend him for his very positive role in this singularly civilized and peaceful evolution in the Balkans.

Throughout the history of the world, Madam Speaker, we have seen much bloodshed and violence over similar situations. The peaceful, amicable separation of Montenegro and Serbia, as the earlier peaceful separation of Slovakia and the Czech Republic, have been exemplary, and all of those countries deserve our recognition and praise.

The European Commission has announced that it will open talks on closer ties between the European Union and Montenegro this month. We look forward to welcoming Montenegro into full membership into the European Union and into other international organizations. We also express the hope that the government of Montenegro and its people will continue to embrace the principles of democracy and particularly will encourage a free and open and democratic society with full respect for the human rights of all of its citizens.

Ethnic Albanians in Montenegro, with whom I have visited at length, have faced many challenges in the past. But I look forward to this newly independent state of Montenegro; and I hope it will remember its tradition as a multiethnic, multicultural and multireligious society based on the rule of law. It has the responsibility of protecting the freedom and human rights of all of its citizens.

Our resolution commends the people of Montenegro on the referendum on independence, welcomes them to the community of nations and to membership in the United Nations and welcomes the establishment of diplomatic relations between the United States and Montenegro.

I strongly support this resolution, Madam Speaker, and I urge all of my colleagues to do as well.

Madam Speaker, I yield back the balance of my time.

Mr. POE. Madam Speaker, I want to thank my colleague from California (Mr. LANTOS) for his leadership in this resolution; and I ask for adoption of the resolution.

Mr. SMITH of New Jersey. Madam Speaker, as one of the cosponsors, I am pleased to rise in support of House Resolution 965. The people of Montenegro deserve this commendation for the fair and orderly manner in which they achieved independence. They also deserve commendation for their patience. Many Montenegrin citizens wanted independence much earlier, but they and their political leaders understood that following a process marked by democratic norms and mutual agreement would only add credibility to the result.

A significant number of Montenegrin citizens, I should add, did not see a reason to break its ties in a state union with Serbia and voted against independence in the May referendum. To their credit, they have nevertheless accepted the result. Just last week, Montenegro held new parliamentary elections which were favorably assessed by the OSCE, indicating that the republic remains committed to democratic norms where differences of opinion will be respected.

As noted in the text of the resolution, Serbian authorities and the people of Serbia deserve some credit here as well. While many in Serbia failed to understand why Montenegro felt a need to break with Serbia, there was a willingness to work out differences and, since the May referendum, to respect the results.

Things were not always so easy. As Chairman of the Helsinki Commission, I recall holding hearings on Montenegro. At the time, this republic posed the only genuine and effective internal opposition to the regime of Slobodan Milosevic, and became his threatened next target as a result. Montenegro became a haven for those displaced by the Bosnian and Kosovo conflicts, which was very challenging given its own, small yet ethnically diverse population. For some, it continues in that role. Montenegro needed to assess its own role in the violent disintegration of the former Yugoslavia, and to rebuild good relations with its neighbors. It has done just that. The Commission has maintained a dialogue with Montenegrin political leaders over the years, held hearings on the situation in Montenegro, observed elections there and most recently observed the referendum itself. Whatever concerns have been expressed in this ongoing dialogue, we have had a serious back and forth.

It is my hope that Montenegro, as the 56th participating State in the OSCE, will remain committed to the path it has chosen, and remain engaged with the Helsinki Commission on issues of common concern. Among those issues, few are as important as trafficking in persons. This criminal activity remains a widespread problem throughout southeastern Europe, and Montenegro must endeavor to stop it. I also want to encourage Montenegro to undertake the reforms necessary, especially regarding the judicial system and other aspects of the rule of law, in order to realize its aspirations for European and Euro-Atlantic integration. The people of Montenegro can count on my support.

In closing, Madam Speaker, I think it important to note that Montenegro's independent statehood has implications not only for Montenegro but for the region as a whole. With Montenegro's independent statehood accepted and recognized, another outstanding issue has been resolved, and this time, thankfully, in a peaceful and democratic manner.

Other issues still remain, including of course the question of Kosovo's status. Some would assert that Montenegro's achievement of independent statehood is a precedent that can be easily applied to Kosovo or elsewhere. I would argue, however, that it is not the result of the process Montenegro followed but the process itself, with its commitment to democracy and respect for human rights as well as to finding the most widely acceptable arrangements through compromise, that is the true precedent here that others should follow.

Mr. POE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. POE) that the House suspend the rules and agree to the resolution, H. Res. 965.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill and a concurrent resolution of the House of the following title:

H.R. 5074. An act to amend the Railroad Retirement Act of 1974 to provide for continued payment of railroad retirement annuities by the Department of the Treasury, and for other purposes.

H. Con. Res. 235. Concurrent resolution expressing the sense of the Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3679. An act to authorize appropriations for the National Transportation Safety Board, and for other purposes.

RECOGNIZING THE 185TH ANNIVERSARY OF THE INDEPENDENCE OF PERU

Mr. POE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 940) recognizing the 185th anniversary of the independence of Peru on July 28, 2006, as amended.

The Clerk read as follows:

H. RES. 940

Whereas Peru gained independence from Spain on July 28, 1821, when the Republic of Peru was established as a sovereign and independent country;

Whereas the people of Peru have established, after a series of military and authoritarian regimes, a unique, pluralistic democracy which includes the freedoms cherished by the people of the United States, including freedom of speech, freedom of religion, freedom of association, freedom of the press, and government by the consent of the governed;

Whereas Peru regularly holds free and fair elections and promotes free exchange of ideas;

Whereas the interests of Peru and the United States are closely aligned;

Whereas the people of the United States share affinity with the people of Peru and view Peru as a strong ally;

Whereas the United States has joined Peru to promote political and economic freedoms, combat poverty, crime, disease, and drugs, and promote security, stability, and prosperity within Peru;

Whereas the bonds of association and friendship between the peoples of the two countries have been strengthened by the large number of Peruvians who have migrated to the United states where they make significant contributions to both the United States and Peru;

Whereas Peru is an integral member of the Latin American region and has been a constructive partner of the United States in fulfilling the agenda of the Western Hemisphere; and

Whereas the Peruvians and Peruvian-Americans residing in the United States have enriched and added to the United States way of life in the social, economic, and political arenas, and Peru's rich identity and heritage have become an integral part of the cultural tapestry of the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 185th anniversary of the independence of Peru;

(2) extends warm congratulations and best wishes to Peru for peace and further progress, development, and prosperity; and

(3) extends best wishes to Peruvians and Peruvian-Americans residing in the United States as they celebrate the 185th anniversary of Peru's independence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. POE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. POE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. POE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today, I am here to recognize the government and the people of Peru as we extend our warmest congratulations to them as they celebrate their 185th year as an independent nation.

Since independence, the people of Peru have faced many problems, including economic despair, an authoritarian regime, and a violent insurgency. During the 1980s, notorious terrorist groups such as Shining Path and MRTA destabilized Peru and the entire region and spread fear among the people.

Financed in part by elicit narcotics, these terrorist groups reduced Peru to the position of the world's second largest producer of cocoa, dimming Peru's prosperous future. However, despite years of political turmoil and violent internal conflict and through the perseverance of its people, Peru was able to escape the stranglehold on its democracy and has recently blossomed into a vibrant free state. This is evidenced by the success of the recent elections in 2001 and 2006 and a growing economy.

Today, Peru shares our Nation's most treasured ideals and standards, a success story that demonstrates the power of a democracy. Peru has played a key role as a force for stabilization and peace throughout the Western Hemisphere, as well as the rest of the world.

Along with providing over 200 troops to the United Nations mission in Haiti, Peru has been a staunch supporter in the global war on terror and the fight against drug trafficking and production.

Today, farmers from Peru are beginning to cast off the specter of a narcoeconomy by cooperation with the United States on alternative development crops, such as Peruvian oranges and bananas.

Peru has proven to be an invaluable ally and a role model for freedom in South America as well as the rest of the world. The United States stands with them on the continued progress and development of both democracy and as a nation.

With my best wishes to the people of Peru and most sincere congratulations on the 185th anniversary of their nation's independence, I fully support H. Res. 940. I urge all colleagues to join me in recognizing the shining model of democracy, a dedicated ally on the global war on terror, and one of the United States closest friends.

Madam Speaker, I reserve the balance of my time.

☐ 2030

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

I would first like to commend the efforts of my good friend and our esteemed colleague from New York (Mr. CROWLEY) for offering this timely measure. His work on Latin American issues in the International Relations Committee is greatly appreciated.

Madam Speaker, Peru has a long history as the center of cultural, political and economic life in the Andes. Before the country declared its independence from Spain in 1821, Peru served for centuries as the principal location of Spanish colonial power and wealth.

Peru's pre-colonial heritage is equally grand. The Incas built their impressive empire from Cuzco, their capital city. This empire stretched from what would become Ecuador's northern border to central Chile.

After its independence from Spain, Peru oscillated between authoritarian and democratic forms of government. Finally, in 2001, Alejandro Toledo was sworn in as President of Peru and consolidated the country's return to democracy.

The Peruvian economy grew on average by 5 percent a year since then, one of the most robust rates in all of Latin America, and foreign exchange reserves reached a record $14 billion by the end of last year.

The Toledo government is respectful of human and political rights. Nevertheless, grinding poverty still hamstrings over half of Peruvians, and the societal divide between indigenous people and those of European and mixed descent has widened.

Peru's new President, Alan Garcia, has promised to address these inequities and social cleavages. He has also embarked on a rapprochement with Chile as part of a larger effort to solidify cooperation between the like-minded nations of South America which are friendly to the United States.

Madam Speaker, I am confident that, by the time of Peru's bicentennial celebration, we and our Peruvian neighbors will enjoy one of the strongest alliances in this hemisphere, an alliance which will continue to build upon the policies of Peru's democratically elected government and the contributions of the vibrant Peruvian American community in our own country.

I strongly support this resolution and urge all of my colleagues to do so.

Madam Speaker, I have no further requests for time, and we yield back the balance of our time.

Mr. POE. Madam Speaker, I ask for adoption of the resolution. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. POE) that the House suspend the rules and agree to the resolution, H. Res. 940, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING ACCOMPLISHMENTS OF THE AMERICAN COUNCIL OF YOUNG POLITICAL LEADERS

Mr. POE. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 430) recognizing the accomplishments of the American Council of Young Political Leaders for providing 40 years of international exchange programs, increasing international dialogue, and enhancing global understanding, and commemorating its 40th anniversary.

The Clerk read as follows:

H. CON. RES. 430

Whereas citizen-to-citizen exchanges offer unique opportunities for learning from one another about commonly-shared solutions to problems, as well as different perspectives on forms of government and the aspirations other nations have for their citizens;

Whereas the American Council of Young Political Leaders (hereinafter referred to as the "ACYPL") was incorporated on September 1, 1966, by young leaders to open lines of communication and increase cross cultural understanding among future generations of political leadership;

Whereas ACYPL prepares in-depth study tours for young leaders, aged between 25 and 40 years old, to give them much-needed international exposure early in their political careers;

Whereas ACYPL targets young politicians likely to assume future positions of responsibility and leadership as Federal and State legislators, mayors, city council members and other State and local elected officials, many of whom may not have previously traveled outside the United States;

Whereas ACYPL programs are strictly bipartisan: American delegates are drawn equally from both major political parties and from all 50 States; ACYPL's overseas delegations are chosen to represent the political and cultural diversity of their home countries;

Whereas every dollar ACYPL receives in Federal funding becomes about another dollar and fifty cents through cost-share, in-kind contributions and outside fundraising, making this program one of the most cost effective public diplomacy programs supported by the United States Department of State;

Whereas the ACYPL's operations have evolved from its initial focus on Western Europe where there was limited interaction between the emerging leadership in the post-World War II nations and the United States to meet the challenges and to embrace public diplomacy opportunities in a changing world;

Whereas in the ensuing decades, the ACYPL's programs have extended to 90 nations in all regions of the world, including the Middle East, sub-Sahara Africa, the Western Hemisphere, East Asia, and the Pacific Rim;

Whereas ACYPL became one of the very few organizations with which the Soviet Union agreed to conduct political exchanges during the height of the Cold War, and ACYPL launched an exchange relationship between young political leaders in the United States and China following normalization of relations in 1979;

Whereas ACYPL exchange programs have endured during times of government-to-government strain, such as with China during the hostilities in Tiananmen Square and the Hainan Island incident, with the Soviets during their war in Afghanistan, and with Venezuela today;

Whereas ACYPL maintains its legacy of exchanging with recent post-conflict nations and assembling young leaders from places that have experienced bitter conflict, including Vietnam, Northern Ireland, Pakistan and India, Israel and the West Bank, and Greece and Turkey;

Whereas since 1966, the ACYPL has produced a global network of more than six thousand alumni, a large number of whom have risen to positions of great influence in the United States and in nations around the world;

Whereas prominent American ACYPL alumni include members of the United States Congress, cabinet members, governors, United States ambassadors, and many senior level national, State, and local executive and legislative branch officials;

Whereas distinguished international ACYPL alumni include prime ministers, cabinet members, ambassadors and parliamentarians; and

Whereas ACYPL looks to the future in an increasingly uncertain world, and remains steadfast in its mission to promote understanding and cultivate lasting political, economic and cultural relationships among young political leaders and policy-makers worldwide through the regular exchange of delegations, educational forums, leadership training and ongoing dialogue: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress commends the American Council of Young Political Leaders for working for forty years to prepare young political leaders to play a leadership role in international relations and world affairs;

(2) Congress congratulates the American Council of Young Political Leaders for exemplifying a stellar example of public diplomacy that works; and

(3) Congress salutes the American Council of Young Political Leaders for being a preeminent catalyst for introducing rising political leaders and policy makers to international affairs and to each other.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. POE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. POE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. POE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Con. Res. 430, which was introduced by the gentleman from California (Mr. THOMAS), recognizes the 40th anniversary of the American Council of Young Political Leaders and commends it for 40 years of working to prepare young political leaders to play a leadership role in international relations and world affairs.

This council is a not-for-profit organization based in Washington, DC, which was incorporated on September 1, 1966. Since then, it has worked to promote understanding and cultivate lasting political, economic, and cultural relationships among young political leaders and policymakers throughout the world through the regular exchange of bipartisan delegations, educational forums, leadership training and ongoing dialogue.

When this Young Political Leaders group was founded during the Cold War, its efforts initially focused on Western Europe. Over the past 4 decades, its programs have expanded to include over 90 nations throughout the world, including the Middle East, sub-Saharan Africa, the Western Hemisphere, East Asia, and the Pacific Rim.

The organization has also worked to better prepare young political leaders between the ages of 25 and 40 years old for future positions of responsibility in local, State, and Federal governments. It offers young leaders, some who may have never traveled outside the United States, the opportunity to enhance their awareness and understanding of other cultures through in-depth study tours, which are strictly bipartisan and carefully selected to represent geographical and cultural diversity.

It is important to note that every Member of Congress and all 50 Governors may nominate young political leaders as possible candidates to participate in the organization's in-depth study tours.

It has more than 6,000 alumni throughout the world, many of whom have risen to positions of great responsibility. In the United States, alumni include Members of Congress, the Cabinet, ambassadors and many senior level officials who serve in local, State and national government. Internationally, past participants of its program now serve as Cabinet members, ambassadors, parliamentarians and as other senior level policymakers.

The council's work to establish early relationships among such future leaders helps facilitate international dialogue and strengthen and promote U.S. policies and objectives. Accordingly, Congress congratulates the American Council of Young Political Leaders upon its 40th anniversary and wishes it continued success in its efforts.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

I first would like to commend my friend, fellow Californian, chairman of the Ways and Means Committee, Congressman BILL THOMAS, for introducing this measure. I have worked with him on many different issues over the many years we have both served here, from Africa to Southeast Asia, and I am sure all of us will miss him when Congress reconvenes next January.

The resolution before the House recognizes the achievements of the American Council of Young Political Leaders, which is celebrating its 40th anniversary. BILL THOMAS has served on the board of directors of this fine organization, and we commend his leadership on behalf of ACYPL.

Madam Speaker, as the midterm election approaches, partisanship is at the extreme. But on the subject of the importance of ensuring the next generation of American political leaders, we understand that the global environment calls for us to have bipartisan support for this measure.

For 40 years, this organization has selected young political leaders in the United States, carefully balanced between Republicans and Democrats, to travel to many other nations to meet their foreign counterparts. These missions have helped young American political leaders in their understanding of the complexities of the economic, cultural and political climate of many countries and provide a global perspective for policymaking at the local, State and Federal levels.

Many of these young foreign leaders ultimately became major political figures in their home countries. The Foreign Minister of Australia is an alumnus, as are dozens of members of parliaments in many nations around the world.

I am pleased that the distinguished Ambassador of Hungary to the United States today, Ambassador Andras Simonyi, is another alumnus.

This organization is a cost-effective public diplomacy program that is sorely needed in this troubled international environment. I strongly support this resolution.

Mr. THOMAS. Madam Speaker, I rise in strong support of H. Con. Res. 430, which recognizes the 40th anniversary of the American Council of Young Political Leaders (ACYPL) and commends it for the work it has done over the past 40 years to prepare young political leaders for leadership roles in international relations and world affairs. As an alumnus of an ACYPL program and the sponsor of H. Con. Res. 430, I appreciate the House's consideration of this resolution as well as Chairman HYDE's efforts to bring it to the floor today.

When ACYPL began during the Cold War, it initially focused its efforts on improving young leaders' understanding of Western Europe. In fact, when I participated in an ACYPL program in the 1970s, I traveled to the former Soviet Union. However, as geopolitical conditions have changed over the past 40 years, ACYPL has expanded its bipartisan programs to include over 90 nations throughout the world, including the Middle East, sub-Saharan Africa, the Western Hemisphere, East Asia, and the Pacific Rim.

As technology and trade continue to advance, the world will likely become even more interconnected. Thus, the need for our young leaders to better understand foreign governments and cultures will continue to be important, along with the bipartisan international exchange programs, educational forums, and leadership training ACYPL provides to prepare young political leaders for future positions of responsibility in local, state, and federal government. Accordingly, I congratulate ACYPL on its 40th anniversary, commend it for its important work, and wish it continued success.

Mr. LANTOS. Madam Speaker, I yield back the balance of our time.

Mr. POE. Madam Speaker, I urge adoption of this House concurrent resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. POE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 430.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

COMMENDING UNITED KINGDOM FOR ITS EFFORTS IN THE WAR ON TERROR

Mr. POE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 989) commending the United Kingdom for its efforts in the War on Terror, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 989

Whereas on August 10, 2006, British police arrested 24 people for plotting to commit acts of terror on trans-Atlantic flights;

Whereas as of August 31, 2006, 12 citizens have been charged for their roles in the terror plot, including eight citizens charged with conspiracy to murder;

Whereas United Kingdom authorities acted swiftly and decisively to prevent a horrific attack on scores of innocent people;

Whereas the United Kingdom and the United States have been close allies in not only two World Wars and Operation Desert Storm, but also the Global War on Terror;

Whereas the intelligence and military communities of the United Kingdom and the United States continue to work together to win the Global War on Terror;

Whereas the threat of terrorism is a grave concern for all nations, regardless of geographical or other boundaries;

Whereas acts of terror have profoundly affected citizens across the globe, including those in Egypt, India, Indonesia, Jordan, Spain, Turkey, the United Kingdom, and the United States; and

Whereas victory in the Global War on Terror is a necessity to ensure the liberty and safety of all people: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the law enforcement authorities of the United Kingdom on their action to prevent a terrible attack from occurring;

(2) commends the intelligence community of the United Kingdom for its outstanding work in identifying the citizens seeking to carry out this plot;

(3) condemns those that would use acts of violence against innocent civilians to spread a message of hate and intolerance; and

(4) urges the allies of the United States in the Global War on Terror to remain steadfast in the execution of this important mission.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. POE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. POE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. POE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Res. 989, a resolution that I introduced that commends the United Kingdom for its efforts in the war on terror and for their work in stopping a terrorist plot in July that could have resulted in the deaths of thousands of innocent civilians.

Madam Speaker, since the attack on the United States on 9/11, the United Kingdom has been our closest ally in the war on terrorism. In this effort, there has been extremely close cooperation between American and British police and intelligence agencies.

In addition, Britain has stood side by side with us both in Iraq and in Afghanistan. The British still have more than 7,000 troops in Iraq, and 118 British soldiers have lost their lives in that war. In Afghanistan, 40 soldiers from the United Kingdom have been killed fighting the Taliban and those warlords. Currently, Britain heads the NATO-led international security assistance force in Afghanistan, and British troops have been involved in particularly heavy fighting in the southern part of Afghanistan.

In both of these countries, Iraq and Afghanistan, Britain is the largest contributor of troops of any country after the United States. The American people will not soon forget the sacrifice of our British allies in those wars.

Madam Speaker, H. Res. 989 focuses on the outstanding work of law enforcement authorities in the United Kingdom in preventing the planned terrorist attack that would have blown up in midair multiple transatlantic flights from London to the United States. This plot was thwarted by British police and intelligence officials on August 10, 2006, with the arrest of 24 people.

In addition, the resolution cites terrorism as a grave concern for all nations, regardless of boundaries, as terrorist attacks have killed innocent people in countries such as Egypt, India, Indonesia, Jordan, Spain, Turkey and, of course, the United Kingdom and here in the United States.

Britain has been a close, long-time friend of the United States, and now they are standing with us in the war against terrorism. It is entirely appropriate for the House of Representatives to recognize their friendship and contribution in this war.

This resolution was approved unanimously by the Subcommittee on Europe and Emerging Threats of the

House International Relations Committee on September 20. I would like to thank the subcommittee chairman, Chairman GALLEGLY, and the International Relations Committee chairman, Chairman HYDE, for moving this resolution very quickly through the committee, and I urge its passage by the full House.

Madam Speaker, I reserve the balance of my time.

☐ 2045

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to commend my good friend from Texas, a distinguished member of the International Relations Committee, for presenting this resolution, and I want to echo his words.

The United States and the United Kingdom are the closest of allies for a reason: We share an unshakeable commitment to freedom and democracy. As the successful British action against the recent terrorist plot demonstrates, we also share a deep conviction that we must remain constantly vigilant against those who seek to destroy our way of life through violence and terrorism.

I urge all of my colleagues to support this resolution.

Madam Speaker, I yield back the balance of my time.

Mr. POE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I appreciate the support of my good friend from California (Mr. LANTOS).

Madam Speaker, Winston Churchill once said that the United Kingdom and the United States are two people separated by a common language. As that may be true, we are not separated but united in our determination and we speak in concert in our mission, to win this war on international terrorism.

To the people of the United Kingdom, we, as Americans, are very grateful for their support.

Madam Speaker, I urge passage of this resolution.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H. Res. 989, commending the United Kingdom for its efforts in the War on Terror, and for other purposes.

United Kingdom and the United States have been close allies in not only two World Wars and Operation Desert Storm, but also the Global War on Terror. We are cousins and we are friends, with a common history and common cause.

On September 11, 2001, the United Kingdom reached out to us in sympathy and friendship, and joined us in facing the emerging threat of religious fundamental extremism.

Sadly, on July 7, 2005, we reached out in turn as Britain suffered a terrorist attack on its London Underground and a bus, killing 56 people including four suicide bombers. As they suffered, so did we suffer, remembering the pain and confusion, the shock and the remorse.

We have struggled to find sound policy to protect our homelands, and have stood shoulder to shoulder to develop effective strategies. Though we earn the criticism of many nations, including that of the United Kingdom, the conversation remains honest and open.

The averted threat this past summer in fact illustrates the necessity of a global strategy, as well as the partnership of the United States and the United Kingdom.

On August 10, 2006, British police arrested 24 people for plotting to commit acts of terror on trans-Atlantic flights with the help of the Pakistan Government. As of August 31, 2006, 12 citizens have been charged for their roles in the terror plot, including eight citizens charged with conspiracy to murder. This is only the latest demonstration that terrorism is not restrained by borders. Our gratitude for this heroic and brave effort can only be expressed in our ongoing perseverance and commitment to eradicating threats such as these.

We are brothers in arms, united by history and by creed. I wish the same blessings for the United Kingdom as I do for our own nation—safety, security, prosperity, and wisdom to make decisions that are forward thinking, democratic, and just.

I urge my colleagues to support this resolution, and honor the accomplishments of the United Kingdom in the War on Terror.

Mr. POE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. POE) that the House suspend the rules and agree to the resolution, H. Res 989, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. POE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

AFFIRMING SUPPORT FOR THE SOVEREIGNTY AND SECURITY OF LEBANON AND THE LEBANESE PEOPLE

Mr. ISSA. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1017) affirming support for the sovereignty and security of Lebanon and the Lebanese people, as amended.

The Clerk read as follows:

H. RES. 1017

Whereas Lebanon's remarkable Cedar Revolution led to the withdrawal of Syrian occupation troops in April 2005, the most significant step toward true Lebanese independence and sovereignty since the outbreak of civil war in 1975;

Whereas the Cedar Revolution reached a dramatic crescendo on March 14, 2005, when one million Lebanese demonstrated in Beirut's Martyrs Square demanding freedom and independence and an end to the Syrian occupation;

Whereas true Lebanese independence and sovereignty was not fully achieved even after the Syrian troop withdrawal for many reasons, including especially the apparent ongoing presence of Syrian security personnel in Lebanon, an ongoing assassination campaign against Lebanese public figures who oppose appeasement of Syria, and Hizballah's control and militarization of southern Lebanon;

Whereas, on August 12, 2006, during the fighting between Israel and Hizballah, the Government of Lebanon for the first time in decades called for the deployment of the Lebanese armed forces throughout Lebanese territory "such that there will be no weapons or authority other than that of the Lebanese state";

Whereas United Nations Security Council Resolution 1701, which ended the fighting, authorizes an enhanced United Nations Interim Force in Lebanon (UNIFIL) to "accompany and support the Lebanese armed forces as they deploy throughout the (Lebanese) South", a process which is currently underway;

Whereas UNSCR 1701 also calls for the enhanced UNIFIL force, at the "request" of the Government of Lebanon, to assist the Government of Lebanon "to secure its borders and other entry points to prevent the entry in Lebanon without its consent of arms or related materiel";

Whereas the Lebanese armed forces are inadequate to the task of interdicting arms-smuggling along the Syrian border without the assistance of an international force;

Whereas the Government of Lebanon has not yet requested the assistance of the enhanced UNIFIL force on the Syrian border;

Whereas Syria is trying to intimidate Lebanon from requesting UNIFIL assistance on the border, with threatening statements such as the Syrian leader's warning that such deployment would be deemed "hostile"; and

Whereas it is manifestly in the interests of the international community, which seeks peace and stability in the Middle East, to support the full sovereignty and security of Lebanon: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the many Lebanese who continue to adhere steadfastly to the principles of the Cedar Revolution;

(2) commends the democratically-elected Government of Lebanon for its critical and courageous decision to deploy the Lebanese armed forces, for the first time in decades, to Lebanon's border with Israel;

(3) affirms that the clear intention of the international community, as expressed in United Nations Security Council Resolution 1701, is that the flow of weapons to Hizballah should cease and that Hizballah should be disarmed;

(4) calls on all countries, and particularly countries through which Iranian-supplied materiel passes en route from Iran to Hizballah, to take every possible measure to prevent the transfer of arms to Hizballah, so as to contribute to the stability of Lebanon and of the region and to the enforcement of the sovereignty of the Government of Lebanon over its own territory, as required by UNSCR 1701;

(5) calls on the international community to monitor the compliance of Iran and Syria

with the arms embargo on Hizballah, as these two countries are the principal suppliers of weaponry to Hizballah;

(6) calls on Iran and Syria to cease supporting Hizballah with funds and arms;

(7) condemns Syria's ongoing overt and covert campaign of intimidation against Lebanon;

(8) condemns the Syrian leader's outrageous claim that the deployment of international peace-keeping forces on the Lebanese-Syrian border would be "hostile" against Syria;

(9) urges the Government of Lebanon to request without delay international assistance including, but not limited to, military forces, as needed, on the Lebanese border with Syria so as to prevent the re-supply of weapons to Hizballah and to ensure the full implementation of all aspects of UNSCR 1701 in spirit and intent, as well as in letter;

(10) urges that such international assistance not impede commercial, non-military trade between civilians on both sides of the border;

(11) believes that without such international assistance on the Lebanese border with Syria another Hizballah-provoked war will break out with horrendous consequences for the people of Lebanon, Israel and the entire region;

(12) pledges support for the democratically-elected Government of Lebanon and the Lebanese people against Syria's campaign of intimidation; and

(13) re-affirms its strong support for Lebanon's independence and for the full sovereignty of the Government of Lebanon over Lebanese territory, through the instrument of the Lebanese armed forces.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ISSA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ISSA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of the amended version of House Resolution 1017, introduced by my colleague and friend, Mr. LANTOS, which affirms support for the sovereignty and security of Lebanon and the Lebanese people.

Madam Speaker, what this resolution now does is urge the government of Lebanon to request assistance from the international community for military and other forms of support in securing their border with Syria in order to end the flow of weapons to Hezbollah.

I want to thank Chairman HYDE for playing an instrumental role in negotiating language that addresses these concerns and enables the government of Lebanon to engage with and work closely with the international community so as to prevent another crisis in the region.

The resolution recognizes the courageous efforts made by many Lebanese in their independent uprising on March 14, 2005, and commends the democratically elected government of Lebanon for their ongoing efforts to restore sovereignty and security throughout its territory.

Despite the remarkable achievements of the Cedar Revolution, the government of Lebanon continues to experience challenges to its rule and sovereignty. Targeted killings of public figures and the recent conflict between Hezbollah and Israel illustrate the dangers of Lebanon's inability to control its borders and to provide sovereign support for all of its people. The war between Israel and Hezbollah was not a war between Lebanon and Israel, but it was a war all the same that Lebanon felt.

Tonight, with this resolution, we are providing the encouragement and support to ensure that Lebanon is able to assert its sovereignty and, as such, assert its ability to live in peace with its neighbors.

Madam Speaker, there is no greater role this Congress can play than to send a message, as we are here tonight on a bipartisan basis, to the people of Lebanon that their democracy, founded in 1943 and reestablished less than a year and a half ago, is a priority of this Congress and that we will stand in support of the Lebanese people and a democracy.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this legislation would not be before the House today without the strong support of the chairman of the International Relations Committee, my good friend HENRY HYDE. I also appreciate the support of our colleagues, ILEANA ROS-LEHTINEN and GARY ACKERMAN, the Chair and ranking member of the Middle East Subcommittee; and I want to express special appreciation to my friend Congressman DARRELL ISSA, whose work on this resolution has been so important and so valuable.

Madam Speaker, just a few short weeks ago, upon the announcement of the cease-fire, I stepped off an American military helicopter that took me directly from the island of Cyprus onto the grounds of the U.S. embassy in Beirut. Coincidentally, this was the 50th anniversary of my first visit to Lebanon, during which I had the pleasure of attending a Shakespeare festival at the ruins of Baalbak. Our ambassador took me to see the top leaders of Lebanon to discuss the path forward on reconstructing that war-torn land and freeing it from the stranglehold in which Hezbollah has held it for far too many years.

Madam Speaker, I was shaken by what I discovered. In my view, the Lebanese government fully understands that the flow of weapons from Syria and Iran to Hezbollah must end or they will once again find their nation at war not of their own making. But at the same time, without a word being said, I was left with the distinct impression that the Lebanese leaders are petrified of what may happen if they finally confront Syria's dictator in Damascus. A bold decision to ask for international troops to put a full stop to the deadly arms flow to Hezbollah could launch yet another round of Syrian-sponsored political assassinations and other bloody attempts to destabilize Lebanon.

Madam Speaker, with the passage of this singularly important resolution, Congress is asking Lebanon's leaders to make a brave and courageous decision to ask the international community to deploy a robust international force to the Lebanon-Syria border to stop the flow of weapons to Hezbollah. We are being equally as clear that the United States is ready to pledge its wholehearted support for the Lebanese people against Syria's campaign of appalling intimidation.

It is not in Lebanon's interest nor that of civilization as a whole to accept a world in which terrorist bands can trigger cross-border conflicts in violation of international law, and there will never be real democracy or sovereignty in Lebanon as long as Hezbollah is armed.

Let's review for a minute how this whole conflict got started. Hezbollah terrorists, probably acting at Iranian behest, killed three Israeli soldiers and kidnapped two others. As we meet here tonight, the hostages remain in captivity. No representatives of the Red Cross have been allowed to visit them. And nobody even knows where they are, except the thugs who snatched them from their country's sovereign soil.

The U.N. Security Council resolution ending the conflict is intended to prevent such aggression in the future, and the full deployment of the Lebanese armed forces to their country's southern border for the first time in decades is a long overdue and welcome development. A 15,000 troop international force to assist in patrolling that border is a positive step forward.

But the new security regime is far from perfect. It leaves far too much to the discretion of a weak Lebanese government and the too easily intimidated Lebanese military. For example, the international force will take no action against Hezbollah unless it is requested to do so by the Lebanese military. It is self-evident, Madam Speaker, that these rules of engagement will have to be reexamined and strengthened.

But the most obvious flaw in the U.N. mandate is that it doesn't require an international force on Lebanon's border with Syria. It is left up to the Lebanese government to request such a force, something that causes Beirut to quake in its boots because of Syrian threats.

Madam Speaker, Hezbollah's missiles and other major weapons come from Syria and Iran; and virtually all of them are smuggled in via Syria. To keep those weapons out of its house and out of Hezbollah's hands, Lebanon must hermetically seal its border to military trade. Until that time, we will face the resupply of weapons to Hezbollah and the near certain renewal of hostilities. Let me be clear, Madam Speaker. Unless international troops are on the Syrian border, the conflict between Hezbollah and Israel will flare again.

Iran, Syria and their Hezbollah surrogates don't miss a minute of sleep caring about peace in the region or Lebanese sovereignty. They care only about increasing their own power, creating instability and destroying the State of Israel. Syrian President Bashar al-Assad, whose primary instrument of diplomacy toward Lebanon is assassination, has said that he would consider an international force deployment on the Lebanese-Syrian border a "hostile" act.

To buck up the Lebanese government against Syria's threats, our resolution pledges U.S. support for Lebanon against Syria's campaign of intimidation. Our resolution also commends the Lebanese government for its courageous decision to deploy Lebanese armed forces, along with UNIFIL, on its border with Israel, the first such Lebanese deployment in decades.

Madam Speaker, this can be a watershed moment for the Middle East. The Lebanese and their government can achieve true independence and sovereignty. If they bring in an international force that can help seal the Syrian border, they will not only achieve those goals, they will usher in a new era of stability with their neighbors, and all of us then will have taken a giant stride toward Middle East peace.

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It is up to the leaders in Beirut to display the necessary courage, and it is up to us to support them when they do so. I urge all of my colleagues to endorse both of these critical forces of action by supporting this resolution.

I yield back the balance of my time.

Mr. ISSA. I will close by noting that this is a very special evening tonight in this resolution. There are only four Arab American Members of Congress, CHARLES BOUSTANY, RAY LAHOOD, NICK RAHALL, and myself. It is uncommon for the kind of bipartisan support between all of us to come together on something. But the importance of Lebanese sovereignty and of a stable Lebanese democracy bring us together, and they are all cosponsors of the bill along with the gentleman, Mr. LANTOS.

In listening to Mr. LANTOS, I have to say that never before have the two of us agreed so much on what must be done. The only thing that I noted when he was talking about the borders between Lebanon and Syria was that even today there are borders between Lebanon and Syria that have never been identified under an international law, and that is something, too, that a sovereign, stable, and able to enforce its own borders Lebanon would quickly be able to go to the United Nations and assert its fair international border; and I look forward to that.

Last, in closing, I share with the gentleman from California and all the Members of Congress the call that he made for the return of the hostages taken from Israeli sovereign territory that in fact began the conflict that we are today trying to end forever by establishing a sovereign Lebanon, and part of that sovereignty will be to ensure that those Israeli soldiers are returned from Lebanon back to Israel, to their parents, to their families.

Mr. LAHOOD. Mr. Speaker, I recently traveled over the Labor Day Weekend to Lebanon and Israel. I traveled with two other Members of Congress. Our purpose was to assess the political and economic situation in both countries.

We spent a full day on Saturday in Beirut. We were immediately struck by how few people were in the shops and cafes and very little traffic on the streets of Beirut. We visited the Jounie area which is north of Beirut to inspect a bridge that was destroyed. The neighborhood that we visited was a very peaceful residential area where there seemed to be no presence of Hezbollah. The bombing of the bridge completely cut off transportation for people from the north to travel to Beirut. It was estimated to take one year and $20 million to repair. This seemed to be an example of the extreme and uncalled bombing by Israel in a peaceful residential area. The outbreak of military hostilities between Israel and Hezbollah has had a profound negative impact on tourism and the overall economy of Lebanon. The internal Lebanese situation was problematic even before the current military crisis began. Prime Minister Siniora's government, elected last year, has been struggling to establish a new stable political order following the assassination of former Prime Minister Rafic al Hariri. The majority of Lebanon's Shia population is still pro Syrian. By contrast the Druze and Sunni, as well as much of the Christian communities are likely to maintain a broadly anti-Syrian stance. The President of Lebanon, Emile Lahoud is tied closely to Syria and unable to offer any strong leadership. The Speaker of the Parliament Nabih Berri is also close to the Hezbollah Leader Hassan Nasrallah. This leaves Prime Minister Siniora on his own in efforts to develop relationships with the world community to assist with funding. President Bush's $230 million commitment to Lebanon to assist with rebuilding plus Secretary Rice's visit to Lebanon has enabled Prime Minister Siniora to raise over $900 million for humanitarian and rebuilding funds. It is absolutely imperative that 15,000 Lebanese troops be deployed to Southern Lebanon. Also, the deployment of United Nations troops along the Syrian border is critical to prevent Iran and Syria from rearming Hezbollah.

Our visit to Israel was highlighted with meetings with the American Ambassador, the Deputy Prime Minister and Minister of Foreign Affairs Tzipi Livni, plus meetings with the Israeli government equivalent of our CIA and FBI. A new government under the Kadima party (forward) and headed by Prime Minister Ehud Olmert was elected following the grave illness of Ariel Sharon. Prime Minister Olmert has been weakened and is falling in the polls for his handling of the attack on Hezbollah. Prime Minister Olmert is dealing with several internal issues including problems along the Gaza Strip and West Bank; a very weak Palestinian Authority; and fiscal and budget issues that affect the economy. In our meeting with Foreign Affairs Minister Livni she made it very clear that Israel will continue to do all it can to assist with the implementation of U.N. Resolution 1701. Minister Livni said that she believes that Lebanon is the one Arab country in the region that Israel had confidence could become partners in the war against terror and had the potential along with Israel to stabilize the region. She also stressed that much work had to be accomplished by Lebanon to reach this goal.

My own view of the situation having been in the region for four days is that Prime Minister Siniora is doing all he can to stabilize Lebanon. He is a man of great confidence and integrity. I believe he will be successful in meeting many of his goals. I also believe Israel is committed to implementing U.N. Resolution 1701 and developing opportunities to work with Lebanon to secure the Lebanese and southern border. The lifting of the blockade against ships entering the Lebanese ports which was announced upon our return to Washington is an example of this commitment and will go a long way to solving some of the serious economic problems in Lebanon. These ships off the Lebanese shore will now be inspected by officials of the German, Italian, and French governments. These inspectors will prevent Iran from shipping arms through the Lebanese ports. Obviously Iran is creating much of the backdrop, encouragement and arms for what has taken place between Lebanon and Israel. However, between the shared goals of Lebanon and Israel to stop Iran's progress I feel this can be accomplished. It is a long road ahead but I sense an air of optimism from both sides.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 1017, affirming the sovereignty and security of Lebanon and urging the government of Lebanon to request a robust international force deployment on its border with Syria to prevent the re-supply of weapons to Hezbollah.

I have long been an advocate for a secure and sovereign Lebanon. I believe that the democratic government of Lebanon is one of the most important democracies in the region, which warrants our recognition and protection.

The remarkable Cedar Revolution led to the withdrawal and end of the Syrian military's occupation of Lebanon, which had lasted three decades. This was a significant step toward Lebanese independence and sovereignty since the outbreak of civil war in 1975. However, the presence of Syrian security personnel in Lebanon continues as does Syrian economic and military support to Hezbollah.

During the conflict between Israel and Lebanon, the government of Lebanon called for the deployment of Lebanese armed forces throughout Lebanese territory. U.N. Security Council Resolution 1701, which ended this conflict, authorized an enhanced U.N. Interim Force in Lebanon (UNIFIL) to accompany and support the Lebanese armed forces as they deploy throughout the south of Lebanon.

U.N. Security Council Resolution 1701 also calls for the enhanced UNIFIL force to, at the request of the Lebanese government, assist Lebanon in securing its borders and other entry points to prevent the entry of arms or related materials without Lebanon's consent. I agree with this Resolution's urging the Lebanese government to request from UNIFIL a robust international force deployment on Lebanon's border with Syria so as to prevent the re-supply of weapons to Hezbollah and to ensure the full implementation of U.N. Security Council Resolution 1701.

Mr. Speaker, it is clear that the Lebanese armed forces need the assistance of an international force in order to adequately interdict arms-smuggling along the Syrian border. Although the government of Lebanon has not yet requested this assistance on the Syrian border from UNIFIL, they may have been discouraged by statements from Syria's President claim that he would consider the deployment of international force deployment on the Lebanese-Syrian border a "hostile" act. I believe that such a UNIFIL force on the Lebanese-Syrian border is manifestly in the interests of Lebanon and the international community, which seek the full sovereignty and security of Lebanon, and peace and stability in the Middle East.

This is a defining moment in Lebanon's history. We must have and exercise the moral courage necessary to bring peace, stability, and justice to this troubled region of the world. The best way to honor the innocent victims of past conflicts in the Middle East is to ensure similar conflicts do not occur in the future. I urge my colleagues to support this important resolution, and I encourage continued humanitarian aid for the people still suffering in the region.

Mr. ISSA. Mr. Speaker, I rise in strong support of the amended version of H. Res. 1017, introduced by my colleague Tom Lantos, which affirms support for the sovereignty and security of Lebanon and the Lebanese people.

Mr. Speaker, what this resolution now does is urge the Government of Lebanon to request assistance from the international community for military and other forms of support in securing their border with Syria, in order to end the flow of weapons to Hezbollah.

I want to thank Chairman Hyde for his instrumental role in negotiating language that addresses these concerns and enables the Government of Lebanon to engage and work closely with the international community so as to prevent another crisis in the region.

This resolution recognizes the courageous efforts made by many Lebanese in their independent uprising on March 14, 2005 and commends the democratically elected Government of Lebanon for their ongoing efforts to restore sovereignty and security throughout all its territory.

Despite the remarkable achievements of the so-called Cedar Revolution, the Government of Lebanon continues to experience challenges to its rule. Targeted killings of public figures and the recent conflict between Hezbollah and Israel illustrate the dangers to Lebanon's stability. Furthermore, the increasing polarization and divide of the country's confessional communities demonstrates the need for a serious national dialogue that will deal with Lebanon's domestic struggles.

The provocative unilateral actions implemented by Hezbollah this past summer is evidence of the destructive influences Syria and Iran continue to play in Lebanon. The people of Lebanon and their government did not have any say in the destruction and heartbreak that was imposed upon their nation, yet they must be the ones to pay the price. In a clear indication that Hezbollah is willing to use its weapons internally, unless the current form of government is changed, Hezbollah leader Hassan Nasrallah said he would only consider giving up its weapons when a strong, capable and just state was in place. This would strongly undermine Lebanon's democratic structures and could potentially lead to civil war and instability in the whole region.

Lebanon seeks to build itself up once again from beneath the ashes of war and destruction. In the absence of a regional peace, this may very well be the last opportunity to save Lebanon from a failed state scenario.

The United States has a vital interest in ensuring the security of a liberal democratic regime. It is important that United States assistance to Lebanon play a strategic role in strengthening Lebanon's central governing institutions that will ultimately lead to an empowered government that is able to meet the demands of all its citizens and comply with its international commitments and the major themes in this resolution.

In addition, to security assistance that enables the Lebanese Armed Forces to secure its borders, assistance needs to be targeted toward the passage of a new electoral law and increasing reforms in the Ministry of Justice. The electoral commission has submitted their review and now the Lebanese parliament needs to respond. A more representative electoral law will defy the modes of traditional sectarian leadership in Lebanon that have lead to deadlock and stalemate.

These steps are vital to restoring and maintaining Lebanon's sovereignty and security by reducing the influence of Iran and Syria over Hezbollah and contributing to a broader representation of all Lebanese.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Schwarz of Michigan). The question is on the motion offered by the gentleman from California (Mr. Issa) that the House suspend the rules and agree to the resolution, H. Res. 1017, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 20, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, H–232 The Capitol, Washington, DC.

DEAR MR. SPEAKER: Enclosed please find the resolutions approved by the Committee on Transportation and Infrastructure on September 20, 2006, in accordance with 40 U.S.C. §3307.

Sincerely,

DON YOUNG,
Chairman.

LEASE—PEACE CORPS, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 238,708 rentable square feet for the Peace Corps, currently located at 1111 20th St., NW., Washington, DC, 2001 L St., NW., Washington, DC, and 1525 Wilson Boulevard, Arlington, Virginia, at a proposed total annual cost of $11,219,276 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DRUG ENFORCEMENT ADMINISTRATION, LOS ANGELES, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 167,754 rentable square feet and 442 inside parking spaces for the Drug Enforcement Administration, currently located at the Roybal Federal Building-Courthouse, 255 East Temple Street, Los Angeles, CA, at a proposed total annual cost of $6,710,160 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

AMENDED PROSPECTUS—LEASE, INTERNAL REVENUE SERVICE, PHILADELPHIA, PA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 862,692 rentable square feet and up to 1,200 parking spaces (and up to an additional 400 spaces for up to 5 years) for the Internal Revenue Service, currently located at multiple locations in the Philadelphia region, at a proposed total annual cost of $32,256,912 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution. This resolution amends the Committee resolution dated October 26, 2005, authorizing a lease up to 862,692 rentable square feet and 1,800 parking spaces for the Internal Revenue Service in Philadelphia, PA, at a proposed total annual cost of $29,202,124 for a lease term of 20 years.

Approval of this resolution constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Approval of this resolution constitutes authority, in the event the General Services Administration is unable to secure a lease agreement with the United States Postal Service, to conduct a competitive procurement for an alternate facility in the City of Philadelphia for the same maximum rentable square footage, rental rate, lease term, and number of parking spaces included in the prospectus.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

ALTERATION IN LEASED SPACE—INTERNAL REVENUE SERVICE, CITRUS HEIGHTS, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of leased space, located at 6501 Sylvan Road, Citrus Heights, California, for backfill by the Internal Revenue Service, at a design and review cost of $406,000, a management and inspection cost of $339,000, and an estimated construction cost of $4,455,000, for an estimated total project cost of $5,200,000, for which a prospectus is attached to, and included in, this resolution.

AMENDED PROSPECTUS—ALTERATION, U.S. POST OFFICE AND COURTHOUSE BUILDING, PITTSBURGH, PA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, additional appropriations are authorized for the alteration of the U.S. Post Office and Courthouse Building in Pittsburgh, PA, at a design and review cost of $4,543,000, a management and inspection cost of $4,482,000, and an estimated construction cost of $80,466,000, for an estimated total project cost of $89,491,000, for which a prospectus is attached to, and included in, this resolution. This resolution amends Committee resolutions dated November 7, 2001, June 21, 2000, and June 25, 1998.

ALTERATION—EISENHOWER EXECUTIVE OFFICE BUILDING, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Eisenhower Executive Office Building in Washington, DC, at a design and review cost of $3,500,000, a management and inspection cost of $2,300,000, and an estimated construction cost of $25,291,000, for an estimated total project cost of $31,091,000, for which a prospectus is attached to, and included in, this resolution.

AMENDED PROSPECTUS—SITE AND DESIGN, U.S. BORDER STATION, MADAWASKA, ME

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized to meet expanded scope requirements including additional site area, site development and design of the U.S. Border Station project in Madawaska, ME, a 39,211 gross square foot facility on a 13.32 acre site with 48 outside and 5 inside parking spaces, at an additional site and design cost of $17,160,000 (site and design cost of $1,760,000 were previously authorized), management and inspection cost of $4,186,000, and an estimated construction cost of $36,411,000, for a combined estimated total project cost of $59,517,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends a Committee resolution dated July 21, 2004.

AMENDED PROSPECTUS—SITE AND DESIGN U.S. BORDER STATION ALEXANDRIA BAY, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized to meet expanded scope requirements including additional site area, site development and design of the U.S. Border Station project in Alexandria Bay, NY, 138,517 gross square foot facility on a 59.9 acre site with 120 outside parking spaces, at an additional site and design cost of $11,676,000 (site and design cost of $8,884,000 were previously authorized), management and inspection cost of $17,050,000, and an estimated construction cost of $136,396,000, for a combined estimated total project cost of $174,006,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends a Committee resolution dated July 21, 2004.

AMENDED PROSPECTUS—SITE AND DESIGN, U.S. BORDER STATION DERBY LINE, VT

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized to meet expanded scope requirements including additional site area, site development and design of the U.S. Border Station project in Derby Line, VT, a 51,159 gross square foot facility on a 23.25 acre site with 8 inside and 100 outside parking spaces, at an additional site and design cost of $2,880,000 (site and design cost of $4,270,000 were previously authorized), management and inspection cost of $3,740,000, and an estimated construction cost of $26,519,000 (estimated construction cost of $6,120,000 were previously authorized), for a combined estimated total project cost of $43,529,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends a Committee resolution dated July 21, 2004.

AMENDED PROSPECTUS—SITE AND DESIGN, U.S. BORDER STATION, WARROAD, MN

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized to meet expanded scope requirements including additional site area, site development and design of the U.S. Border Station project in Warroad, MN, a 50,120 gross square foot facility on a 10.44 acre site with 5 inside and 22 outside parking spaces, at an additional site and design cost of $2,496,000 (site and design cost of $1,837,000 were previously authorized), management and inspection cost of $3,798,000, and an estimated construction cost of $35,664,000, for a combined estimated total project cost of $43,795,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends a Committee resolution dated July 21, 2004.

DESIGN—DONNA-RIO BRAVO PORT OF ENTRY, DONNA, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the design of a border station in Donna, Texas, of 170,528 gross square feet with 112 outside parking spaces, at a design cost of $3,726,000, for which a prospectus is attached to, and included in, this resolution.

There was no objection.

MILITARY TRIBUNALS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today to highlight the hypocrisy of the Democrats and their so-called agenda for the war on terror. They have said much, yet done nothing; and actions speak louder than words.

One of the most critical programs in winning the global war on terror is military tribunals for known and suspected terrorists. Military tribunals for enemy combatants are commonsense justice and need to be instituted for just this reason.

Under the Uniform Code of Military Justice, terrorists would be allowed the opportunity to mount a full defense, certain statements obtained through interrogation would not be admissible, and they would be provided a defense counsel, one with clearance to review classified information on the terrorists' behalf.

But to afford terrorists the rights to review classified information for their defense is irresponsible and would only put our troops in jeopardy. I was shocked to learn that when the U.S. Supreme Court handed down its Hamdan ruling, providing foreign terrorists the same rights and privileges as Americans tried by a jury composed of the very people they want to kill, the Democratic leadership hailed this as a "triumph for the rule of law."

Mr. Speaker, giving the President the authority and legal framework for trying known and suspected terrorists must be granted if we are serious in bringing terrorists to justice and winning the global war on terror.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DROUGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, I would like to show three drought monitors that have occurred in recent years. The first one actually is a drought monitor for August of 2002, and of course the brown and the red areas show extreme drought; yellow is fairly severe.

You see most of the western United States was engulfed in a drought in 2002. Now we look fast forward to September of 2006, this month, and we see much the same picture: many of the same States, Texas, Oklahoma, Kansas, Nebraska, Wyoming, South Dakota, New Mexico, Arizona on up into North Dakota. So, Mr. Speaker, what we are looking at now is the sixth year of severe drought in essentially the same parts of the United States.

So this cumulative drought, in many cases by most estimates surpasses the Dust Bowl years of the 1930s in terms of its severity. We don't have top soil blowing away like we had in 1930s because we put in some conservation practices, we don't have as much exposed ground. But by the same token, the impact on agriculture has been much the same as it was during that devastating period in the 1930s.

The precipitation levels over the last several years have been remarkable. These are some cities in the State of Nebraska, and the precipitation you see here, Grand Island, Nebraska minus 27 inches, Hastings minus 27, Carney minus 27, and on and on. And this is true not just of Nebraska, but all of the cities and communities in this area.

So we have seen the ground water levels in many cases declining. Reservoirs are now 15 to 25 percent full where they normally would be this time of year 50, 60, 70, sometimes 80 times full. Our pastures are burned up, so right now in the feed lots we have 15 to 20 percent more cattle than we normally would have at this time of year because there are no pastures to graze so the ranchers have had to put their cattle in feed lots so they can be fed and not have to graze out on those pastures already burned up.

Many would say, well, you have crop insurance, so why don't you rely on that? Well, the problem is that for each year of drought, it reduces the amount of production that a farmer has, and each year that production goes down means that they can purchase less crop insurance. So after 5 or 6 straight years, you are now able to purchase much less crop insurance than you could 5 or 6 years ago. So as a result, the insurance is not adequate. And of course everyone understands, most people know that most livestock producers have no crop insurance, they have no safety net. So the livestock people are truly suffering at this point.

So we had some drought assistance in the years 2002, 2004, we had some offsets, we were able to get it from the Conservation Security Program. That offset is no longer available. So we are in really tough shape. We are scratching and looking for someplace to get some drought assistance.

Mr. Speaker, I think everyone realizes that for natural disasters, whether it be a wildfire, whether it be a Hurricane Katrina, hundreds of millions of dollars, billions of dollars actually, floods, tornadoes, earthquakes, we as a Nation respond very quickly. But a drought is something that is ongoing. It is slow, it is assumed that it is not quite a natural disaster, and yet these people are suffering every bit as much as those who have suffered an earthquake, a fire, a flood.

So we urge that the House take a look at this. We think that this is important, we think that time is running out, and we urge close scrutiny by Members of the House and the Senate as well to see if we can't do something before this year is out to help this situation that is in extremely severe drought.

DR. GIRIJA ROY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to honor a dear friend, the late Dr. Girija Roy. I want to honor Dr. Roy as a man who exemplified the realization of the American Dream. With his passing, the Indian American community is devoid of one of its finest citizens.

Mr. Speaker, the many accomplishments Dr. Roy achieved over the course of his lifetime serve as a testament to his unwavering commitment to the service of others.

Dr. Roy was born in Kothwan, a small village in the Indian state of Bihar. In 1971, after earning his degree from Ranchi Veterinary College, he immigrated to the United States with a mere $7 in his pocket. He found employment with the American Society for the Prevention of Cruelty to Animals in New York.

After his successful completion of an equivalency examination, Dr. Roy was hired by the Rahway Animal Hospital in New Jersey. In 1977, he purchased that same hospital. He would later acquire two additional veterinary hospitals in New Jersey and established the Central Jersey Emergency Clinic, an after-hours emergency room for animals.

Mr. Speaker, Dr. Roy's son Pryia fondly conveyed his deep love for animals, stating that he believed "animals were capable of bringing joy to a person that humans cannot." His professional life was dedicated to the care of the countless animals that visited his hospital as well as providing comfort to their owners.

Mr. Speaker, I want to mention that Dr. Roy's commitment to service existed throughout his personal life. He was the head of the Bihar Jharkhand Association of North America called B–JANA. In 1999, under his leadership, B–JANA was able to raise a significant sum for the widows of India's Kargill War. Later that year, the Orissa Cycle ravaged India, resulting in a great loss of human life and property, and, again, B–JANA willingly lent a hand by collecting clothes for the survivors of the disaster.

I mention B–JANA, but that was just the beginning of Dr. Roy's involvement in numerous social and political activities both within the Asian Indian community as well as mainstream America. He was a regular at Indian cultural festivals such as Navratri and Devali that occur this time of year. He became very much involved in the political empowerment of the Indian community in central New Jersey, the effort to register voters, run Indian Americans for political office, and get young Indian Americans involved in politics.

Dr. Roy always felt that Indian Americans like himself, who were enormously successful in the United States, should give something back to the community, and he was generous both with his time as well as financially. I can't emphasize enough how much he influenced me and made me understand how important it was to give back. And he, of course, always was there when I needed help both politically as well as personally.

Although I am deeply saddened by Dr. Roy's death, I am grateful for the opportunity to have known a man of such great character. He was equally as passionate about providing assistance for those in need halfway around the world in his native India as he was comforting a worried pet owner sitting in the waiting room of one of his New Jersey animal hospitals.

Dr. Roy was a true humanitarian whose work has touched the lives of countless people, and with his passing we have all suffered a great loss.

□ 2115

HOOPS FOR HOPE

Mr. HULSHOF. Mr. Speaker, I rise to take my Special Order at this time.

The SPEAKER pro tempore. Without objection, the gentleman from Missouri is recognized for 5 minutes.

There was no objection.

Mr. HULSHOF. Mr. Speaker, I wish to report upon a recent event which was refreshingly bipartisan that succeeded in advancing humanitarian causes and personal fitness, all in the same event. There were no political speeches. It was simply a group coming together from different political perspectives. I am speaking of the eighth annual Hoops For Hope, the intense athletic contest between select Members of this venerable institution and a representative team from the seemingly infinite number of registered lobbyists.

Our bipartisan bicameral group of eight, small in size and stature, took the court against an all-star team of superior athletes. On paper, Mr. Speaker, my colleagues, our undermanned, overmatched band, should have never even been in the same building as our foe. But as they say on ESPN SportsCenter, that's why they play the game.

Suffice it to say that this impressive and gleaming trophy suggests the outcome of the game. Yes, we Members defeated the lobbyists 44–39.

But the true winners are the kids of the D.C. area and beyond who will benefit through three extremely worthwhile charities: Hill Help, Horton's Kids, and the Luke Tiahrt Foundation. The moneys raised from this cause will help provide comprehensive service to underserved kids in an effort to improve the quality of each child's daily life and enhance each child's desire and ability to succeed academically. This is through money raised to go to tutoring, to participate in community service projects, summer camp and mentoring.

This annual event, Hoops For Hope, was the brainchild of Paul Miller, President of the American League of Lobbyists, and our former colleague from New York, Mr. Quinn.

The first game 8 years ago generated about $7,500 for charity. After this most recent event the other night, the cumulative total has exceeded $260,000. Over a quarter of a million dollars have been raised during the life of this charitable event.

There was some concern expressed earlier, I admit, concerning the scandal surrounding a high-profile lobbyist as to whether the game would even go forward this year. Well, the American League of Lobbyists passed a code of ethics in 1987 in order to help preserve and advance the public trust in the democratic process. Paul Miller, who was instrumental in this game and this cause, has so passionately advocated for lobbying reform in several congressional hearings before the other body and our own.

Let me say a special thank you to that band of eight: Senator THUNE from South Dakota, the gentleman from Washington (Mr. LARSEN), the gentleman from Arizona (Mr. FLAKE), the gentleman from Wisconsin (Mr. KIND), the gentleman from Illinois (Mr. SHIMKUS), the gentleman from Kansas (Mr. TIAHRT) and the dean of our group, the gentleman from Ohio (Mr. OXLEY), who is retiring after serving this institution so venerably. In fact, Mr. OXLEY was inducted into the Hoops for Hope Hall of Fame; and, as I remarked to the crowd then, Mr. OXLEY's belief about basketball is if it feels like leather, shoot it. We will miss Mr. OXLEY's on-court antics.

I want to thank Roll Call and George Washington University for their instrumental role as far as making a very successful eighth annual Hoops for Hope.

I invite my teammates on both sides of the aisle to share in the spoils of victory. I mentioned this to some of my teammates. This trophy can be an impressive office decoration. It certainly is a unique conversation starter or simply a gaudy hood ornament.

UNDERMINING EFFORTS TO FIGHT TERRORISM

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to take my Special Order speech at this time.

The SPEAKER pro tempore. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. McDERMOTT. Mr. Speaker, we learned yesterday of a new intelligence assessment that confirms what the common sense of the American people concluded some time ago: The war in Iraq has undermined our efforts to fight terrorism.

The national intelligence estimate says the Iraq war has made terrorism worse on a global scale. The Iraq war has made the world more dangerous. These conclusions come from the agencies and specialists who work to keep America safe by keeping leaders informed of the latest verifiable information.

The intelligence assessment is sobering, but the White House and Republican response is staggering in its total denial of the truth. Faced with newspaper accounts of the new intelligence report in the New York Times and the Washington Post, the White House immediately issued a denial. They went so far as to have their appointees repeat the often-heard misstatement that significant progress is being made in Iraq.

Violence is the only thing that Iraq has more of today. More than 200 people have been killed in Iraq since the weekend, but the President and the Republican surrogates keep saying significant progress is being made.

The Republican idea of keeping America safe is keeping America in the dark, unaware of the truth Republicans have been told behind closed door. Republicans continue to blindly endorse the President's Iraq war because those are the marching orders from the White House. There is no independence from the President. Republicans in the House do exactly as they are instructed.

So when the intelligence community tells Republican leaders the Iraq war is spreading terrorism, the White House tells the Republicans to say something else. U.S. soldiers are fighting and dying in the middle of a civil war, yet the Republicans mechanically recite the same old White House rhetoric.

The only thing that will help America become safer is to face the truth. The Iraq war has made the world more dangerous. Only Republicans disagree with that truth.

The Republican party in power denies the facts of the intelligence community; and they keep telling America you are safer, you are safer. The facts prove the President has been wrong about Iraq all along. The facts prove the President could have changed course but instead chose to keep U.S. soldiers in harm's way and make the world a more dangerous place. And the facts prove the Republican Party abandoned the American people in favor of misleading statements, failed foreign policy, and a President who will stay his own course when America is off course.

America is not safer when the President has a Republican Congress willing to accept White House press releases instead of cold hard assessments from 16 intelligence agencies of the United States Government. America is not safer when the Republican Party's principal weapon in the war on terror is misleading press releases denying our own intelligence community. But that is what the Republicans would have you believe. Republicans think a press release is more important to their future than an intelligence plan that demands we confront Iraq as it really is.

Republicans had the power to change course and work with the Democrats to produce a national plan on the crisis in Iraq. They simply refuse. They go it alone. Republicans had the power to develop a plan for Iraq that was based on facts, not the President's speeches, but they refused. JACK MURTHA, IKE SKELTON, many on our side have offered them alternatives.

The world today is more dangerous, and Republicans will not even accept their own intelligence assessments.

The American people learned two important pieces of information over the weekend: The Iraq war has made the world more dangerous, and the Republican Party is not willing to act on that intelligence. They are not protecting the American people. They are protecting their own hold on power by denying the horrible mistake that they have made. They will not change course because that would require them to say. well, you know. we did the wrong thing when we let the whole Army go, when we let Abu Ghraib get out of hand. They won't admit that they have made us less safe.

RODNEY JOHNSON, HOUSTON POLICE OFFICER

Mr. POE. Mr. Speaker. I request permission to address the House for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. POE. Mr. Speaker, Houston police officer Rodney Johnson was larger than life. At 6'5". 300 pounds, strangers were intimidated by him. But those who knew him knew a gentle giant who always did the right thing: and because of his honor and loyalty. he was respected and well-liked by fellow officers and citizens.

He was a loving husband. He was married to a fellow HPD officer, Joslyn; and he was a dedicated father to three daughters and two sons. But those three daughters will never again run to meet their father when he comes home, those two sons will never play ball with their father, and a wife who will now face every day as a single mother. All because a man who made a habit of running from the law finally got caught.

On Thursday, September 21, 2006, as the sun was setting in Texas. Officer Rodney Johnson made his last routine traffic stop. He didn't know the outlaw he arrested was hiding a pistol in his pants, and this desperado took desperate measures.

What happened next wasn't just homicide. It was robbery, robbery of Officer Johnson's life, and it was stolen from him. from his family. and from a community that loved him. Stolen by a man who had no regard for the law or lawmen.

This criminal was sitting behind Officer Johnson in that patrol car. He was handcuffed, but this bandit withdrew a hidden pistol and fired it. Even the thick plastic partition meant to protect peace officers couldn't survive the blast. At point-blank range. Officer Johnson was shot four times in the back and in the face.

Although fatally wounded. Officer Johnson pushed an emergency response button alerting dispatch. "officer down, officer down." And when his fellow officers in blue rushed to the scene, the criminal still had the smoking gun in his hand, and he even took another shot at a wrecker driver.

The vitality. loyalty and all of the virtues that Johnson stood for were drained from his body; and the family and fellow officers feel shock and rage for his death. Other families who he protected every day are saddened as well.

One neighbor says. "It just breaks my heart. I feel so bad for his wife. He got up and went to work this morning, and this is what happened to him. This is what happened to one of the people who protects us. the citizens. He truly cared about us."

They weren't the only ones Johnson took care of. He once rushed into a burning building thinking not what the flames would do to him but only what the flames were doing to the children trapped inside.

It was not his only heroic act. Others earned him lifesaving awards, and the prestigious Medal of Valor was given to him by the citizens of Houston.

This native Houstonian served in the United States Army as a military police officer. Back in the great State of Texas, he spent several years as a corrections officer, as a jailer for the Texas Department of Criminal Justice; and, finally, in 1994, Rodney Johnson was sworn in as a Houston police officer.

He would spend the next 12 years of his life protecting and serving the citizens of Houston, Texas, his hometown. And since 1996. Officer Johnson has been a well-respected member of the Southeast Houston Gang Task Force.

Some say he could have been a superman because of his size with his commanding presence and mission to help others. He protected the communities and ensured justice for all.

Sadly, his kryptonite was a downfall for our Nation. Our inability to shut down the borders, our inability to send illegals home and make sure they didn't come back.

This criminal who shot Officer Rodney Johnson murdered him because he feared being deported back to Mexico again. Juan Quintero is a lawless illegal whose disregard for the United States and its rules started when he illegally set foot in American soil. He was deported once for indecency with a child, but he came back to finish a string of crimes. Having snuck back into America. he then shot an American lawman in the back.

During the 25th Annual National Peace Officers Memorial service in June. a powerful statement was given to honor those who had fallen in the line of duty. I reiterate this statement. It says, "Well served peace officer, may you rest in peace."

But I add. may our country's poorly enforced border control policies also rest in peace so we may never again see another family member put through what this family has endured because of lawless illegals who never should have been here in the first place.

Officer Johnson is a role model for future officers who wear the badge. We wish his family the best as they mourn for their superman. The Houston community has poured out their hearts for his family, and people have started donating money to his five children.

But our task is not complete. We must strengthen the border for his five children and all of America's children. Peace officers. Mr. Speaker. are the last strand of wire in the fence between the good and the evil. They wear the badge with pride. and tonight the peace officers wear the black cloth of sacrifice against their badges.

Mr. Speaker. God bless Officer Johnson.

And that's just the way it is.

□ 2130

THE IRAQ WAR

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Under a previous order of the House. the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, over the weekend the New York Times published an article entitled "Spy Agencies say Iraq War Worsens Terrorism Threat." The article goes on to describe an April 2006. a National Intelligence Estimate which reports the consensus of the 16 U.S. intelligence agencies that the American invasion and occupation of Iraq has helped spawn a new generation of Islamic radicalism and that the overall terrorist threat has grown since the September 11 attacks.

The NIE report concludes that the radical Islamic movement has expanded from a core of al Qaeda operatives to include a new class of "self-generating" cells inspired by al Qaeda's leadership. but without any direct connection to Osama bin Laden or his top lieutenants, which will be difficult to monitor and disrupt. One official quoted in the article says "that the Iraq war has made the overall terrorism problem worse."

Mr. Speaker and Members, what are we doing? What is this administration doing. and what is this American President thinking about? He is sending more troops to Iraq. The Army announced today that it has extended the combat tours of about 4,000 soldiers who normally would be returning home and is considering sending more combat units to Iraq in order to meet the needs in Iraq. Many of the troops in Iraq are on their second and even third deployment to Iraq. The additional troops are necessary because of the sectarian violence that encompasses much of the country. Many experts have concluded that Iraq is in a civil war.

Mr. Speaker and Members. the President of the United States has said more than once that we are not getting out of Iraq. that we will stand down when the Iraqis stand up. and they would have you believe that we are training Iraqi soldiers and that they are going to take over the responsibility of securing that country.

It is not happening. Mr. Speaker and Members. As a matter of fact, some of the Iraqi soldiers that have been trained are abandoning our soldiers in the middle of conflict. I read an account just a few days ago where our American soldiers got in the middle of a confrontation of a battle, I think, between Sunnis and Shiites, and they were watched by the Iraqi soldiers who were with them who literally stepped back and let the American soldiers be responsible for trying to resolve that fight that was going on.

We hear stories not only about Iraqi soldiers who abandoned our soldiers but who are really inside, being trained by us, with American taxpayer dollars being spent on training them when they simply turn on us. They are not with us to begin with. They are there to spy on us, and they are undermining us.

For God's sake, what are we doing? This occupation is not only causing the deaths of young American men and women, almost 3,000. It is robbing this country of its resources. Well over $300 billion has been spent on this war in Iraq, and that is not to add to the amount of money in Afghanistan. We went to Iraq because supposedly we were making Americans safer. We are at greater risk now than we have ever been. We are certainly at greater risk and less secure than we were before 9/11.

And not only that, why didn't we track Osama bin Laden up through Afghanistan to that border between Pakistan and Afghanistan where we believe he really is? But no. We told the American public that it was Saddam Hussein. We have spent all of this money. We have occupied it, and we still don't have Osama bin Laden. Osama bin Laden, I believe, is being protected by the Pakistanis. I believe that Mr. Musharraf, who is supposed to be our ally, whom we are giving money to, knows a lot more than he is telling us. But one thing I know for sure, he won't allow us to come into Pakistan and he just created a pact with the Taliban. The Taliban is back in control. The poppy seeds are flowing. The dope is flowing. It has been tracked all the way to Chicago.

The American people had better get their heads out of the sand, and we had better do our oversight job and bring our soldiers home. Stop this war in Iraq.

TWO CAPTIVE ISRAELI SOLDIERS AND PROBLEMS WITH THE U.N.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, on July 12 of this year, Hezbollah guerillas killed three Israeli soldiers and kidnapped another two, Ehud Goldwasser and Eldad Regev. All the while Hezbollah continued to launch rockets at civilian targets in northern Israel. These actions against Israel's sovereignty sparked Israel's defensive measures and the subsequent escalation of the conflict. In the end, as a direct consequence of Hezbollah's belligerence, more than 1,000 Lebanese and Israeli civilians lay dead and the infrastructure of Lebanon lay in ruins.

When the cease-fire was brokered by the United Nations, it was the understanding of all parties, especially Israel, that the U.N. would work toward the release of Israel's kidnapped soldiers. Today, however, more than 2 months later, those two brave young men remain in captivity and their families remain uncertain of their future.

Furthermore, Hezbollah remains armed with as many as 20,000 rockets aimed at Israel, according to this group's own claims. Just this past Friday, Mr. Speaker, Hezbollah's leader, Sheik Hassan Nasrallah, threw a victory rally in Lebanon, taunting Israel, the peace-seeking government of Lebanon, and the United Nations as well with the probability that no one will ever see these two soldiers alive again. In fact, not only did Nasrallah note that these soldiers would only be returned in exchange for some of its jailed terrorist foot soldiers; he also vowed that neither the U.N. nor the Lebanese troops would ever be allowed to disarm Hezbollah guerilla troops in southern Israel and threatened the Western-friendly Lebanese Government of the Prime Minister.

There can be no doubt that Nasrallah and Hezbollah have become bolder, more dangerous, and graver threats to the peace in the Middle East.

And yet Israel has honorably abided by the terms of the cease-fire as a sign of good faith and its commitment of peace in the region. It leaves one to wonder at the effectiveness of the U.N. to rectify this still unresolved injustice. This situation brings to light yet another example of the dramatic shortcomings of the U.N. in its ability to carry out the good that it was originally planned for and created.

In fact, at the very time that the United Nations was seeking to implement this cease-fire in Lebanon, it was entertaining the Iranian Prime Minister, who surprised no one with his tirade against the U.N. General Assembly, alternating between anti-American vitriol and ad hominem attacks against Israel as well.

Of course, if the United Nations is going to be an effective broker for peace and a conduit for diplomacy, it must itself be above reproach. The United Nations' track record, however, with regard to Israel specifically is unbalanced at best and anti-Semitic at worst. In just a single session of the U.N. General Assembly, it passed 21 individual resolutions criticizing Israel. And over its 30-year period of time, the U.N. has actually funded three organizations that disseminate anti-Israeli propaganda. Furthermore, only Israel has been called upon to defend itself as an individual agenda item before the U.N. Commission on Human Rights.

Even on a more general level, as I have discussed here before, it is little wonder that the U.N. has lacked the credibility to broker international agreements, let alone enforce them. With its current track record of internal corruption and its roster of greedy little machine bosses that it has, the U.N. is hardly able to claim the moral high ground necessary to occupy this position.

Consider, for example, the Oil-for-Food scandal that facilitated as much as $17 billion in grants, scams, and smuggling, keeping Saddam Hussein living in the lap of luxury while the people of his country, Iraq, starved, and also paying for the rewards for the families of suicide bombers as well. Even now that the first conviction of a central figure to that scandal has been served and dates have been set for the trials of several other co-conspirators, the U.N. continues to protect some of the most egregious offenders.

It has been long enough, Mr. Speaker, and I urge the United Nations to do what is right for once, to defend the sovereignty of the State of Israel and take the necessary measures to ensure the soldiers' immediate and safe return to their families and to give evidence of its credibility as a true broker of peace in the Middle East.

HONORING OFFICER RODNEY JOHNSON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, in the early evening hours of last Thursday, Officer Rodney Johnson lost his life in the line of duty. And out of that most horrific tragedy came an outpouring of love, affection, and admiration for one of Houston's finest.

Officer Johnson's story, although he lived it every day, began to unfold. Alongside of this valiant officer was his valiant wife, a Houston Police Department officer by the name of Jocelyn Johnson. Both were the parents of five wonderful children. Included in the extended family were sisters and mothers and his very special sister, Susan Johnson. They were a family that were well known. Many of them or some of them were members or participants at the Wheeler Avenue Baptist Church in my congressional district, where at the time Reverend William Lawson was the pastor.

As we begin to learn, know, and understand Officer Johnson, as I indicated, the hearts of Houstonians poured out to him and his family. I think what was most telling about how this family loved each other were the kind words or the words of nonhatred of his wife, when asked if she hated the perpetrator, who now has confessed and is in police custody, and she said no. What a statement of valor. What a statement of courage. What a statement of leadership.

So this evening I pay tribute to Officer Rodney Johnson for his life and his legacy.

As the story unfolds, he was a wonderful husband, a loving father, and an outstanding police officer. As I traveled around my district offering condolences to the number of men and women in blue that I saw, each one of them would say, we have lost a friend. You really needed to know Officer Rodney Johnson. He did so much. He cared so much. In fact, there was a story that indicated that he might have overslept on that day, but his wife woke him up and so he went on to work. When told the story, there was some reminiscing as to maybe that should not have happened, but then there was a thought that if he had woken up and found that he had overslept that he would, in fact, have gone to work because that is the kind of police officer Officer Rodney Johnson was and his legacy will continue to attest to.

He was a police officer's police officer, and he was a community servant. He worked with those who were in trouble. He worked with those who were at risk. He worked with community programs. He was a community Santa Claus because he was a big man, big with love, with earnestness, sincerity, and hard work. And, yes, he cared about his performance. He cared about his fellow brothers and sisters. And, of course, he loved his family.

So as Houston mourns, it shows what a city Houston is with a big heart. This evening there is a prayer vigil where a large gigantic card will be signed by all Houstonians. Yesterday, Quanell X organized in front of the Denny's in Third Ward, Texas, a fundraising effort that generated some $7,600 just in the afternoon, Sunday afternoon. People drove up and came from all over to provide resources for the family. We are now planning a community-wide memorial that will take place this week after the funeralizing of this valiant and brilliant officer.

Most of all, we want to say to the family, his children, his wife, his sister, and many other relatives that we love Rodney for who he was. We love him for his legacy. We love his story and his commitment to our safety.' And we will continue to work to provide more resources so our police officers can be more secure. Traveling not with one officer but two officers. A bullet-proof separation between the driver and the perpetrator or the arrested person.

And, yes, we will not scapegoat a whole class of individuals because the individual involved in this may have been without status.

The community is rallying together. The community is now honoring and mourning Officer Rodney Johnson. That is what we want this week to be, a tribute to his life and his legacy; and we want to move forward in tribute to him as we go into the weeks to come to provide more finances for our local police authorities, more cops on the beat, and, yes, to look into the request that his wife made that we find an opportunity or the resources to secure the driver and the perpetrator, to provide a bullet-proof separation from our police officers and the arrested person.

May Rodney Johnson rest in peace. May God bless his family and his children. May God continue to give them peace and comfort in His grace and mercy. My friend, our friend, Officer Rodney Johnson, well done, our good and faithful servant.

(2145)

REPUBLICANS PROVIDE SECURITY TO AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 60 minutes as the designee of the majority leader.

Ms. FOXX. Mr. Speaker, I appreciate the opportunity to be here tonight and to share this time with my colleagues, several of whom I believe will be joining me. We are going to be talking tonight about national security.

I want to start the evening with a very simple comment about a very simple item. I am wearing on my arm, or I have just taken off, a bracelet. These are very common these days to commemorate different things. It says AMAR. It represents AMAR Manufacturing Corporation.

Today, in my home district in Davie County, we had a celebration about a new manufacturing plant that is going to open up. And it occurred to me as we were doing that today, and as I looked at this, that the people of America are going on about their business on a day-to-day basis, oblivious of the fact that there are many things going on in our country and outside our country to help us be secure.

The American people are in many ways the most secure people in the world. We are used to going on about our business, having announcements of new businesses and just dealing on a day-to-day basis with taking our children to school, taking them to football practice, to baseball practice, doing all of those things that we are used to doing because we live in a very secure Nation.

It is the role of the Federal Government to keep our Nation secure. The number one responsibility of the Federal Government is the defense of this Nation, and a large part of the defense of this Nation again is tied up in the word security.

So we want to talk tonight a little bit about what has happened to threaten that security in the last 30 years or so and what we have done as a Republican Congress in order to bring back a sense of security to our Nation.

We will talk about horrific events that have happened in the past but also talk about the many achievements that have occurred especially in the last 5 years in terms of our bringing back a sense of security and our making sure that in the future the things that we are doing now can be built upon and can allow the people of this country to go about their daily routines and feel secure and not feel threatened in the things that they want to do.

The United States of America has never been an aggressor nation. We have always focused again on providing for the freedom that we have in this country and making sure that what the average American takes for granted every day will be there for him or her.

I want to recognize now my wonderful colleague, the gentlewoman from Tennessee, Congresswoman BLACKBURN, who is such an articulate spokesperson for so many of the issues that we discuss on the floor of the House. She is going to help talk about the issue of national security.

I think she is going to give a little perspective on where we have come from and where we are now in terms of dealing with this issue.

I would like to recognize again my colleague, the gentlewoman from Tennessee, Congresswoman BLACKBURN.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentlewoman from North Carolina. I thank her for her commitment to keeping our Nation safe. As an educator and having spent many years in schools teaching, leading, directing those activities, she knows that it is an imperative that, in order for children to learn, they have to feel secure in their environment.

In order for parents to participate, they have to have that sense of certainty that there is control and security. And this is something that, yes, in our free Nation we are so blessed and so grateful to be able to just expect that.

When we get up in the morning, we expect that we are going to be able to put the children on the school bus, that we are going to be able to go to work, go to the grocery store and participate in those activities with a little bit of control over what happens in those environments and with some predictability and certainty as to what the expectations are going to be.

So indeed we are very blessed in that regard. It is an incredible gift that having a strong national defense, how wonderful it is, what a gift that that has allowed us as a people to enjoy.

As the gentlewoman said, sometimes in order to look forward and to assess, what we have to do is be certain that we have perspective, that we look at where we have been, where we have come from and where we are heading.

In a Nation where we have defense as one of our top priorities and where it is one of the top priorities of this Government, sometimes it is important to cast that perspective and to say this is why we have to say, back to basics, shift our focus, and begin to look at terrorist attacks not as civil disobedience but to view them as what they are, acts of war, and to respond to them as what they are, acts of war.

And as the gentlewoman mentioned, this is a problem that has been brewing and that we have had to deal with for decades. Terrorism and terrorists have been attacking our Nation not for a few months, and it did not start on September 11. It has been going on for decades.

I think that many of us remember November of 1979 when the Iranian radicals took control of the embassy in Tehran. That was a siege that lasted for 444 days, where they had the embassy and 53 hostages. We all remember how the end of that attack came about.

In 1983, we had 63 people that were killed in an embassy booming in Lebanon. 1983, also, there was a suicide bomb attack on the U.S. compound in Lebanon, where 242 Americans were attacked and killed. All the while, attacks that were taking place on U.S. interests but not on U.S. soil.

In 1986, a Berlin discotheque was bombed, and we also had 79 servicemen that were bombed, injured in a bombing attack in West Germany.

In 1988, we remember December of 1988, Pan Am flight 103 that was blown up by the Libyan terrorists.

And then in February of 1993 the first World Trade Center bombing killed 6 people, injured over 1,000 people. That was February of 1993.

Going through the following years and leading up to September 11, 2001. In 1995, we had a military complex in Saudi Arabia that was bombed. The Khobar Towers in 1996. The attack in our embassies in 1998. The *Cole* bombing by al Qaeda in 2000; and then, of course, the al Qaeda-led plot that was enacted on September 11, 2001.

Now, Mr. Speaker, what we see from this is the pattern of terrorist activity for two full decades. What we also have seen since September 11 is that no longer do we respond to terrorist attacks as civil disobedience; we respond to it as an act of war, as what it is.

One of the things that we have to keep focused on right now, every single day, is that this war on terror is just that, it is a war. Yes, we have the battle in Afghanistan. Yes, the battle in Iraq. And, yes, there are terrorist cells that are scattered around the globe. But we started sending a different message on September 11. And we are very grateful for the work that the intelligence community, that our homeland security organizations, that our American military has done, that the coalition partners have done in working together to fight terrorism, to fight the spread of terrorism.

And the reason we do it, Mr. Speaker, the reason the leadership in this House remains so solidly focused on terrorism is exactly what my colleague was speaking of when she opened her remarks. The reason is so that the American people can go about their daily lives exercising the control, exercising the freedom, being certain that those children are going to school in safe and free environments, being certain that they are going into the workplace with safe and free environments.

That is the reason that the focus has shifted. That is the reason that it remains the top priority of the leadership of this House.

I also want to thank the leadership for the work that they have done on this issue and our colleagues who are sponsoring legislation and bringing it to the floor, this week, last week, the last few weeks as we are preparing to finish up some of the work to increase, increase the funding and the focus on defending this Nation against terrorism.

Mr. Speaker, I thank the gentlewoman from North Carolina for yielding. It is an honor to come and spend some time on the floor with her and to talk with the American people about some of the work that we are doing as we lead in the war against terrorism and against terrorists.

Ms. FOXX. Thank you, Congresswoman BLACKBURN, for your comments. As I said, you always present a very articulate and coherent message to the people of this country when you speak; and it is a real pleasure to work with you and to have you here in the Congress pointing out very commonsense kinds of things that we can be doing to make this country a better place.

I appreciate very much your setting the stage for what has happened over the last 20 or so years in terms of the terrorist threats that came to this country that were largely ignored because most people could not envision the horrific event that occurred on 9/11, 2001, or could not see how these different events were connected with each other.

□ 2200

I want to talk a little bit about what we have done since 9/11 in order to make sure that we do not suffer such an attack in the future, and let me point out some of these things.

In the first key stage of the 9/11 attack, al Qaeda conceived and planned the attacks from abroad, but here are some of the responses that we have made as a result of that. We have taken the key advantages al Qaeda enjoyed while plotting the 9/11 attack in Afghanistan away. We now have removed the Taliban from power, closed the al Qaeda training camps and taken away financial tools that were available to them. They can no longer move around in Afghanistan with impunity. Many of al Qaeda's most important leaders have been captured or killed, including Khalid Sheikh Mohammed, believed to be the mastermind behind the 9/11 attacks. So we have had a big impact on what has happened abroad.

The second key stage of the 9/11 attack, Khalid Sheikh Mohammed and bin Laden identified, trained and deployed operatives to the United States. We have addressed that since 9/11. We have addressed the gaps in America's defenses that were exploited by al Qaeda. We have upgraded technology, and we have added new layers of screening and security to the immigration and visa system. Today, visa applicants, like those who participated in the 9/11 hijackings, would have to appear for face-to-face interviews, be fingerprinted and screened against an extensive database of known or suspected terrorists and be checked again to make sure that their fingerprints matched those on their visas. We have improved our terrorist watch list. We have established common criteria for posting terrorists on a consolidated terrorist watch list.

The NSA created the terrorist surveillance program at the President's direction, and we are going to be dealing more with that this week, as my colleague Congresswoman BLACKBURN has mentioned. Before 9/11, U.S. intelligence professionals found it difficult to monitor international communications such as those between the planners of the 9/11 attacks abroad and al Qaeda operatives operating secretly in the United States. This is not a program to spy on American citizens, as our colleagues have accused us and the President of doing. This is a program to stop the kind of collaboration that existed between those operatives working overseas and those here in the United States, and we are going to work on the terrorist surveillance program this week I believe and pass something that will allow the President and the people who are using this program to thwart these terrorists, to be able to thwart them.

The third key stage of the 9/11 plot, the rest of the 19 al Qaeda operatives came to the United States. So the FBI has now made protecting America from terrorist attacks its top priority. Before 9/11, that was not the top priority of the FBI, but now we have more counterterrorism agents and lists. We have the unified national security branch to coordinate terrorism investigations and intelligence operations, and we have expanded the number of joint terrorism task forces to help Federal, State, and local law enforcement officers work together; and with legislation we passed last week, we are going to strengthen that program where we work with local law enforcement officers, and that is going to be helping.

In addition, we have now torn down the legal and bureaucratic wall that kept law enforcement and intelligence from sharing information. All levels of government are sharing far more information than ever before and connecting the dots to stop terrorists before they strike. People kept saying why did we not connect the dots, why did we not connect the dots. That is because we had silos for our various bureaucracies and intelligence agencies, and they were not allowed to talk to each other; but we have torn those silos down now and people are communicating with each other.

We have passed the PATRIOT Act. This good law has increased the flow of information and helped break up terrorist cells in the United States, and Congress was right to renew it last year.

We have created the national counterterrorism center, the NCTC. Law enforcement intelligence personnel work side by side in the same headquarters. We have created the position of Director of National Intelligence. The Director of National Intelligence operates the intelligence community as a single, unified enterprise.

We have set up the Terrorist Screening Center. The Terrorist Screening Center maintains the government's consolidated list of suspected terrorists and individuals with terrorist links and helps get this information into the hands of State and local law enforcement.

At every level, America's law enforcement officers now have a clear goal: to identify, locate and stop terrorists in our country before they can kill. That is very, very important.

The fourth and final stage of the 9/11 plot came on the morning of the attack. We have taken many steps to address the security gaps that the hijackers exploited that morning. We have created the Transportation Security Administration to make sure that every passenger and every bag is screened. We have increased the number of Federal air marshals, and we have trained and authorized thousands of pilots to carry firearms and hardened cockpit doors to prevent terrorists from gaining access to the controls.

In addition, we have merged 22 government agencies into a single Department of Homeland Security and tripled spending for security of airlines, ports, borders and other critical areas; and we are working constantly to stay several steps, not one step but several steps, ahead of the terrorists. We have gone on the offense across the world, and our country is definitely safer.

We have captured many of the most significant al Qaeda members and associates. We have kept the terrorists from achieving their key goal to overthrow governments across the broader Middle East and seize control.

Our allies in the war on terror include two nations that used to harbor or sponsor terror, but now help us fight it, the democratic nations of Afghanistan and Iraq.

As we fight the enemies of a free Iraq, we must also ensure that al Qaeda and its allies never get their hands on the tools of mass murder. So we are working very hard in the area of national security to make sure that a 9/11 attack can never occur again in this country.

Now, I want to say what some of the very important things are that have been accomplished under Republican stewardship, specifically what congressional Republicans have done.

We have strengthened the national defense. We have helped our troops succeed in Afghanistan and Iraq. We have increased benefits of our men and women in uniform. We have protected our troops with state-of-the-art body armor and equipment. We have streamlined bureaucratic red tape to ensure our servicemembers have all that is necessary to complete their missions. We have increased funding for necessary and state-of-the-art equipment. We have modernized acquisition and procurement programs. We have enhanced the quality of life for servicemembers and their families, and we are steadily increasing the pay benefits for them.

We have made real progress in missile defense. We have conducted successful missile defense tests. We have ensured the missile defense program goes farther and faster than ever before. So we are making real progress in these areas.

We have seen major changes occurring in the Iraqi Government where they are taking control of their armed forces there and moving ahead to make the country safer and safer.

The Iraqis themselves have overwhelmingly rejected religious or the ethnic breakup of Iraq. They are solidly behind a centrally controlled government. Seventy-eight percent of the Iraqis disagree or strongly disagree with the idea of segregating the country by religious or ethnic sect. They want to keep their country whole and not break it up.

Eighty-nine percent of the Iraqis said the formation of a national government, including the country's main ethnic and religious communities, was extremely important to the future peace and stability of Iraq. They believe that the country is headed in the right direction, and we know that it is.

So what we are doing to strengthen Iraq and strengthen Afghanistan are both important in the war on terror. It is a global war on terror. So what we are doing is all over the world, not just in Iraq and Afghanistan.

We saw that with what we did in England where with the British, we and the Pakistani Government worked together to thwart another plot to take down our airlines filled with Americans. So we have worked on the national security from that perspective to never let another 9/11 happen and do the things that we should do to do that, and while we are doing that, we are strengthening Iraq and Afghanistan.

Now, what are we also doing on border security, because border security is national security? We have done a great deal in this House to make sure that we have border security in this country and that people understand that border security is national security.

Mr. Speaker, we have passed several bills and we have several bills yet to pass that are going to make our borders more secure. We have passed the REAL ID Act. We have passed a strong border security bill last December. We have the Effective Immigration Enforcement and Community Protection Act. The chairman of our Judiciary Committee, Chairman SENSENBRENNER, has been leading us in putting together the bills out of the Judiciary Committee to tighten up our border security.

We are ending catch-and-release. The administration has done this on their own, but we are going to strengthen their hand in ending catch-and-release. We are no longer going to catch criminals and potential terrorists and release them again. We are going to keep them in prison or make sure that they get sent back home and they are not back in this country.

We are removing illegal immigrant gang members to make sure that we are enhancing what we are doing again from our border security. We have established penalties for border tunnels. The bill that we passed last week establishes criminal penalties of up to 20 years' imprisonment for persons who knowingly construct or finance the construction of an unauthorized tunnel across a U.S. international border.

We are prosecuting more smuggling offenses. We are tightening up of the laws on that, and we are making the offenses much more stringent.

We are removing criminal illegal immigrants, getting rid of people who have come into this country to commit crimes. So we are continuing to do things that will make our borders stronger and stronger, which will help our national security. Every time that we can enhance our border security, we are enhancing our national security.

We are also enhancing our homeland security through our homeland security legislation, and I want to talk a little bit about that, too.

We have funded first responders in homeland security. Through a variety of programs, over $30 billion in Federal funding has been allocated for first responders since 2001. Total nondefense homeland security spending across all agencies has gone from $11.8 billion in fiscal year 2001 to $41.5 billion for fiscal year 2007.

I mentioned earlier that we passed the USA PATRIOT Act. We reauthorized it. The bill was passed in 2001, and it has now been reauthorized. A key tool in preventing another domestic attack, the PATRIOT Act has enabled the Federal Government to effectively deter and punish terrorist acts in the United States and around the world.

I mentioned earlier the REAL ID Act, which was the first bill to pass in this Congress.

□ 2215

I was a very proud original cosponsor of that bill and extremely proud to be a freshman and be allowed to be a cosponsor of that bill. My own State of North Carolina has been a haven for illegal aliens coming in and getting drivers' licenses and then being able to use those as IDs to get on airplanes. We know that the terrorists who brought down the Twin Towers had many, many illegal drivers licenses, and the REAL ID Act will cut down on that capability.

The Congress passed the Homeland Security Act of 2002, which established the Department of Homeland Security.

We again are doing more and more on border security. The SAFE Port Act, the Security and Accountability for Every Port Act, or the SAFE Port Act, addresses port security defenses within and beyond U.S. ports, including enhancing security programs and others.

The Project Bioshield, which delivered $5.6 billion to enhance research, procurement and use of biomedical countermeasures to respond to public health threats affecting our national security.

Emergency communications. We are working on making sure that different agencies can communicate with each other so folks will be able to help thwart any threatened terrorist attacks.

The Maritime Transportation Security Act, the MTSA. Congress passed the MTSA in 2002, requiring every regulated U.S. port facility to establish and implement a security plan that outlines procedures for controlling access to the facility, verifying credentials for port workers, inspecting cargo for tampering, designating security responsibilities, training and reporting security breaches.

So we have worked very hard on making sure that we are securing not just the borders, the northern and southern borders, but also all of our ports all over this country. It is the Republicans who are leading the way on bringing these issues up to the country, to the Congress, and making sure that they are passed.

So what do we face from the Democrats? The same things. Even though we bring up over and over and over again the fact that the number one responsibility of the Federal Government is the defense of this Nation, we know this from our Constitution, but we constantly have to remind the Democrats that that is the role of the Federal Government.

The Federal Government in past years has gotten involved with many worthwhile activities. Don't get me wrong. I know that many of the programs that are spending Federal dollars do good things. But those are not the jobs of the Federal Government. The Constitution is a brilliant document, and if we follow the Constitution in the way that it was written and we do what our forefathers outlined for us to do, we will be so much better off in this country.

One of those things that we should be doing is focusing on national security, focusing on the defense of this Nation from the Federal level, and leaving these other things to the States and the localities to deal with. But if you hear the Democrats talking, what they want to do is to continue to talk about no, no, no. They are not interested in enhancing our border security. They are not interested in enhancing national security, when you listen to what they talk about.

When you look at what they have voted against, they have voted against so many things that were designed to enhance our national security. I want to just mention a few of those things that they have voted against.

Over and over and over again they bring up negative things. You would think that they wanted to simply open up our borders and let anybody come in here that wanted to come in here and just ignore the fact that we had an attack on 9/11, that we had those other attacks that Congresswoman BLACKBURN mentioned to us.

You would think that the kinds of things that we have done are the worst things that could have ever been done in this Nation. The terrorist surveillance program, you would think, if you were not aware of what the Democrats are saying, that our government has turned on its own people instead of doing everything that we possibly can to protect the people.

As I said before, I was at AMAT Manufacturing today, sitting there thinking about how it is the role of the Federal Government to make sure that we are safe so we can do the things like that, the routine things that we do.

I want to talk some about how the Democrats have tried to thwart us at every step in trying to maintain security in this country, national security and border security.

I have been joined by one of my colleagues, one of my most articulate colleagues, one of our favorite freshmen, who can always tell the very best stories, but is always right on point on issues dealing with whatever legislation we are dealing with.

I want to recognize Congressman GOHMERT from the great Republic of Texas, who is here to talk a little bit about this issue and give some illustrations of his own of what we have done right and how the Democrats would have us be thwarted in what we have done.

Mr. GOHMERT. Mr. Speaker, I thank my friend from North Carolina, the gentlelady, Ms. FOXX. Thank you for yielding and thank you for the time you have taken tonight to talk about our national security issues. As always, you are most impressive. If someone didn't know before, they might know, Mr. Speaker, that the gentlelady from North Carolina is a teacher, is an educator, and then, of course, got forced to being president of a school. But, anyway, from someone who bore that great title of teacher, it is an honor.

Mr. Speaker, there are so many people in our country that want to blame America first. They think America is the cause for so much of the ills in the world, when the fact is that this is the Nation that has brought about freedom all over the world.

We have some people in the world say America is a bunch of imperialists, when the fact is no nation in the history of the world has helped so many countries obtain the right to rule themselves. If we were imperialists, France certainly wouldn't be speaking French anymore. Germany wouldn't be speaking German anymore. Countries around the world, including in the Middle East, would not be speaking their native tongues. They would be speaking English. But that is because we are about freedom and allowing people to reach their God-given potentials.

I started something last week, and it continues this week, and that is, although there are those who seek to blame America first, and we have had people that have stood right here on this floor, a former Marine accusing Marines of being cold-blooded killers and the military covering things up without a trial, without a charge being made. It just seems with all the blame going around and being made that we need to recognize those who were willing to do what Jesus himself said, which was show the greatest love. As he said, greater love hath no man, no one, than this, that he lay down his life for his friends. Certainly he would know.

But the U.S. military has been faced with tremendous challenges since September 11, 2001. Fortunately, we are blessed to have an exceptional fighting force that is full of troops that are ready and eager to rise to the challenge.

As an example, and this is what I started last week, every day we are in session I want to recognize someone who has received one of our Nation's highest honors and what they have done. This is the America that the world should acknowledge. This is the America that this body should acknowledge, the true heroes who put others above self.

That is the example of Sergeant Leigh Ann Hester. She made history last year when she was the first female soldier to receive the Silver Star since World War II and became the first female ever to be cited for close combat.

The Silver Star, as many of you may know, is awarded for gallantry in action against an enemy of the United States while engaged in military operations involving conflict with an opposing foreign force.

On March 20, 2005, Sergeant Leigh Ann Hester was serving in the 617th Military Police Company. It is a National Guard unit out of Richmond, Kentucky. Her squad was shadowing a supply convoy south of Baghdad near Salman Pak when about 50 insurgents ambushed the convoy. Sergeant Hester's squad moved to the side of the road, flanking the insurgents and cutting off their escape route.

Sergeant Hester herself led her team through what is known as the "kill zone" and into a flanking position, where she assaulted a trench line with grenades and M203 grenade launcher rounds. Sergeant Hester and her squad leader, Staff Sergeant Timothy Nein, then cleared two trenches, at which time she killed three insurgents with her own M-4 rifle.

Her actions saved the lives of numerous convoy members. When the fight was over, 27 insurgents were dead, six were wounded and one was captured. Many, many Americans were saved in the process.

Sergeant Hester was only 23 years of age at the time of her action. She was born in 1982 in Bowling Green, Kentucky, later moved to Nashville, Tennessee, and she joined the National Guard in April of 2001.

These are the people that we need to honor and recognize, and cease playing the blame game. We would encourage all of our colleagues to begin looking for the good, because, as Abraham Lincoln said, if you look for the good in people, you truly will find it.

Mr. Speaker, I thank the gentlelady from North Carolina for the great good she is doing.

Ms. FOXX. Thank you, Mr. GOHMERT, and thank you for reminding us of what we should be doing in terms of honoring these people. Sergeant Hester sounds like an absolutely fabulous woman, and we are so fortunate to have her serving in our military and being a great role model for all of us.

I was talking earlier when Congressman GOHMERT came in and I yielded time to him about the fact that in so many of these things that we have accomplished with the Republican leadership in this Congress, to make sure that we thwart terrorists who want to come here, who want to do the kinds of things that were done on 9/11/2001, in so many of those ways we have had to fight the Democrats at every step of the way. They have been opposed to almost every effort that we have made here. The PATRIOT Act, the border security bills, over and over and over again they have said no.

Their answer to fighting the war on terror is to withdraw from Iraq. Take our troops out. Put them somewhere else in the Middle East, but get out of Iraq. They talk out of both sides of their mouths. They say, on the one hand, the minority leader says, okay, all the damage that Osama bin Laden can do he did 5 years ago. She criticizes the President for not having enough forces in Afghanistan to catch Osama bin Laden; and then she says, well, it wouldn't matter if we caught him anyway. We would not be any safer if we caught him.

So, over and over and over again, we get mixed signals from the Democrats. That gives comfort and aid to our enemy. They see that happening, and they think, boy, if there is a chance that the Democrats could take control, then we wouldn't have to worry about being pursued. We wouldn't have to worry about what the Congress is going to try to do to us in conjunction with what the administration is doing. We can just sit back and wait for them, for the Democrats to get in control.

□ 2230

Nothing could be worse for our country than for them to be put in control and to withdraw our troops from Iraq where we are making tremendous progress on helping those people live in a free country. That is what they want.

I had the great opportunity to go to Iraq in July, just at the end of our session in July, and the Iraqi people said to us: we are so grateful to you for bringing freedom to us. We are so grateful. Don't leave too soon. We are committed to a democracy; we are committed to maintaining freedom here in this country. Please don't go away before we can get our feet on the ground. This is the first chance we have had to have freedom in the history of this country, and we want it and we are going to have it.

And as you read about what is happening in the country and you see that while there are these militias out there, they are not attacking the government of the country, they are attacking each other. There are Sunnis going against Shias, Shias going against Sunnis, but none of them are attacking the Government of Iraq because they all have a vested interest in keeping that government going, and that is very, very important.

But you never read about that. It makes it look like these people are all attacking the government, but they are not doing it. President Maliki I think has done a wonderful job of forming a government that can gain the support of the three major groups in Iraq, and so we are seeing tremendous progress there. Even though we see the insurgents and even though we see the IEDs and even though there has been horrible loss of life, it is not directed at bringing down the government.

There is a fabulous article in the National Review dated today, as a matter of fact, about the importance of that, and I would commend it to people to read it about why the government is strengthening there in Iraq and how it is strengthening and why things are going well there instead of going badly as the popular press would have you believe. So we have to keep fighting, and we have to fight this war on terror and improve our national security on all the fronts that we have before us.

And I want to talk a little bit about a couple of episodes that happened last week that I think show the American people again how much we are at war and what a dangerous place this world still is. The President reminds us periodically about it, and again, as we go about our day-to-day activities, it is difficult to believe that we are at war even though the news media makes it sound as horrific as they possibly can because they want to undermine what we are doing to improve our national security, and they want to undermine the work of this Republican Congress and this Republican President. And I want to point out what happened last week with two people who came to this country to appear at the United Nations and talk at the United Nations and condemn this country for what we are doing.

We dealt with hearing President Chavez and the President of Iran, Ahmadinejad. They both made just absolutely outrageous speeches on the floor of the United Nations. And it is difficult to believe that these people could come into our country and say the kinds of things that they did, but in many ways their speeches were gifts to us because they pointed out the danger that we face from these tyrannical leaders of other countries.

I want to mention first some comments from the President of Iran. He mentioned in his speech that justice was a victim of force and aggression. Well, it certainly is. It was certainly a victim of force and aggression when he participated in the overthrow of the American Embassy in Iran in 1979, and held American hostages for 444 days. He spoke of ridding the world of nuclear, biological, and chemical weapons; but he continually refuses to halt the production of enriched uranium in Iran. He wants to rid the world of aggression and strive for peace, even though he created a proxy war in Lebanon and continually funnels weapons to Hezbollah which continually attacks Israel and tries to bring on world war there.

I was astonished when he spoke of dignity for all human beings and is longing for peace. These words are surprising here from a man who has prayed for the demise of America and constantly calls for Israel to be wiped off the map.

His biography reads like a horror novel, directing multiple assassinations while he was in elite military units and working with Ansar al Hezbollah, the violent Islamic vigilante group. His main goal is the destruction of Western Civilization. That speech was a complete farce. He has shown his true agenda time after time, and one misleading speech at the United Nations is not going to fool America or the world.

While we witnessed the Iranian dictator lecture us on freedom, democracy, and justice, it is ironic that in his own country this tyrant denies his own people the basic rights of freedom of speech and freedom to assemble. His speech focused on freedom, justice, and dignity for human beings, but as the President he has done nothing to bring any of his so-called goals to his own people. Women are denied rights of inheritance, divorce, and child custody and use of their rights of self-expression and economic creativity. Basic rights are denied for the people of Iran, and that is why even with the soaring prices of oil, more than 40 percent of the Iranians live below the poverty line.

Today in Iran, dissent is brutally suppressed and terror is the regime's only instrument of domestic or foreign policy. While he may resent us for being powerful, he does not realize that the foundation of our power is rooted in the freedom of our great people to pursue happiness, to innovate, and to speak freely.

So while it was very painful for us to hear the President of Iran come here and lecture us and be such a hypocrite, I think it was instructive and reminded the American people of how close we are to having a world dominated by tyrants like him and tyrants like Hugo Chavez who would turn the world back, in Iran's case to the fifth century, where they would be in charge and where there would be no freedom like we know it. It would be a horrible world, and yet they want to do that. They hate Western Civilization and want to destroy Western Civilization at every possibility.

I want to take a moment now to recognize another one of my colleagues who is here from the great State of Texas who wants to I think join me and talk about the national security issue, and so I am going to yield to my colleague, Congressman BURGESS, who is going to speak briefly on the issue of the national security.

Mr. BURGESS. I was actually coming to do a memorial for one of our firefighters who we lost over the weekend, but I certainly want to echo the sentiments and the comments that you have made. I, like many of my colleagues, was outraged by Hugo Chavez in this country, and I think he was appropriately reprimanded and upbraided by a Member on the other side of the aisle, CHARLES RANGEL, in whose district the gentleman from Venezuela chose to make his rant public.

It is indeed unfortunate that people feel that they have the license to come to this country and criticize our government as our guests. It is I suppose just a fact of life when there are people who are as kindhearted and as generous as we are that from time to time we are going to be abused by those in the world who choose to behave that way.

The gentlewoman also mentioned the 9/11 Commission, and we hear from time to time about the 9/11 Commission and how many of the recommendations of the 9/11 Commission have not been met. But two of those recommendations I think are extremely important. The 9/11 Commission said that, number one, you have got to secure your borders. You have got to know who is in your country, when they come, when they leave, what they are doing here while they are there.

The 9/11 commission was very explicit in this instance, and I think it is critical that this Congress in the time that we have left this year make certain that we indeed get that legislation passed.

The other thing the 9/11 Commission brought up was that we ought to be encouraging democracies particularly in unstable parts of the world, such as the Middle East, and certainly the President has done just that. It is not always easy, it is not always straightforward, it is not always a job for which we are thanked, but it is the right thing to do. And if you take the long view and if you look out over the next 20 or 30 years' time, I think that history will judge this time and this Presidency as having been absolutely critical for reestablishing that degree of stability that we may achieve in the Middle East by establishing those democracies.

I thank the gentlewoman very much for yielding time.

Ms. FOXX. I thank the gentleman from Texas (Mr. BURGESS) for coming in and adding to the comments that have been made by my colleagues on this issue of national security and bringing up some points that had not been made before. You have done a very, very fine job of bringing in those issues about the 9/11 Commission report and showing how we are doing the things that the 9/11 Commission has said that we need to do. It is something that I had intended to mention in my remarks, but I am glad that you brought them up because you were very eloquent in what you said.

I want to say again that the Republican leadership here, the President, the Vice President, the Secretary of State, we are all focused on improving national security for this country. We want to make sure that the people of this Nation know that they are secure in their everyday lives, that they can go about their jobs, go about their leisure, and go about their business every day doing what they should be doing and forgetting in many ways what happened in 9/11 because they have a government, a national government that is focused on the defense of this Nation and national security.

And I want to encourage our Democratic colleagues to hear what I know their constituents must be saying to them, that they want to remain safe in this country and they want us to deal with those issues at this level. We know no other level of government can do that. And I feel confident that over the next week, as we continue to deal with the issues that we need to deal with before we take a recess to go home and work on our campaigns, that we will focus on the most important job of the Federal Government, and that is securing this country and focusing on the defense of this country and making sure that our citizens can go about their daily lives feeling safe as we did before 9/11 hit and as we will again.

And I want to say to our leadership, you have done a wonderful job in taking us closer and closer to a time when we will be able to once again feel free to do all those things that we did before 9/11, and make sure that that kind of act never occurs in this country, and yet we maintain our constitutional rights and privileges and at the same time go after terrorists where we should be going after them.

IN MEMORY OF FORT WORTH FIRE CHIEF CHARLES GAINES

Mr. BURGESS. Mr. Speaker, I ask unanimous consent to speak out of order for 5 minutes to address the House.

The SPEAKER pro tempore (Mr. DENT). Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. BURGESS. Mr. Speaker, I rise tonight to honor the life and the memory of Fort Worth Fire Chief Charles Gaines. Chief Gaines passed away this past Saturday evening rather suddenly of natural causes. Chief Gaines was 49 years of age.

Mr. Speaker, our paths crossed several times during Chief Gaines' 4-year tenure as fire chief and my 4 years in Congress. The commitment and dedication that the chief showed to his profession was evident from the moment we met. Under his leadership, Chief Gaines was accountable for the oversight of 745 firefighters that composed the Fort Worth Fire Department. As fire chief, he also oversaw the department's response to over 57,000 incidents annually in the city of Fort Worth.

Before serving as the fire chief of Fort Worth, Chief Gaines served in the United States Air Force as a fire protection specialist. He worked on crash and rescue teams at various Air Force bases until his promotion to Air Force assistant chief. After receiving an honorable discharge from the Air Force in 1980, he continued his career as a member of the Oklahoma City Fire Department in 1981.

During the 1995 bombing of the Murrah Federal Building in Oklahoma City, he served as the fire department's operations safety officer. His service and leadership during this national tragedy ensured that the first responders and government workers were informed and received all medical attention.

Fire Chief Gaines was known throughout the department as a man of integrity. While negotiating with the firefighters' union early in his Fort Worth career, his calm, collective demeanor earned him the respect of the department and his co-workers. He was able to compromise with the union and resolve differences between the two sides.

He had a detail-oriented approach to problems, and this meant that problems within his department, those issues were addressed the first time around. Chief Gaines earned his Master's Degree in Business Administration from Oklahoma City University, and he incorporated efficient management techniques throughout the Forth Worth Fire Department. This management style allowed him to incorporate and encourage innovation and alternative thinking.

Chief Gaines was able to initiate solutions that would more effectively safeguard the citizens of Fort Worth, while saving tax dollars in the process. Chief Gaines was the first African American fire chief in the city of Fort Worth. The city has a 113-year history of that department. Chief Gaines brought a new wave of energy to the Forth Worth Fire Department. His policy of requiring a minimum of four firefighters to each fire truck helped Fort Worth become one of the top 10 safest cities in America.

His leadership, professionalism and dedication will not be soon forgotten in the city of Fort Worth or Oklahoma City. His devotion to his career and his fellow officers was absolute, and his service to the Fort Worth community will be deeply missed.

Godspeed, Chief Gaines. We will see you at the top.

□ 2245

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to come before the House once again. I want to thank the Democratic leader, NANCY PELOSI, and also the Democratic leadership, STENY HOYER, Mr. JAMES CLYBURN and Mr. JOHN LARSON, who is our Vice Chair.

I must say, there is so much to talk about tonight. Not only Members of Congress know there is serious business to discuss as it relates to the new revelations on what is happening in Iraq and the war in Iraq, but also I think it is a reflection on the lack of oversight here in this House.

I think the American people need to be very concerned about what has not happened here on this floor, in committee, in subcommittees, and as it relates to the leadership making sure that our men and women in harm's way not only have what they need in the field, need it in Afghanistan, where they are undermanned and under gun at this particular time, but due to the training of Coalition Forces many are able to protect themselves, but they need more.

In the war in Iraq, a number of unfortunate events are taking place on a daily basis. A number of Marines were lost over the weekend, and we are in our last week of session. I think that the lack of oversight and diplomacy at the same time has resulted in a new insurgence that has been created in Iraq.

I must say that Karen D. Young of the Washington Post on Sunday wrote about this. I think it is important to read it. It was on the front page. I think it is important that Members pay close attention to that and provide the kind of oversight that is needed.

I am glad to be joined by the 30-Something Working Group, Mr. Bill Delahunt, better known as Uncle Bill, Mr. Tim Ryan, who is still injured but on the floor because this is our last time before the election to be able to let the Members and the American people know what has not happened in this House. We are also joined by Ms. WASSERMAN SCHULTZ, who is my good friend and served in the district next to me in Florida.

I yield to Congressman DELAHUNT.

Mr. DELAHUNT. Thank you, Mr. MEEK, Ms. WASSERMAN SCHULTZ, and Mr. RYAN.

I arrived some 10 minutes ago and had the opportunity to hear some of the remarks of our friend and colleague from North Carolina, Ms. FOXX. She spoke about the truly outrageous comments by both the President of Venezuela, Hugo Chavez, and the President of Iran, Mr. Ahmadinejad, at the United Nations; and I think we all concur that not only were the words offensive and insulting and demeaning, but they had to be responded to.

She spoke clearly about the threat that Iran is posing in the Middle East. Yet she talks about Iraq with a view that I don't share in terms of her description. She speaks about progress, moving forward. That is a very hopeful vision, and maybe under new leadership that is a possibility. But that is not what is happening now. And, ironically, the direction that Iraq is going is towards Iran. How ironic. How ironic that a member of the majority party speaks about Iraq as if it were going forward and at the same time decries the threat from Iran.

If you look to my right in this particular picture, what you have is a photo that was recently taken in Tehran. The gentleman that is farthest to my right is the Prime Minister of Iraq. He is shaking hands and clasping the hands of Mr. Ahmadinejad, who is the President of Iran and whose remarks at the United Nations provoked a response from most Americans and hopefully most members of the United Nations that was deserved.

What I find particularly interesting is that we have spent hundreds of billions of dollars and almost 3,000 American lives have been lost to provide freedom to Iraq, and yet they are going to Tehran. And while in Tehran, according to the Congressional Research Service, there have been a number of agreements between these two governments. Stop and think about that.

A joint committee has been formed to prevent border infiltration from Iran into Iraq, a joint committee to exchange information on mine fields left over from the 1980 to 1988 war, cooperation to search for missing victims of the war, a requirement for Iran to devote a part of its reconstruction contributions for Iraq to Iraq's defense minister. And, most importantly, a bilateral military cooperation.

What have we done?

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank the gentleman for yielding.

You ask a very important question: What have we done?

I think that answer came to us in the form of a third-party validator in the form of the New York Times on Sunday with the headline, "Spy Agency Says Iraq War Worsens Terrorism Threat." The national intelligence estimate, which is a conglomerate report of all of the spy agencies that operate inside the U.S. Government, and they attribute literally a more direct role to the Iraq war in fueling radicalism than that presented in either White House documents or in a report released last Wednesday by our House Intelligence Committee. Essentially, it asserts that Islamic radicalism, rather than being in retreat, has metastasized, the words in the report, and spread across the globe.

We are literally in a situation now where we have our good friends on the other side of the aisle trying desperately to articulate that they are stronger on national security when every day brings more and more bad news for them in terms of where we are versus where we were 5 years ago.

If you recall, a couple of weeks ago we talked about on this floor everywhere we all went on September 11. Our constituents asked us, so are we safer? Are we safer this September 11 and beyond than we were on September 11, 5 years ago?

I have not seen a more damning assessment with a resounding "no" as an answer than this one.

Add to that your question of what have we done. There are so many reports we could spend the entire hour just on the whole issue of the lack of troops that we have in Iraq and Afghanistan, the assessments that our military experts are doing and desperate messages that they appear to be sending to the administration that are going unheeded.

One colonel said his unit equipment levels have fallen so low that they now had no tanks or other armored vehicles to use in training and that his soldiers were rated as largely untrained in attack and defense. That is one of our colonels fighting in Iraq. That is just absolutely inexcusable.

It would be different under the Democrats. We would implement our real security plan. We would make sure that the equipment that our troops need would be funded and provided. We would make sure that we have a plan to get us through the war, make sure that we stand up to Iraqi troops and have a phased withdrawal of American troops, and that there would be an end in sight.

Mr. RYAN, you said it so well the other day when you gave a very stark assessment of what is going on with the war in Iraq. I know you have some charts here that I am sure you will take us through. We have got to make sure that we focus both on security and getting a handle on the situation over there and getting a handle on the homeland security situation here that is also writhing in disarray inside our own borders.

Mr. RYAN of Ohio. I think it is important. Again, this is a third-party validation from the national intelligence estimate. This is not us talking.

Time and time again we find out there are these other people that are giving us information. This is not information coming out of the Democratic Caucus, and I want to read some assessments that are almost unbelievable, things that we have been saying, but finally now the best and the brightest of the national security teams across the countries, the spy agencies, professionals in the business are saying this.

They are saying that although the intelligence officials agree that the United States has damaged al Qaeda, which we have, probably through Afghanistan more so than Iraq, the original front that we all agreed on, that we disrupted their abilities to plan and direct major operations, radical Islamic networks have spread and decentralized.

We poured gasoline on a fire when we went into Iraq, and we need to make that point. Many of the new cells, the NIE conclude, have no connection to any central structure and arose independently. The members of the cells communicate only among themselves and derive their inspiration, ideology and tactics from the more than 5,000 radical Islamic Web sites. They spread the message that the war in Iraq is a western attempt to conquer Islam by first occupying Iraq and establishing a permanent presence in the Middle East.

What we have to realize here and I think what the President needs to realize and the lack of oversight by the Republican Congress, what we need to realize here is that it is not our view that matters, it is what do they think? How do they see our response? If average people in the Middle East see us as being detrimental to their interest, their ideology spreads. So this attempt in Iraq has really poured gasoline on the fire. I think at the end of the day, it has made us less safe.

□ 2300

And it is not our saying it.

I think we need to make this point very clearly. Is Saddam Hussein being gone a good thing? Yes. But overall, take a step back and look at the big picture. If you are creating thousands and thousands of more terrorists who are decentralized and spread across the world who are looking to hit the United States and make the bull's eye much bigger, I think it is important to say this administration clearly has made the United States less safe. And as citizens of this country, we can't be afraid to say that. They have made us less safe, period, dot, Mr. MEEK. Less safe. Not me, not KENDRICK MEEK, not DEBBIE WASSERMAN SCHULTZ, not BILL DELAHUNT, not NANCY PELOSI, not HARRY REID, not CHUCK SCHUMER, but independent professionals have made this assessment and said that the war in Iraq has made the country less safe.

And even those people who said maybe it was a good idea to go in, it was the administration and the execution afterwards that has made us less safe because we went in there with no plan. We went in there without enough troops. We went in there and didn't do the job. We went in there without the proper approach to figure this whole thing out.

And at the end of the day, it is not our saying it, and I take no pride in saying that we are less safe now because our constitutional obligation, when we swear and put our hand up, is to make sure that we protect this country. I take no pride in this, but what we have to do is take this information and fix it. And the Republican majority has made no attempts to try to fix this.

Everything has been politics, Mr. DELAHUNT. Everything has been, how do we smooth this over? How do we make this look good? How do we come out and stay the course and put a banner up "Mission Accomplished"? And when that banner does not work, you put up another banner and then another banner, and you have people come to the floor. Things are not going well in Iraq. Let us admit that.

Mr. DELAHUNT. And I think you have stated it well, TIM, and that is that despite the reality, because of political needs on the part of the Republican majority, the American people are not getting the truth.

I am not suggesting that there is intentional misleading on the part of our colleagues. I think that they hope so profoundly that they have created an alternative reality. How can a Republican Member come to the floor and say on one hand we have got to be careful of Iran and things are going well in Iraq and the only thing that I can see, in addition to the report of the National Intelligence Estimate, is that Iraq is going in the direction of Iran? Some day we could wake up and there is an alliance. There is an alliance.

There are connections. The leadership in Baghdad during the Saddam Hussein regime, many of them resided in Tehran, and what we have here is a symbol of the two leaders of both of these countries executing military cooperation agreements. Is that the direction that the American administration intended when they launched a war into Iraq, that we would create a hegemon in the region, in Iran, that would be allied with Iraq? Now, I am not suggesting it is a formal alliance, but you tell me what direction it is going in. Have an oversight hearing on it.

Ms. WASSERMAN SCHULTZ. Mr. DELAHUNT, we talked a couple weeks ago about that handshake and how in the years that I was growing up, that Mr. MEEK and Mr. RYAN were growing up, in a trillion years you would never have expected this handshake to ever happen. And it certainty is not the culmination of years of hard work and diplomacy. Growing up, these two countries, Iraq and Iran, were bitter enemies locked in a war across their borders that was seemingly endless. And to have predicted that what would bring them together, and certainly Prime Minister Maliki does not hate the United States, but what would force these two countries together as allies, as that picture demonstrates, is the United States' inappropriate involvement in the midst of that region where essentially they have been forced together because of Iran's hatred for us. And the original conflict emanated from Sunni and Shiite tension and hatred, and now the United States has done what thousands of years was not able to do, brought the Sunnis and the Shiites together, united in hatred for the United States.

Mr. RYAN of Ohio. If the gentleman from Florida will yield, I think the point here is this: Was this the intention of this administration? Was this the intention? Of course it was not. So we don't want to misstate anything. The intention of the war in Iraq was not to somehow build an alliance between Iraq and Iran.

Ms. WASSERMAN SCHULTZ. It was a byproduct.

Mr. DELAHUNT. But when you don't think through a situation, when you don't plan, you have unintended consequences.

Mr. RYAN of Ohio. Thank you. When you don't plan, when you don't follow through, when you don't have an exit strategy, that is what happens. So, my friend, what do we do when you have an administration and a Congress that are so reckless and so ill prepared for what the consequences are going to be that that happens? You have the Iraqi leaders and the Iranian leaders shaking hands and building alliances. We could see it coming. You can see it coming. Do you reward them with re-election? Do you say the people who got us into this position, we are going to ask them to come in and clean it up too?

It has been bad preparation. It has been misleading information up to the point that ultimately leads to this. And no one has been fired. And as Mr. MURTHA said so eloquently, not only hasn't anybody been fired, but the members and the architects of this have been promoted. Mr. Wolfowitz, who was Under Secretary of Defense, is now with the World Bank. He got a promotion. Mr. Rumsfeld is still there. All the underlings are still there.

Mr. DELAHUNT. I just want to ask Mr. MEEK, because I know he serves with great distinction on the Armed Services Committee, can you tell me has there been a hearing, an oversight hearing, in terms of what is encompassed in that bilateral military cooperation agreement between Iran and Iraq? Has there been any exercise by the Republican majority in this House of finding out what it is all about? Should we be concerned? Because, if I can for just 30 seconds, I want to read. This is from a think tank in Britain. Sometimes you have to go overseas to get the truth:

"Iran, despite being a part of U.S. President Bush's Axis of Evil, has been the chief beneficiary of the war on terror in the Middle East. Of particular note is Iran's influence in Iraq. The greatest problem facing the U.S. is that Iran has superseded the United States as the most influential power in Iraq."

Has there been a hearing in the Armed Services Committee, Mr. Chairman?

Mr. MEEK of Florida. I can tell you, Mr. DELAHUNT, and with Mr. RYAN being here, as we are both members of the Armed Services Committee, of course there hasn't been a hearing.

Mr. DELAHUNT. if I may, I just want to top shelf my rubber stamp again. It would be going against the philosophy of the rubber-stamp Republican majority to have such a hearing because, A, it would be embarrassing for the administration, and at the same time, embarrassing for this Congress. Things have gotten so out of control to the point to where there is not a great discussion on new members of the coalition. Have you heard that recently, that we have new countries that are coming to the coalition in the war in Iraq? No. They are not. The only new members of the coalition in the war in Iraq are U.S. contractors that are there because they are the second largest force there.

I think Mr. RYAN, when he pointed out this article that was in the Washington Post on Sunday by Karen DeYoung, I mean, there is a lot here, Mr. Speaker, even in the New York Times and even on television and even by active generals that are in the military now and those that are retired that are saying we need help, we need leadership.

When the President and this Congress punts to the military commanders on diplomacy, we have General Casey over there being the State Department and the Defense Department at the same time. We have career service State Department employees that have trained their entire lives for working out these kinds of issues. And when we put forth proposals as it relates to redeployment, taking the training wheels off the Iraqi Government and the military, there are those on the other side saying "stay the course." Okay. Let us talk about staying the course.

Mr. RYAN read something and I just want to read it again. It is out of this article. You can go on Washingtonpost.com. It is what it is. This is not something that we have put together. We have this National Intelligence Estimate that is a draft report, Mr. DELAHUNT, a draft. What is going to happen when the real report comes out after the November elections? Let me just read some of the things in the article. They are stating the obvious. I mean, are you tired? Do you need any more? That is obvious here, it is the obvious that they are stating here. More than 5,000 radical Islamic Web sites are spreading the message that the Iraq war is a Western attempt to take over Islam and establish a permanent presence in the Middle East. They are calling the United States crusaders because the President is saying "stay the course." That is all he is saying, "stay the course." By ourselves.

Now, I just want to digress here for a minute to say that being on the Armed Services Committee, you have to pay attention to what is happening in the committee. We get our staff that writes reports even on meetings when the staff attends staff meetings, and I just remember yesterday, after the elections, the administration and our top commanders in Iraq and a number of members of the majority said, oh, yes, we will be able to take the troop levels down after the election. Yes, we will send a number of people back home. General Abizaid came out just a week ago, last week, and said that we have 147,000 troops in Iraq right now and maybe, maybe by the spring we will send 7,000 back.

Now, I am going to tell you this right now, Mr. DELAHUNT, Ms. WASSERMAN SCHULTZ, and Mr. RYAN. I am no prophet and I am definitely not a psychic, but I am going to tell you this: if you keep doing the same thing expecting different results, it is not going to get us to where we need to be. This is the outfit, Ms. WASSERMAN SCHULTZ, as I close, that said that we are going looking for weapons of mass destruction, that there are weapons of mass destruction out there. So under the administration when it was proven wrong, they then flipped the script and said, well, now it is the war, the war on terror, the global war on terror.

This is a war in Iraq. The war on terror is in Afghanistan. And this report, it is not a Democratic report. These are intelligence clandestine experts that are career service individuals that have said that we have more terror and it is an incubator for terrorism throughout the world.

□ 2315

So I think it is very, very important that we take note of this. And it is very, very important that we do not take this lightly.

Ms. WASSERMAN SCHULTZ, this is not something as it relates to the Democrats proving a point. This is not about proving a point. This is about America. This is about the United States of America. This is about the safety of United States citizens and those that live within the borders of the United States and those that are abroad of our future, and better yet this administration is saying, stay the course with very little or no oversight

Ms. WASSERMAN SCHULTZ. And you are absolutely right, Mr. MEEK. And we have our interests and we have our intelligence experts saying that staying the course is the wrong approach because we are getting worse not better in terms of the results that we are getting over there.

We have our military experts, our generals, that I know Mr. DELAHUNT has the commentary from the generals that ran the operations in Iraq lined up and ready to walk us through. We try to talk about this. This is not, you know, it would be very easy for us to come out on the floor and talk about what DEBBIE WASSERMAN SCHULTZ's opinion is, KENDRICK MEEK's, TIM RYAN, BILL DELAHUNT, we are citing the experts, the intelligence experts, the military experts.

Mr. DELAHUNT, I want you, if you would not mind, to go through that. I want to read the opinion of one soldier who communicated my office. This is an e-mail that I got from a soldier in Iraq fighting in Baghdad now. I want to read you his opinion because he is there.

He says, "In truth every day we are over here we become weaker and they become stronger, Taliban too. It is not getting worse in the sense of more violence and stuff like that, it is getting worse in the minds of those over here and those who are going to have to come back over here. We are not doing anything over here. The bad guys just have to kill one American every couple of days, and that is all they have to do to keep things" expletive deleted.

"We could kill hundreds a day and it would not matter. The longer we stay the worse it gets. Think about it like this, when Americans came back from fighting World War II people said, 'thank you for fighting.' When people come back from Iraq, people say, 'I am so sorry you had to do that.'

They feel pity. Take from that what you will. Whether the Democrats or the Republicans are in the White House in a year and a half, America is in a seriously bad situation. What happened to Russia after they failed in Afghanistan, not to say that that will happen to us, but the fact of the matter is that we are a lot worse off than we were 6 years ago, a lot worse off."

Now that is pretty damning from a soldier on the ground who is obviously a patriot and who is doing everything he can to protect American interests and to protect the interests of the democracy, the fledgling democracy that has been created by hook or by crook over there.

But, let's take that one step further. And look at this chart, Mr. DELAHUNT, and then I would like to yield to you. But let's follow up on what this young soldier's opinion is from a snapshot of his on the ground, to the reality of our withdrawing from Afghanistan.

We have the rhetoric versus the reality. We have joined with the Afghan people to bring down the Taliban regime, the protectors of the al-Qaeda network, and aided a new Democratic government to rise in its place. That is the Republican rhetoric.

The reality is that the national—that is the rhetoric called the National Security Strategy of the United States, March 16, 2006. Here is the reality on the ground. From 2001 to 2003, the number of Taliban attacks amounted to 22.

From 2004 to 2006 the number of Taliban attacks amounted to 284. How about the number of suicide attacks from 2001 to 2004? Nine. The number of suicide attacks from 2005 to 2006? Sixty-four. This is in Afghanistan, we are not talking about Iraq.

Goal for numbers of NATO and U.S. trained soldiers in the Afghan army? 70,000. The number of trained soldiers in the Afghan army: About 26,900.

How about the number of hectares, which is an area, in Afghanistan devoted to poppy cultivation in 1999? 51,500. Hectares in Afghanistan devoted to poppy cultivation in 2005? 107,000, more than double.

Estimated opium produced from Afghanistan's crop? 4,475 metric tons, and the percent of global opiate supply originating in Afghan is 90 percent.

But let's stay the course, Mr. DELAHUNT. Let's keep going in the same direction and repeating the same mistakes.

Mr. MEEK of Florida. This has now gone far beyond party loyalty. I mean, this is when you take off your partisan hat, and you have to say this is for protection of not only the U.S. troops but also the people of the United States of America.

Mr. DELAHUNT. You know, and you are so right. I mean, we really have to be past partisanship at this point in time. And, again, I am not being critical of a particular Republican Member. But to come to this floor and say that things are heading in the right direction is simply inaccurate. It is not intentional, but it is inaccurate.

And it is, you know, hope that is founded on an illusion. But there are some Republicans that are speaking out, that are known to be hawkish, if you will, in terms of their view. I serve on the International Relations Committee. And recently we have had a hearing.

And before the hearing there was a letter that was sent to the President of the United States who claims that we are winning the war on terrorism, and things are going well. And this is what this letter said. I am just going to read one paragraph. "The United States efforts in Afghanistan are failing. Afghanistan faces its highest level of violence and corruption since its liberation. Drug money continues to finance terrorism." The chart shows, by the way, that there was like 44 tons of opium production in 2005.

Ms. WASSERMAN-SCHULTZ. 4,475 metric tons.

Mr. DELAHUNT. In 2006 it is estimated to be over 6,000 in this current year, 6,100 to be exact. It has become a narco state. Let me go back to this letter.

"That failure, coupled with aggressive efforts of the terrorists, threatens to destroy Afghanistan's nascent democracy. A free government that Americans and coalitions have died to support."

That letter was sent to the President by two of our colleagues, one HENRY HYDE, the highly respected chairman of the House International Relations Committee, and MARK KIRK from the State of Illinois, both Republicans. For the first time, there is a little bit of reality and forthrightness, and I am not going to use the word "truth" I will say accuracy, in terms of what the realities are.

It is confirmed over and over and over again, wherever you go, whether it is Iran, or whether it is Iraq, or whether the Global War on Terror is being won. And when you have the administration's own intelligence services saying that they conclude that the War in Iraq has made global terrorism worse by fanning Islamic radicalism and providing a training ground for lethal methods that are increasingly being exported to countries, we are spreading terrorism all over the world like a deadly virus.

Mr. RYAN of Ohio. I think it is so important that we keep going back to this national intelligence estimate that was done by over a dozen professionals who have been involved in this field, Republican and Democrat, overseen by Republicans.

It says, "The estimate concludes that the radical Islamic movement has expanded," and this is very important, "it has expanded from a core of al-Qaeda operatives and affiliated groups to include a new class of self-generating cells inspired by al-Qaeda's leadership, but without any direct connection to Osama bin Laden or his top lieutenants."

So what we have done, so what we have done is we have spread this, diffused this radical ideology into self-generating cells that will be able to look, assess, and potentially attack the United States in a very decentralized way, which makes it even more difficult for us to try to combat it.

Now, this is another quote from the article. I believe this is the New York Times article. "In early 2005, the National Intelligence Council released a study concluding that Iraq had become the primary training ground for the next generation of terrorists." So it is now a training ground, it is now a practice field for new terrorists, "and that veterans of the Iraq war might ultimately overtake al-Qaeda's current leadership in the constellation of the global Jihad leadership."

We now are creating competing interests between al-Qaeda and these veterans of the Iraq war. We have turned this into a way for these terrorists to go to Iraq and basically become decorated in their way in this own demented movement that they have. And we all agree that it is demented and it does not make any sense, and they are fanatics and everything else.

But what we are trying to do is say, let's be smart about this. And their approach has caused us more grief, created more terrorists, and put us at more risk. The United States is less safe today than we were a few years ago because of the way this administration has conducted this war.

Now, if we had got rid of Saddam Hussein, and that would have been it, and we would have secured Iraq and built this democracy there, that is one thing. But that did not happen. Now we have a Secretary of Defense, it finally comes out that he said, the next person that asks me about a post-war plan will be fired.

So we have got an estimate saying that this war is actually increased the number of terrorists, and then at the same time, and we know part of it is because it has taken so long to secure the country. Then we found out the Secretary of Defense said, well, the next person that asks for a post-war plan is going to be fired. Wrong.

Ms. WASSERMAN SCHULTZ. It just does not have to be this way. We have a real security plan that we will implement. After November 7, our Democratic leader, Ms. PELOSI, who will be the Speaker, who will be the Speaker of this House of Representatives, talks about in the first 100 hours, we will pass legislation that will implement the 9/11 Commission recommendations.

That we will make sure that we provide our troops with the equipment that they need, that we will provide the region with the number of troops necessary to get the job done so that we can stand the Iraqi troops up and withdraw our troops, and make sure that we begin to withdraw from the region and develop a plan to make sure that it can sustain itself.

It is just mind boggling that they support a stay the course concept. We have got to implement the plan that is going to work, instead of continuing down this path to absolute chaos.

Mr. DELAHUNT. I want to pose a question to our expert on the Armed Services Committee. Because while we are, as our national intelligence estimate suggests, while we are losing the war on terrorism, and it is expanding, what has been the impact in terms of our military?

Is our military stronger today than it was 4 years ago? Because today, Mr. MEEK, in the Washington Times, a conservative paper, there is a report by Rowan Scarborough, the Army is studying whether to add more combat units to the rotation plan for Iraq.

"Rather than planning for a big draw down of 30,000 Army soldiers and Marines this year to a level of 100,000 as field commanders had expected, the two services are now trying to figure out how to keep the equivalent of two extra divisions or 40,000 troops in Iraq."

The Army is facing more demand for troops at a time when military analysts say it is nearly stressed to the breaking point.

□ 2330

What does this mean? Are we eroding the strength of our military?

Mr. MEEK of Florida. Very quickly, I just say that here is another article, September 25, 2006, by I believe it is Peter Spiegel. I mean, the bottom line is that the Army has now alerted or withheld or what have you or the Pentagon withheld, we do not know, because even as Members of Congress this has been noted as one of the most secretive administrations in the history of the United States of America. The reason why they have been very secretive in classifying everything is that the Congress has not demanded more, not only for Members of Congress such as myself who serve on two national security committees here, either be Homeland Security Committee as the ranking member of the Subcommittee on Oversight or a member of several subcommittees in Armed Services.

So, when we read about these things, we have to read about it in the paper. They did not elect us to come up here and read the paper just like the average American and expect us to govern because we do not have an opportunity to govern here because the Republicans are in the majority, and they continue this kind of atmosphere.

The Army right now, they need additional billions to be able to keep up with what is happening in the war in Iraq and other commitments not only throughout the world but domestically. So, if something were to happen, whether it be China or Iran, there would be serious issues for us.

So, when you see these two leaders of not only Iraq and Iran come together at the U.S. taxpayers' expense, I mean this is something we need to pay very close attention to.

I am going to keep it very simple and I am going to yield because there is not a lot that I want to say tonight because I am truly upset about the fact that this continues to happen. The only disruption in this streamline of policy-making or lack thereof is that we have the majority in this House. There has to be a Democratic majority in this House to bring balance to our democracy.

Stay the course just because they say it does not mean it is the truth. We are winning in Iraq. Okay. They have said it so it means we are winning in Iraq, okay, even though you have national experts as it relates to the clandestine organizations not only in this country but abroad that are saying we are stimulating more terrorism than we are tearing down terrorism.

We have the 9/11 Commission that has put forth recommendations to make America safer, but this Republican majority will not adopt those recommendations.

We have individuals that are on their fifth and sixth deployment, need it be a soldier or a Marine or a Coast Guard or a sailor or a pilot in the U.S. Air Force, on their fourth and fifth deployment, and then we have the administration say stay the course, and we have the rubber stamp Congress say, yeah, yeah, stay the course.

Then we come up with recommendations on redeployment and hopefully working with other countries in securing not only Iraq but telling Iraq, listen, you have to secure your own country. You have on average 60 Iraqis dying a day, three to four U.S. Armed Forces dying a day. And so we are saying stay the course? It is very simple. What more do we need?

We are borrowing more from foreign Nations than we ever borrowed before, $1.05 trillion versus $1.01 trillion, 42 Presidents, 224 years of history before us.

We have got the past Speaker, Republican Speaker, it is not a Democrat, that is saying, "They are seen by the country as being in charge of a government that cannot function."

Mr. Speaker, Speaker Gingrich is the individual who brought about, quote, unquote, the Republican revolution that is calling the Republican majority "they," and it goes on and on and on, need it be the gas companies that are making record profits. Look, rubber stamp Congress, $113 billion.

Or need it be in congressional increases in salaries like Mr. RYAN pointed out. Individuals are being rewarded for mediocrity, for saying, okay, well, as long as I am with the team and I am loyal to the President of the United States and I am loyal to the Republican majority, I am going to move up in the company. Well, guess what, this is not a company. This is the government of the United States of America.

Mr. DELAHUNT. Of the people.

Mr. MEEK of Florida. Of the people. The U.S. taxpayer. We have individuals that are being placed in new positions. What do you think in the Pentagon? Well, if you go with your training, with your education and your experience and talk about a post-Iraq plan or talk about standing up to the boss or talk about maybe saying, well, excuse me. I know that you have your plan and all, but you know, we need X, that you are making a career decision in this government?

So just for balance we need a Democratic House. We need a Democratic Congress that will bring balance and will ask the "but" question or maybe we need to call this individual in and understand more about things because we are the individuals that are elected to represent the people of the United States of America, not Republican, not Democrats, not Independents, but the people of the United States of America. Until we have that, we are not going to have a true democracy. We are not going to have balance. We are not going to have level thinking. We are not going to have the direction that our men and women need on the ground. We are not going to have the accountability that the Constitution calls for, that Mr. RYAN always talks about in article I, section 1. We are not going to have that until we do away with this Republican rubber stamp Congress.

I do not care if individuals who want to follow me, Mr. Speaker, in a 30-second ad to talk about somebody voted one way or another. The facts are that America is more in danger than it was prior to the invasion of Iraq and fiscally in a worse situation in borrowing from nations that we have never borrowed from at the level that we are borrowing from at this present time.

We can talk about articles. We can talk about all these things. The facts are that the experts are saying one thing. It is like going to the doctor and the doctor said, you know, you have a really bad virus. Are you going to stand there and question the doctor? Are you going to say, well, you know, well, I do not have a virus, Republican majority tells me it is just an allergy, I am going to be okay? No. You are not.

So we have the 9/11 Commission that is saying one thing, that are professionals that spent months and months and months, staff, millions of dollars, had the President and other folks going to testify before them. We have this National Security Council that have pulled themselves together, that have released this report, and we have Members on the Republican side, oh, they do not know what they are doing; it is just a draft report. It is going to be a draft until after the election.

So I think the American people, Mr. Speaker, are going to be paying attention to the obvious. This is not just party rhetoric. We are far beyond that at this point.

Mr. DELAHUNT. Can I ask you a question, again, in your role as a member of the Committee on Armed Services, there have been general after general that have spoken out publicly in a very courageous way that have made statements. Let me just read one of them.

Retired Army General John Batiste, this is what he had to say several months ago, and he was part of the team that actually did the planning. He was involved in the lead-up to the Iraq War. Here is what he had to say: "We went to war with a flawed plan that did not account for the hard work to build the peace after we took down the regime. We also served under a Secretary of Defense who did not understand leadership, who was abusive, who was arrogant, who did not build a strong team."

In your time on the committee, and I know Mr. RYAN, too, also serves on the Committee on Armed Services, has he ever been invited by the majority to come before the committee and explain in detail what the process was? Have you ever met General Batiste in your capacity on the dais of the House Armed Services Committee?

Mr. MEEK of Florida. I am just going to put it to you this way. Anyone that speaks the truth, some may say truth to power, those individuals that are trained, that are educated, that have been in the Armed Services as the two-star general has been, and has anything to say about the Pentagon or the direction that we are going in will not and have not, since making that statement, anything to say before the Committee on Armed Services.

Do we want to call them in to kind of learn from them individuals, not the Republican majority? The Republican majority are loyal to the rubber stamp, not to the truth.

Mr. DELAHUNT. If the gentleman would yield to me, I think the American people should be aware that whether it was today or yesterday, there was a hearing, we will call it a rump hearing, an unofficial hearing that was conducted by Democrats with three retired senior military officers who came before Democratic members to explain and give their opinions on what went wrong. Imagine, imagine having to do that, that your point about the need to change Congress so that there are no questions, but that this presidency and this White House and this administration is held accountable. It just boggles my mind.

Can I ask Mr. RYAN a question. General Paul Eaton had this to say, another retired Army major general, and he is referring to the Secretary of Defense. He has shown himself incompetent strategically, operationally and tactically and is far more than anyone responsible for what has happened to our important mission in Iraq. Mr. Rumsfeld must step down.

Have you ever seen General Eaton before your committee?

Mr. RYAN of Ohio. I do not recall ever seeing General Eaton.

Because I do not know where to start with what happened on Monday, September 25, 2006, which just so happens to be today with the hearings on the other side from the Democratic Policy Committee with these separate generals who are there, but I want to share with the American people and I want to share with the Speaker and other Members of this House some of the quotes that came out of there. I think this is important because we already have a national intelligence estimate saying that this country is less safe because of the war in Iraq, and then I am going to my friend from Florida who I know has some points to make, too. Less safe, okay, so now we go into what the testimony of some generals who are on the ground had to say.

This is General Batiste, who Mr. DELAHUNT referenced earlier. This guy used to be the senior military assistant to former Deputy Defense Secretary Paul Wolfowitz who is now with the World Bank. He got a promotion for his great work in Iraq. He "charged that Rumsfeld and others in the Bush administration 'did not tell the American people the truth for fear of losing support for the war in Iraq.'"

"He told the committee, 'If we had seriously laid out and considered the full range of requirements for the war in Iraq, we would likely have taken a different course of action that would have maintained a clear focus on our main effort in Afghanistan, not fueled Islamic fundamentalism across the globe, and not created more enemies than there were insurgents.'"

He "charged in his testimony that Rumsfeld 'is not a competent wartime leader' and surrounded himself with 'compliant' subordinates."

"'Secretary Rumsfeld ignored 12 years of U.S. Central Command deliberate planning and strategy, dismissed honest dissent, and browbeat subordinates to build "his plan" which did not address the hard work to crush the insurgency, secure a post-Saddam Iraq, build the peace and set Iraq for up for self-reliance,' Batiste said."

"In addition, Rumsfeld 'refused to acknowledge and even ignored the potential for the insurgency.'"

□ 2345

The retired general said, "At one point," and this is the apex of incompetency, "At one point he threatened to fire the next person who talked about the need for a post-war plan."

Now, we have all been involved in some form of leadership, whether it was in athletics or in politics or in business or whatever the case may be. To just not plan for an insurgency in a war is unacceptable. But then to say that whoever wants to talk about a plan is going to be fired is the height of incompetence.

Mr. MEEK of Florida. Could you give the web site, Mr. RYAN.

Mr. RYAN of Ohio. www.housedemocrats.gov/30something. www.housedemocrats.gov/30something.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for the remainder of the time until midnight.

Mr. RYAN of Ohio. Mr. Speaker, I yield to my friend from Florida.

Ms. WASSERMAN SCHULTZ. So now what we have in summary is the Director of National Intelligence, John Negroponte, who has signed off on this National Intelligence Estimate and said that he agrees with the conglomerate of intelligence agencies who have determined that we are worse off than we were before we entered Iraq and that Iraq has made us worse; and we have our 9/11 Commission chairs, the bipartisan 9/11 Commission chairs who on September 11 reissued their opinion, that they had issued a report card on their recommendations last December which included 10 C's, 12 D's and 4 F's. "What we argued then," they said, "is still true now. Americans are safer, but we are not yet safe."

Well, that was the September 11 assessment. Now the National Intelligence Estimate indicates that, no, we are not safer. We were not safe and we are not safer.

Here are some of the items that the 9/11 Commission indicated that we should implement that have not been implemented in the 5 years since 9/11. Allocate funding on the basis of risks and vulnerabilities. We haven't done that. We have not created and rehearsed State and local emergency response plans. We have not turned over the broadcast frequencies to first responders now, like we should, instead of in 2009 when the plans are to do that. We have not shut down the turf battles, nor increased information sharing among government agencies.

The list goes on and on. There were dozens of recommendations that they made, the majority of which have not been implemented. Both the bipartisan co-chairs have come together repeatedly to say, why has this Congress not moved forward with the recommendations?

If we take control of this body, as we hope to on November 7, Mr. Speaker, we will implement the 9/11 recommendations, we will implement our Real Security Plan, we will commit to moving this country in a new direction, instead of continuing on the stay-the-course mentality.

We have got to make sure that we go in the direction that the American people have called for, which is to make sure that we aren't interminably mired in the chaos in Iraq; that every single day we don't see more and more of our young men and women killed by suicide bombers and by accidents and by deliberate bombings. All for what? That is what I think the vast majority of Americans are asking themselves every single day, is why are we there? What are we fighting for? Is it worth it?

That is why poll after after poll comes back where Americans say they don't think the Iraq war was worth it. They certainly wanted us to go into Afghanistan. They certainly wanted us to go in and finish the job there, to hunt Osama bin Laden down and find him. But we don't even have enough troops on the ground in Afghanistan right now to get that done. That just isn't even possible at this point.

Mr. DELAHUNT. I don't know if the gentlelady saw last evening the interview with former President Bill Clinton. He achieved a bit of notoriety. There was a statement that President Clinton made about if he were President at this point in time, there would be so many more troops in Afghanistan. There would be so many more troops in Afghanistan. The inference is, of course, that we wouldn't be in Iraq.

Well, I am not going to speculate, but I thought it was significant that he talked about the reality is that there is just insufficient troops existing.

You know what I find particularly interesting, we are talking about active duty army military personnel. It is worse with the National Guard and the Army Reserve. I know we all have Guard units back home. I have a large military reservation that has served this country very well. We have, in my opinion, some of the best Army and Air Force National Guard units anywhere in the country. But the truth is, they are under incredible stress.

I will just read this to you. "More than two-thirds of the Army National Guard's 34 brigades are not combat ready largely because of vast equipment shortfalls that will take as much as $21 billion to correct.

"The comments by Lieutenant General H. Steven Blum came in the wake of disclosures by Army officials, analysts and members of the Congress that two-thirds of the active Army's brigades are not combat ready.

"The problem, they say, is driven by budget constraints that won't allow the military to complete the personnel training and equipment repairs and replacement that must be done when units return home after deploying to Iraq or Afghanistan.

"I am further behind or in an even more dire situation than the active Army, but we both have the same symptoms. I just have a higher fever."

Mr. MEEK of Florida. Mr. DELAHUNT, I am going to yield after I mention something, about 2 minutes, to Ms. WASSERMAN SCHULTZ, because the facts are what they are. It is what it is.

We are highlighting these. Because we are using third-party validators, Mr. DELAHUNT, we are highlighting these with third-party validators, just in case the Republican majority, and like I told you, for the 109th Congress, I am done with trying to get the Republican majority to see it the way not only that the experts see it, that are bipartisan, or nonpartisan, when it comes down to national security, and the American people.

We can talk about energy, we can talk about safety of America, we can talk about our operations overseas, all of these things are by third-party validators.

Mr. DELAHUNT, the real issue is when you have a situation like we have in Iraq, you call in those individuals that are speaking out. Who? These major generals and these brigadier generals and individuals that are retired now, and retired because they couldn't say it when they were enlisted. What, they are not longer useful to country? We don't want to know what they have to share with us, to help us learn, to help us protect America?

When I was in the State legislature for 8 years, when someone would come to my office, and even here now in Washington, I want to talk to the man or the woman that is in the drop program, those individuals that are already getting ready to retire, because they are going to tell you the truth. They are not concerned about what is going to happen.

I want a sergeant major in the military to come talk to me, because a sergeant major, a command sergeant major is the highest enlisted individual in the armed services. You can't touch them, because they are respected by the men and women that serve under them and with them. They will tell you the truth.

Those are the kind of individuals that we need before the full Armed Services Committee. Those are the kind of individuals that we need to highlight under the dome here, be it House or Senate. That is what we need.

But, Mr. Speaker, that is not what is happening in this Congress. So just because the Republican majority says it or the President says it doesn't necessarily mean that it is true.

We are saying that we are going to bring balance, we are going to bring oversight. Ms. WASSERMAN SCHULTZ, as I yield to you, if there was a Democratic President in the White House, they would be challenged by the Democrats in Congress. Challenged. Not just, oh, well, you know, we are Democrats first and then Members of Congress second. That has never been the case, Mr. DELAHUNT. There has always been oversight.

President Clinton used to have fits because of what Members of Congress were saying and doing as relates to their oversight responsibilities on issues that they disagreed with him on.

So to bring balance to this government, we need this House to be Democratic-controlled.

Ms. WASSERMAN SCHULTZ. Mr. MEEK, the sergeant major you are referring to generally, that is the guy you will never see under the direction and control of this institution because they, "they" being our Republican colleagues on the other side of the aisle, Mr. DELAHUNT, they don't like the truth staring them in the face. Because the facts, when they are opposite the facts, the facts really lay out just what a mess we are in.

What they need to do is what they do every single day that I have been here as a Member of this body, and that is repeat what they would like to be true over and over and over again. Like you said, force our colleagues on the other side of the aisle to rubber stamp whatever it is they do.

Then when they don't automatically rubber stamp whatever it is they do, when that board lights up with the red and the green and the yes and the no, it looks like a Christmas tree, we get Christmas every other month. Whenever there is a tough vote, the arm twisters come out, the arms are wrenched behind their back and conviction gets checked at that Chamber door right there, because when you are elected to Congress as a Republican, apparently you are expected to check your opinions and your principles at the Chamber door and do whatever it is that the leadership is telling you you are going to do and you came here to do. Never mind the folks back home. Never mind going in the direction that the people of this country want to go in. Never mind that we are mired in a chaotic war in Iraq, that gas prices are astronomically high, that we are in a financial situation economically that doesn't allow us to really make the expenditures that we should because we have a deficit that is out of control, because we have a foreign debt that is more than all 42 presidents combined, as you have outlined so eloquently night after night.

Yet in 42 days, Mr. Speaker, we have an opportunity to make a difference. We have an opportunity to move this country in a new direction, to implement the New Direction Agenda, to implement the Real Security agenda, to implement an agenda that is going to once again reflect the values and principles and ideals of working families in America, and not just for the select few, and to elect some Members of Congress who will throw away that rubber stamp.

You often talk about how on November 8 we are going to come back up here and have a rubber stamp burning party. I look forward to the bonfire, Mr. Speaker.

Mr. MEEK of Florida. I would just say, Ms. WASSERMAN SCHULTZ, we will have the appropriate fire, with all fire codes, because we have to do away with this.

Mr. RYAN, I want to thank you for taking on the additional couple of minutes so that we can fully share with the Members. Of course, we need more time to do it, but to share with them even more about the level of frustration, not only that Americans have, but professionals that are in national security business here in this country.

Mr. RYAN of Ohio. Any time I can have an opportunity to give you more chance to speak directly to the American people, I will step up and I will take that opportunity, because I think the American people need to hear what you have to say.

Mr. MEEK of Florida. They want it.

Mr. RYAN of Ohio. They want what you are giving them, Mr. MEEK.

Mr. Speaker, thank you very much, and the staff that stays here with us so late every night. Thank you, Mr. DELAHUNT, who, as we know, is several years older than the 30-Something Group. We know how tired he gets. Thank you, DEBBIE WASSERMAN SCHULTZ, a great leader in Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today on account of district business.

Mr. HINOJOSA (at the request of Ms. PELOSI) for today on account of official business.

Ms. KILPATRICK of Michigan (at the request of Ms. PELOSI) for today.

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for today on account of official legislative business in the district.

Mr. GIBBONS (at the request of Mr. BOEHNER) for today on account of business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and September 26, 27, 28, and 29.

Mr. BURGESS, for 5 minutes, today and September 26.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, September 26.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3679. An act to authorize appropriations for the National Transportation Safety Board, and for other purposes; to the Committee on Transportation and Infrastructure.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on September 21, 2006, she presented to the President of the United States, for his approval, the following bill.

H.R. 5684. To implement the United States-Oman Free Trade Agreement.

ADJOURNMENT

Mr. RYAN of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 26, 2006, at 9 a.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9566. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — User Fees for Agricultural Quarantine and Inspection Services [Docket No. 04-042-2] (RIN:0579-AB88) received September 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9567. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Interstate Movement of Garbage From Hawaii; Municipal Solid Waste [Docket No. 05-002-4] (RIN: 0579-AC12) received September 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9568. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Examining System (RIN: 3206-AK85) received September 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9569. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Temporary Assignments Under The Intergovernmental Personnel Act (IPA) (RIN: 3206-AJ94) received September 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9570. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Absence and Leave; Creditable Service (RIN: 3206-AK80) received September 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9571. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patapsco River, Northwest and Inner Harbors, Baltimore, MD [CGD05-06-062] (RIN: 1625-AA00) received September 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9572. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Colorado River, Laughlin, NV [COTP San Diego 06-025] (RIN: 1625-AA00) received September 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9573. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Choptank River, Cambridge, MD [CGD05-06-069] (RIN: 1625-AA08) received September 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9574. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Choptank River, Cambridge, MD [CGD05-06-065] (RIN:1625-AA08) received September 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9575. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Potomac River, between Maryland and Virginia [CGD05-06-087] (RIN: 1625-AA09) received September 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9576. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Potomac River, between Maryland and Virginia [CGD05-06-083] (RIN: 1625-AA09) received September 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9577. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Jamaica Bay and Connecting Waterways, New York City, NY. [CGD01-06-006] (RIN: 1625-AA09) received September 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9578. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30505; Amdt. No. 3177] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9579. A letter from the Trial Attorney, FRA, Department of Transportation, transmitting the Department's final rule — Establishment of Emergency Relief Dockets and Procedures for Handling Petitions for Emergency Waiver of Safety Regulations [Docket No. FRA-2006-24838] (RIN: 2120-AB79) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9580. A letter from the Attorney, PHMSA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Aluminum Cylinders Manufactured of Aluminum Alloy 6351-T6 Used in SCUBA, SCBA, and Oxygen Services — Revised Requalifications and Use Criteria [Docket No. PHMSA-03-14405(HM-220F)] (RIN: 2137-AD78) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9581. A letter from the Chief, Regulatory Development Division, FMCSA, Department of Transportation, transmitting the Department's final rule — Research Carrier Transportation; Redesignation of Regulations From the Research and Innovation Technology Administration [Docket No. FMSCA-2005-21313] (RIN: 2126-AA92) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9582. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule — Event Data Recorders [Docket No. NHTSA-2006-25666] (RIN: 2127-AI72) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9583. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Seat Belt Assemblies [Docket No. NHTSA 2006-25725] (RIN: 2127-AJ92) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9584. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule — Insurer Reporting Requirements; List of Insurers Required To File Reports [Docket No. NHTSA-2006-24175] (RIN: 2127-AJ88) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9585. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Occupant Protection in Interior Impact [Docket No. NHTSA 2006-24497] (RIN: 2127-AI93) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9586. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards: Occupant Crash Protection [Docket No. NHTSA 2005-22323] (RIN: 2127-AI98) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9587. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Occupant Crash Protection [Docket No. NHTSA-2005-21244] (RIN: 2127-AJ59) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9588. A letter from the Assistant Chief Counsel for Hazmat Safety, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Incorporation of Statutorily Mandated Revisions to the Hazardous Materials Regulations; Correction [Docket No. PHMSA-2005-22208(HM-240)] (RIN: 2137-AE12) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9589. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule — Schedule of Fees Authorized by 49 U.S.C. 30141 [Docket No. NHTSA 2006-24128; Notice 3] (RIN: 2127-AJ87) received August 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9590. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30504; Amdt. No. 3176] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9591. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30503; Amdt. No. 3175] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9592. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30502; Amdt. No. 3174] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9593. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30501; Amdt. No. 3173] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EHLERS: Committee on House Administration. H.R. 2134. A bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, DC, and for other purposes; with an amendment (Rept. 109-584, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 6054. A bill to amend title 10, United States Code, to authorize trial by military commission for violations of the law of war, and for other purposes; with amendments (Rept. 109-664 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. KING of New York: Committee on Homeland Security. H.R. 4942. A bill to establish a capability and office to promote cooperation between entities of the United States and its allies in the global war on terrorism for the purpose of engaging in cooperative endeavors focused on the research, development, and commercialization of high-priority technologies intended to detect, prevent, respond to, recover from, and mitigate against acts of terrorism and other high consequence events and to address the homeland security needs of Federal, State, and local governments; with an amendment (Rept. 109-674). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2840. A bill to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals, and for other purposes; with an amendment (Rept. 109-675). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee of Conference. Conference report on H.R. 5631. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109-676). Ordered to be printed.

Mr. COLE of Oklahoma: Committee on Rules. House Resolution 1037. Resolution waiving points of order against the conference report to accompany the bill (H.R. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109-677). Referred to the House Calendar.

Mr. GINGREY: Committee on Rules. House Resolution 1038. Resolution providing for consideration of the bill (H.R. 2679) to amend the Revised Statutes of the United States to eliminate the chilling effect on the constitutionally protected expression of religion by State and local officials from the threat that potential litigants may seek damages and attorney's fees (Rept. 109-678). Referred to the House Calendar.

Mr. GINGREY: Committee on Rules. House Resolution 1039. Resolution providing for consideration of the bill (S. 403) to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions (Rept. 109-679). Referred to the House Calendar.

Mr. HOEKSTRA: Permanent Select Committee on Intelligence. H.R. 5825. A bill to update the Foreign Intelligence Surveillance Act of 1978; with an amendment (Rept. 109-680 Pt. 1)

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 5825. A bill to update the Foreign Intelligence Surveillance Act of 1978; with an amendment (Rept. 109-680 Pt. 2). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

DISCHARGE OF COMMITTEE

[The following actions occurred on September 22, 2006]

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration. H.R. 5585 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration. H.R. 5637 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on International Relations discharged from further consideration of H.R. 6054.

Pursuant to clause 2 of rule XII the Committee on Energy and Commerce discharged from further consideration. H.R. 4777 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

[The following action occurred on September 22, 2006]

Pursuant to clause 2 of rule XII the following action was taken by the Speaker.

H.R. 6054. Referral to the Committee on the Judiciary extended for a period ending not later than September 25, 2006.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MANZULLO:

H.R. 6159. A bill to extend temporarily certain authorities of the Small Business Administration; to the Committee on Small Business.

By Mr. ROGERS of Alabama (for himself, Mr. Issa, Mr. McCotter, Ms. Harris, and Mr. Gary G. Miller of California):

H.R. 6160. A bill to recruit and retain Border Patrol agents; to the Committee on Homeland Security, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. Kirk, and Mr. Fitzpatrick of Pennsylvania):

H.R. 6161. A bill to amend titles XVIII and XIX of the Social Security Act to expand the nursing home patients' bill of rights to include the right to receive care from a credible caregiver by requiring background checks on direct access employees and the right to a safe environment during an emergency or natural disaster by requiring nursing long-term care facilities to establish disaster emergency and evacuation plans; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Alabama (for himself, Mr. Thompson of Mississippi, and Mr. McCotter):

H.R. 6162. A bill to require financial accountability with respect to certain contract actions related to the Secure Border Initiative of the Department of Homeland Security; to the Committee on Homeland Security.

By Mr. TOM DAVIS of Virginia (for himself, Ms. Pryce of Ohio, and Mr. Sweeney):

H.R. 6163. A bill to amend title 44, United States Code, to strengthen requirements related to security breaches of data involving the disclosure of sensitive personal information; to the Committee on Government Reform.

By Mr. BARTON of Texas (for himself, Mr. Deal of Georgia, Mr. Blunt, Mr. Radanovich, Mr. Burgess, Mr. Shimkus, Mr. Upton, Mr. Rogers of Kentucky, Mr. Buyer, Mrs. Bono, Mrs. Myrick, Mr. Gillmor, Mr. Terry, Mr. Bilbray, and Mr. Bilirakis):

H.R. 6164. A bill to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BARROW:

H.R. 6165. A bill to improve the safety of transporting hazardous materials by rail and provide training and resources for first responders to protect communities from incidents involving the transportation of hazardous materials; to the Committee on Transportation and Infrastructure.

By Mr. HUNTER (for himself and Mr. Sensenbrenner):

H.R. 6166. A bill to amend title 10, United States Code, to authorize trial by military commission for violations of the law of war, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANNON:

H.R. 6167. A bill to limit the authority of States and localities to tax certain income of employees for employment duties performed in other States and localities; to the Committee on the Judiciary.

By Mr. CANNON:

H.R. 6168. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to serious adverse event reporting for dietary supplements and nonprescription drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PITTS (for himself, Mr. Smith of New Jersey, Mr. Souder, Mr. Ryun of Kansas, Mr. Akin, Mrs. Musgrave, Ms. Hart, Mr. Tiahrt, Mr. Pence, and Mr. Gohmert):

H.R. 6169. A bill to provide for research on, and services for individuals with, post-abortion depression and psychosis; to the Committee on Energy and Commerce.

By Mr. BURTON of Indiana (for himself, Mr. Paul, Mr. Fortuño, Ms. Jackson-Lee of Texas, and Mr. Delahunt):

H.R. 6170. A bill to amend the Internal Revenue Code of 1986 to modify and make permanent the deduction for qualified tuition and related expenses; to the Committee on Ways and Means.

By Mrs. DAVIS of California (for herself, Mr. Evans, and Ms. Herseth):

H.R. 6171. A bill to authorize appropriations for the National Veterans Business Development Corporation, and for other purposes; to the Committee on Small Business.

By Mr. KIRK (for himself, Mr. Shadegg, Mr. Platts, Mr. Fitzpatrick of Pennsylvania, Mr. Davis of Kentucky, Mr. Dent, Mr. Shimkus, Mrs. Biggert, Mr. English of Pennsylvania, Mr. Simmons, Mr. Reichert, Mr. Gerlach, Mr. Bradley of New Hampshire, Mr. Paul, Mr. Herger, Mr. Porter, and Mr. Kennedy of Minnesota):

H.R. 6172. A bill to amend title 5, United States Code, to deny retirement benefits to any Member of Congress convicted of a criminal offense involving abuse of the public trust; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD:

H.R. 6173. A bill to amend the Internal Revenue Code of 1986 to provide an alternate sulfur dioxide removal measurement for advanced coal-based generation technology units under the qualifying advanced coal project credit; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 6174. A bill to redesignate the Miners Castle Information Station located near Munising, Michigan, as the "Raymond F. Clevenger Visitor Information Center at Miners Castle"; to the Committee on Resources.

By Mr. LEWIS of California:

H.J. Res. 97. A joint resolution making continuing appropriations for the fiscal year 2007, and for other purposes; to the Committee on Appropriations.

By Mr. BROWN of South Carolina (for himself, Mr. BAIRD, Mr. THOMPSON of California, Mrs. DRAKE, and Mr. JINDAL):

H. Con. Res. 479. Concurrent resolution recognizing the health benefits of eating seafood as part of a balanced diet, and supporting the goals and ideals of National Seafood Month; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey:

H. Con. Res. 480. A concurrent resolution to correct the enrollment of the bill H.R. 3127; considered and agreed to.

By Mr. HASTINGS of Florida:

H. Res. 1040. A resolution urging political and religious leaders of the world and all peoples to move forward in a conciliatory spirit and deal with religious matters in a responsible and balanced manner; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. FRANK of Massachusetts.

H.R. 450: Mr. WOLF.

H.R. 690: Mr. BOSWELL.

H.R. 808: Mr. REYNOLDS.

H.R. 819: Mr. CAMPBELL of California.

H.R. 916: Mr. MURTHA.

H.R. 941: Mr. SMITH of Texas.

H.R. 1002: Mr. LEWIS of Georgia.

H.R. 1079: Mr. ALEXANDER.

H.R. 1124: Mrs. BIGGERT and Mr. GOODLATTE.

H.R. 1227: Mr. MCCAUL of Texas and Mr. CHABOT.

H.R. 1298: Ms. NORTON, Mr. HASTINGS of Florida, Mr. WATT, and Mr. BRADY of Texas.

H.R. 1306: Mr. BOREN and Mr. ETHERIDGE.

H.R. 1384: Mr. SULLIVAN.

H.R. 1415: Mrs. LOWEY.

H.R. 1498: Mr. BRADY of Pennsylvania.

H.R. 1554: Mr. BERMAN and Mr. LANTOS.

H.R. 1671: Mr. HOLT.

H.R. 1688: Mr. HINCHEY.

H.R. 1849: Mr. JONES of North Carolina.

H.R. 1951: Mr. LEVIN and Ms. MCCOLLUM of Minnesota.

H.R. 2211: Mr. GONZALEZ.

H.R. 2526: Mr. FERGUSON.

H.R. 2727: Mr. LEACH.

H.R. 3103: Mr. PORTER.

H.R. 3361: Ms. BERKLEY and Mr. WELDON of Pennsylvania.

H.R. 3427: Mr. SHUSTER.

H.R. 3579: Mr. FOLEY.

H.R. 3628: Ms. VELÁZQUEZ, Mr. OWENS, Mr. LIPINSKI, Mr. RYAN of Ohio, Ms. JACKSON-LEE of Texas, Mr. HONDA, and Mrs. MCCARTHY.

H.R. 3715: Mr. WEXLER.

H.R. 3762: Mr. KUHL of New York.

H.R. 3954: Mr. LEWIS of Georgia.

H.R. 4098: Mr. GOHMERT.

H.R. 4201: Mr. TIERNEY.

H.R. 4217: Mr. CALVERT.

H.R. 4239: Mr. HAYES.

H.R. 4366: Mr. CALVERT and Mr. FOLEY.

H.R. 4377: Mr. WU.

H.R. 4517: Mr. CARNAHAN and Mr. WEXLER.

H.R. 4597: Mr. POMEROY, Mr. ISTOOK, Ms. CORRINE BROWN of Florida, and Mr. LANTOS.

H.R. 4727: Mr. PAUL.

H.R. 4740: Mr. MCCRERY and Mr. BOYD.

H.R. 4746: Ms. MATSUI.

H.R. 4766: Mr. TAYLOR of North Carolina.

H.R. 4769: Mr. ENGLISH of Pennsylvania.

H.R. 4834: Mrs. MYRICK.

H.R. 4873: Mr. DOYLE.

H.R. 4956: Mr. SIMMONS.

H.R. 4992: Ms. BERKLEY.

H.R. 4993: Mrs. JONES of Ohio and Mr. MCDERMOTT.

H.R. 5005: Mr. MARIO DIAZ-BALART of Florida, Mr. GUTKNECHT, Mr. SHIMKUS, and Mr. SULLIVAN.

H.R. 5014: Mr. CLAY.

H.R. 5248: Mr. CONYERS.

H.R. 5472: Mr. PETERSON of Minnesota, Ms. HARRIS, Mrs. CAPITO, and Mr. PICKERING.

H.R. 5513: Mr. ALLEN.

H.R. 5541: Mrs. MYRICK.

H.R. 5562: Mr. FORBES, Mr. WELDON of Pennsylvania, Mr. STARK, and Ms. CARSON.

H.R. 5635: Mr. HOLDEN, Mr. WEXLER, and Mr. OBERSTAR.

H.R. 5671: Mr. ROTHMAN.

H.R. 5704: Mr. PORTER, Mr. EHLERS, and Mrs. BIGGERT.

H.R. 5743: Mr. NUNES, Mr. ENGLISH of Pennsylvania, and Mr. INGLIS of South Carolina.

H.R. 5755: Mr. LEWIS of Georgia, Mr. OWENS, Mr. HONDA, and Mr. BISHOP of New York.

H.R. 5784: Mr. LEACH.

H.R. 5790: Mr. MCHUGH, Mr. ALLEN, Mr. MCNULTY, Mr. KUHL of New York, and Mr. PLATTS.

H.R. 5862: Mr. INGLIS of South Carolina and Mr. CONAWAY.

H.R. 5879: Mr. BOOZMAN.

H.R. 5880: Mr. BOOZMAN.

H.R. 5888: Mr. BISHOP of Utah.

H.R. 5900: Mr. CASE and Mr. FARR.

H.R. 5953: Mr. DOYLE and Mr. TOWNS.

H.R. 5960: Mr. MCDERMOTT, Ms. BERKLEY, and Ms. MATSUI.

H.R. 5996: Mr. HINCHEY.

H.R. 6038: Mr. WYNN.

H.R. 6042: Mr. PAUL.

H.R. 6057: Mr. LEWIS of Kentucky, Mr. BURTON of Indiana, Mr. TANCREDO, Mr. GINGREY, Mr. WAMP, Mr. BRADY of Texas, Mr. BARRETT of South Carolina, Mr. SODREL, Mr. PEARCE, Mr. TIAHRT, Mr. RYAN of Wisconsin, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. AKIN, Mr. MCCAUL of Texas, Mr. GREEN of Wisconsin, Mrs. MUSGRAVE, Mr. HAYWORTH, Mr. SIMPSON, Mr. MCCOTTER, Ms. FOXX, Mr. JINDAL, Mr. GARRETT of New Jersey, Mr. BISHOP of Utah, Mr. KLINE, Mr. FOSSELLA, Mr. CALVERT, Mr. BARTLETT of Maryland, Mr. OTTER, Mr. HENSARLING, Mr. SOUDER, Mr. FORBES, Mr. REICHERT, Mr. GILCHREST, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Kentucky, Ms. HARRIS, Mr. FLAKE, and Mr. WICKER.

H.R. 6058: Mr. FERGUSON.

H.R. 6080: Mr. PEARCE and Mr. BOOZMAN.

H.R. 6093: Mrs. BLACKBURN.

H.R. 6098: Mr. EMANUEL.

H.R. 6099: Mrs. BLACKBURN, Mr. COSTELLO, Mr. ROGERS of Kentucky, Mr. KLINE, Mr. TANCREDO, Mr. HYDE, Mr. HALL, and Mr. PUTNAM.

H.R. 6109: Mr. FOLEY.

H.R. 6130: Mr. MARSHALL.

H.R. 6132: Mr. DOGGETT, Mr. LEACH, Mr. RUPPERSBERGER, Mr. MCNULTY, Mr. FARR, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. PAUL, Mr. BROWN of Ohio, Mr. SCOTT of Georgia, Mr. POMEROY, and Mr. RAMSTAD.

H.R. 6136: Mr. ALEXANDER, Mr. BACHUS, Mr. BARTON of Texas, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mr. BOEHLERT, Mr. BOOZMAN, Mr. BOUSTANY, Mr. BRADLEY of New Hampshire, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. CANNON, Mr. CARTER, Mr. CHABOT, Mr. CHOCOLA, Mr. COBLE, Mr. CONAWAY, Mrs. CUBIN, Mr. CULBERSON, Mr. DAVIS of Kentucky, Mr. DOOLITTLE, Mr. DUNCAN, Mr. EVERETT, Mr. FEENEY, Mr. FITZPATRICK of Pennsylvania, Mr. FOLEY, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GILCHREST, Mr. GOHMERT, Mr. HALL, Ms. HARRIS, Mr. HASTERT, Mr. HERGER, Mr. ISSA, Mr. JENKINS, Mr. SAM JOHNSON of Texas, and Mr. KING of Iowa.

H.R. 6144: Mr. BURTON of Indiana.

H. Con. Res. 430: Mr. DREIER.

H. Con. Res. 452: Ms. SCHAKOWSKY.

H. Con. Res. 471: Mr. REYES, Mr. EDWARDS, Mr. STUPAK, Mr. FORD, AND MR. BURTON of Indiana.

H. Con. Res. 473: Mr. FILNER and Ms. JACKSON-LEE of Texas.

H. Res. 496: Mr. WYNN, Ms. CARSON, Ms. HARRIS, Ms. SCHAKOWSKY, Mr. ACKERMAN, Mr. MCCOTTER, Ms. MOORE of Wisconsin, Mr. FALEOMAVAEGA, Mrs. NAPOLITANO, Mr. CROWLEY, and Ms. JACKSON-LEE of Texas.

H. Res. 745: Mr. SIMMONS.

H. Res. 748: Mr. KLINE and Mr. MCCOTTER.

H. Res. 759: Mr. DAVIS of Illinois.

H. Res. 790: Ms. SCHAKOWSKY.

H. Res. 863: Mr. DAVIS of Florida.

H. Res. 899: Mr. ROGERS of Kentucky.

H. Res. 940: Mr. FOLEY.

R. Res. 944: Mr. RANGEL, Mr. DENT, Mr. MORAN of Virginia, Mr. YOUNG of Alaska, Mr. RAMSTAD, Mr. SIMMONS, Ms. GINNY BROWN-WAITE of Florida, Mr. GENE GREEN of Texas, Ms. BERKLEY, Mr. PRICE of North Carolina, Mr. COSTELLO, Mr. CARDOZA, Ms. CARSON, and Mrs. DRAKE.

H. Res. 962: Mr. MCCOTTER.

H. Res. 964: Mr. ABERCROMBIE.

H. Res. 973: Mr. RUSH, Ms. MCCOLLUM of Minnesota, and Mr. FOLEY.

H. Res. 986: Mr. MCNULTY.

H. Res. 989: Mr. MARIO DIAZ-BALART of Florida, Mr. CALVERT, and Ms. ROS-LEHTINEN.

H. Res. 990: Mr. OWENS.

H. Res. 991: Mr. MURPHY.

H. Res. 992: Mr. CALVERT, Mr. GRIJALVA, Mr. SCOTT of Virginia, Mr. FOLEY, and Ms. ZOE LOFGREN of California.

H. Res. 1009: Mr. DAVIS of Illinois.

H. Res. 1017: Mr. CROWLEY, Mr. SHAYS, Mr. SWEENEY, Mr. KING of Iowa, Mr. ENGEL, Mr. DAVIS of Florida, Mr. BERMAN, AND MR. ISSA.

H. Res. 1028: Ms. LINDA T. SÁNCHEZ of California.

H. Res. 1032: Mr. SESSIONS.

H. Res. 1033: Mr. WILSON of South Carolina, Mr. POE, Mr. SIMPSON, Mr. JONES of North

Carolina, Mr. ISTOOK, Mr. FOSSELLA, Mr. HAYWORTH, Mr. ROGERS of Alabama, Ms. HARRIS, Mr. MCCAUL of Texas, Mr. CANNON, Mr. CARTER, Mr. BAKER, Mr. GOHMERT, and Mr. KING of Iowa.

EXTENSIONS OF REMARKS

TRIBUTE TO JACOB SIEGERT

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to one of my constituents, Mr. Jacob Siegert of Littleton, CO. Mr. Siegert has been accepted to the People to People World Leadership Forum here in our Nation's Capitol. This year marks the 50th anniversary of the People to People program founded by President Eisenhower in 1956.

Mr. Siegert has displayed academic excellence, community involvement and leadership potential. All students chosen for the program have been identified and nominated by educators.

Mr. Speaker, I would like to join in paying tribute to Jacob Siegert, and wish him the best in all his future endeavors.

IN HONOR OF GRAFTECH INTERNATIONAL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of GrafTech International upon the celebration of its 50th anniversary.

Beginning in 1956, GrafTech, with its global headquarters in Parma, OH, has led its industry in research, development and testing of graphite and carbon science. Through GrafTech's 50 years of dedicated work, the company boasts nearly 700 patents and new technologies. In 2003, GrafTech was named a National Chemical Landmark for its work on the discovery and development of carbon fibers. This great research scopes the discovery of carbon fibers to new graphite materials for fuel cells.

GrafTech has been recognized 11 times as the recipient of the R&D 100 awards. GrafTech employs 3,800 workers in 13-state-of-the-art manufacturing facilities spanning 4 continents and serving over 80 countries. With its global headquarters located in Parma, OH, and more than 100 years of manufacturing excellence in Lakewood, OH, GrafTech International provides nearly 300 jobs for the area and has been recognized for significant job creation in Northeast Ohio. I am proud that this great company is located in my congressional district.

Mr. Speaker and colleagues, please join me in honor and recognition of the 50-year anniversary of GrafTech International. GrafTech has served as a pioneer in its industry. I wish GrafTech International continued years of success and offer my thanks in providing many northeast Ohioans with a great workplace.

RECOGNIZING NATIONAL ASSISTED LIVING WEEK AND THE EMPLOYEES AND RESIDENTS OF PICKERING MANOR

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I rise today to recognize National Assisted Living Week as a time to honor the doctors, employees and the residents they serve in assisted living facilities across the county. This year's theme of "Hearts In Harmony," properly expresses the shared desire of everyone in the assisted living community to deliver care in a respectful and loving manner to the residents and the families they serve.

Today, I want to take a moment to honor the great work that the nurses and staff of Pickering Manor, an independent living facility in Newtown, PA, do every day to honor this theme and enhance the lives of senior citizens throughout my district.

Pickering Manor was opened in 1963 through the great generosity of H. Russell Pickering, who bequeathed his residence fortune for the creation of a facility to serve the older citizens of Newtown, PA, and its surrounding communities. This unique non-profit facility is located in historic Newtown in beautiful Bucks County, PA, and is owned and operated by the Community Welfare Council of Newtown. Even after extensive growth, Pickering Manor continues to be funded solely by its residents and contributions from individuals, businesses and organizations throughout the community.

It is easy to see that Pickering Manor takes great pride in its ability to provide a comfortable and friendly atmosphere throughout its full spectrum of services, which ranges from independent living to highly skilled nursing. The facility provides its residents with a variety of independent living choices. Pickering Manor offers 24 apartments and 10 landscaped cottages for its residents to choose from. This variety, combined with its well manicured grounds and a multitude of activities ensures that Pickering Manor's residents have a beautiful place to live and interact with friends and family.

The generosity of H. Russell Pickering in bequeathing his home and his treasure to create a place where his neighbors could call home is a testament to the American character and our ideals of compassion and civic involvement. His legacy lives on at Pickering Manor.

The idea that we may need long-term or personal care as we get older is not something many of us think about on a day-to-day basis. However, it is something we must all plan for as we grow older. It is good to know that there are places like Pickering Manor and the people who staff it that embody the idea of this year's theme and the ideals behind National Assisted Living Week.

HONORING ALL AMERICAN POST COMMANDER THOMAS RONAYNE

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. ISRAEL. Mr. Speaker, I rise today to commend the dedication of my constituent, Thomas Ronayne. As commander of Post 1469 in Huntington Station, he has devoted himself to the betterment of life for veterans on Long Island. In fact, the Veterans of Foreign Wars of the United States honored Thomas Ronayne as an All American Post Commander last month. This is one of the most esteemed titles within the Veterans of Foreign Wars organization.

Commander Ronayne is one of only 101 VFW post commanders around the world to be designated with this prestigious honor. With his hard work ethic, Ronayne has increased membership and services provided at Post 1469 in Huntington Station, NY. I am pleased to say that he has also contributed to the flourishing involvement in VFW programs on Long Island.

It is an honor to have All American Commander Thomas Ronayne working and living in the Second Congressional District of New York. He has dedicated his entire life to serving his country and I am grateful for his service. We should all be so lucky to have citizens like Thomas Ronayne in our districts.

I hope you will join me in applauding Commander Ronayne for his dedication to the VFW, his country and particularly Post 1469.

TRIBUTE TO GEORGE SILVESTRI

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. RYAN of Ohio. Mr. Speaker, I rise today to pay respect and tribute to Mr. George Silvestri, who passed away on July 6 at the age of 87.

George Silvestri was born in Youngstown, OH in 1919 and graduated from East High School. After high school George served in the U.S. Army under General Patton for 4 years and earned the rank of sergeant in the U.S. Army Corps of Engineers. After his discharge in 1945, he returned home to Youngstown and soon after married Elvira DeCato.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

George applied his experience serving his country to serving the Mahoning Valley by forming a construction company with his brothers, Frank and Anthony. The Silvestri Brothers Construction Company later expanded to a number of different companies that focused on a wider range of development and construction.

These construction companies contributed to some of the most well known projects in the 17th District, such as the Delphi Packard plant in Warren, the GM Assembly plant in Lordstown, and General Electric in Ravenna. In addition to these sites, the Silvestri Brothers's companies were instrumental in developing and building interstates and expressways throughout the Mahoning Valley, as well as western Pennsylvania.

Aside from these larger endeavors, Mr. Silvestri and his brothers developed sewer and water line projects, as well as residential development in and around the Youngstown area. This small- and large-scale infrastructure was crucial to the growing economy of the Mahoning Valley. His companies laid not only the foundation for businesses and transportation throughout the 17th District, but also for future entrepreneurs in the Mahoning Valley.

A member of the Ohio Contractors Association, the Trumbull County Builders Association, and the National Italian American Federation, George Silvestri retired in 1984. Mr. Silvestri's legacy in the Mahoning Valley will live on through his work and the many people who have benefited from his contributions. I am honored to have represented George Silvestri and he will be missed.

TRIBUTE TO SYDNEY STREICHER

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to one of my constituents, Ms. Sydney Streicher of Centennial, CO. Ms. Streicher has been accepted to the People to People World Leadership Forum here in our Nation's Capitol. This year marks the 50th anniversary of the People to People program founded by President Eisenhower in 1956.

Ms. Streicher has displayed academic excellence, community involvement and leadership potential. All students chosen for the program have been identified and nominated by educators.

Mr. Speaker, I would like to join in paying tribute to Ms. Streicher, and wish her the best in all her future endeavors.

IN HONOR AND RECOGNITION OF YES! ON ITS 10TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Yes! A Journal of Positive Futures, as it celebrates 10 years of innovative journalism exploring the possibilities for peace and environmental justice in our world. Yes! is more than just a magazine, it is a catalyst for positive social action, encouraging its readers to actively take part in the global movement for a more harmonious and sustainable world.

Yes! magazine is a quarterly journal produced by the Positive Futures Network, a non-profit organization dedicated to the collective power of individual and community efforts worldwide to bring healing, justice, and peace to all sectors of our society. In 1996 Yes! Magazine was founded to promote the belief that profound change is needed to save our society from an unsustainable path. Printed on recycled paper and available online, this ad-free alternative news source embodies the sustainable and inclusive lifestyle it advocates. Distributed worldwide, Yes! Magazine is a growing phenomenon that has tripled its subscriptions in the past 3 years alone. In 2001, Yes! A Journal of Positive Futures received the Utne Magazines Alternative Press Award for Best Cultural Coverage.

In addition to saying "No!" to the dominant trends of violence and oppression, this journal shouts a resounding "Yes!"for creative and constructive alternatives. Each issue addresses a specific concern within the fields of social, economic, and environmental justice, identifying innovative scientific and cultural solutions. Yes! Magazine serves as a tool to unite the activists of different peace movements by reporting on the grassroots efforts of ordinary individuals creating extraordinary transformations across the board and challenging readers with a call to action.

Mr. Speaker and colleagues, please join me in honor and tribute to Yes! A Journal of Positive Futures for 10 years of meaningful journalism proving that peace is not only possible, but practical as well.

RECOGNIZING THE 60TH ANNIVERSARY OF THE CENTRAL BUCKS COUNTY CHAMBER OF COMMERCE

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I rise today to recognize the 60th anniversary of the Central Bucks County Chamber of Commerce. Since its establishment in 1946, the Central Bucks Chamber has served a vibrant community of small businesses and it has helped promote an atmosphere that has made Southeast Pennsylvania one of the best areas for economic investment in the State of Pennsylvania.

The Central Bucks Chamber was founded in 1946 by a group of 12 area businessmen. In 1971, with great foresight, they hired an ad man from New York, Don F. Whitney, to serve as their Executive Director. Don Whitney not only brought his experience in advertising to bear to heighten the profile of Central Bucks to businesses, but he also brought his love for Bucks County, his new home.

With an outsider's eye and an insider's love of the region, Don F. Whitney, forged over a unique vision of the Chamber over 27 years, growing the Chamber from its original 12 members to over 2,600 businesses.

Today, with a membership of 2,600 and growing, the Central Bucks Chamber is second only in the region after the Greater Philadelphia Chamber of Commerce. The Central Bucks Chamber of Commerce continues to forge strong alliances between business and culture, profit and non-profit, and between established and emerging businesses. This synergy provides a dynamic mission for the Chamber's membership and they continue to exceed expectations.

To do business in Bucks County, membership in the Central Bucks Chamber of Commerce is an essential and powerful tool. With each new membership added to its rolls, the Central Bucks Chamber of Commerce will continue to create the foundation for a successful business environment in Bucks County, assuring economic opportunity, jobs and a better life for all of its residents.

Congratulations on 60 wonderful years.

REMEMBERING U.S. ARMY SPC JOSE L. RUIZ

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. ISRAEL. Mr. Speaker, U.S. Army SPC Jose L. Ruiz made the ultimate sacrifice for his country on August 15, 2005 while conducting security operations in Mosul, Iraq. SPC Ruiz who served in the Army's 3rd Battalion, 21st Infantry Regiment, 1st Brigade, 25th Infantry Division, also known as the Stryker Brigade Team, was killed by enemy forces using small arms fire shot from a passing vehicle. Brave Americans like SPC Ruiz are the reason that our country has been able to overcome adversity throughout its history.

SPC Ruiz was inspired to join the military following the attacks by terrorists on our Nation on September 11, 2001. In a phone conversation with his wife shortly before his death, SPC Ruiz said that he felt like he had fulfilled his duty as a soldier and was proud to be defending his country. Sadly, SPC Ruiz was scheduled to return home just 6 weeks after his death.

Raised in Brentwood, New York, SPC Ruiz went on to graduate from Brentwood High School in my district and then the New York Institute of Technology before joining the Army. Ruiz was devoted to his education, his family and his country.

The courage of SPC Ruiz is a testament to the dedication of our young soldiers. He is survived by his parents, Eduardo and Juliana King, his wife of 6 years Alexa, and his baby daughter, Liana. I would like to extend my deepest sympathies to his family and thank SPC Ruiz for his selfless devotion to our Nation.

PERSONAL EXPLANATION

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. RYAN of Ohio. Mr. Speaker, on rollcall No. 461, on Ordering the Previous Question providing for the consideration of the bills (H.R. 4830) Border Tunnel Prevention Act of 2006, (H.R. 6094) Community Protection Act of 2006 and (H.R. 6095) Immigration Law Enforcement Act of 2006, I am not recorded, due to an injury I sustained the night of September 19, 2006 and my subsequent visit to the hospital this morning. Had I been present, I would have voted "nay."

Mr. Speaker, on rollcall No. 462, on Agreeing to the Resolution providing for the consideration of the bills (H.R. 4830) Border Tunnel Prevention Act of 2006, (H.R. 6094) Community Protection Act of 2006 and (H.R. 6095) Immigration Law Enforcement Act of 2006, I am not recorded, due to an injury I sustained the night of September 19, 2006 and my subsequent visit to the hospital this morning. Had I been present, I would have voted "nay."

Mr. Speaker, on rollcall No. 463, on motion to suspend the rules and pass the Military Personnel Financial Services Protection Act, I am not recorded, due to an injury I sustained the night of September 19, 2006 and my subsequent visit to the hospital this morning. Had I been present, I would have voted "aye."

TRIBUTE TO MOLLY LONNEMAN

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to one of my constituents, Ms. Molly Lonneman of Littleton, CO. Ms. Lonneman has been accepted to the People to People World Leadership Forum here in our Nation's capital. This year marks the 50th anniversary of the People to People program founded by President Eisenhower in 1956.

Ms. Lonneman has displayed academic excellence, community involvement and leadership potential. All students chosen for the program have been identified and nominated by educators.

Mr. Speaker, I would like to join in paying tribute to Molly Lonneman, and wish her the best in all her future endeavors.

IN HONOR OF THE LIFE OF ROBERT WOODWORTH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in admiration and remembrance of my cherished friend, Robert T. Woodworth—devoted father, grandfather, brother, uncle, friend, United States veteran and long-time community activist.

Mr. Woodworth was born in Cleveland to loving parents. His father drove streetcars in the city and his mother was a loving housewife. With extended family nearby, he learned early on the significance of family and community.

As a young adult, Mr. Woodworth enlisted in the United States Air Force, giving him the opportunity to travel the world. The languages he learned and friends that he made never left him, transcending time and distance. He spoke fluent German, Spanish and French and always remained closely connected to friends living in faraway lands.

Mr. Woodworth's warm demeanor and quick smile easily drew others to him. His unwavering belief in community service and volunteerism was illuminated throughout Cleveland's Westside, especially within our democratic process, where his grassroots involvement constantly affected our neighborhoods in a positive way. His leadership and diligence had been key in several political races, including his role as campaign manager for then council candidate Nelson Cintron. Councilman Cintron became the first Hispanic councilman in Cleveland's history. I had the opportunity to work with Mr. Woodworth in his role as a Ward 14 and precinct leader. He also played an active role in my first election to Congress in 1996 and in my subsequent reelection campaigns.

Mr. Speaker and colleagues, please join me in recognition, gratitude and celebration of Robert T. Woodworth, for his civic activism that uplifted our entire Westside Cleveland community. His unwavering commitment to his family, friends and community, enriched and inspired all throughout our Cleveland community and far beyond.

TRIBUTE TO HANNAH MARCH

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to one of my constituents, Ms. Hannah March of Littleton, Colorado. Ms. March has been accepted to the People to People World Leadership Forum here in our Nation's Capital. This year marks the 50th anniversary of the People to People program founded by President Eisenhower in 1956.

Ms. March has displayed academic excellence, community involvement, and leadership potential. All students chosen for the program have been identified and nominated by educators.

Mr. Speaker, I would like to join in paying tribute to Hannah March, and wish her the best in all her future endeavors.

HONORING HOWARD A. FROMSON AS HE CELEBRATES HIS 85TH BIRTHDAY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the many family and friends who have gathered to celebrate the 85th birthday of our dear friend, Howard A. Fromson. Inventor, artist, and philanthropist, Howard has spent a lifetime enriching the lives of others. He has and continues to make outstanding contributions to our community and society.

The founder and CEO of Anocoil Corporation, Howard's entrepreneurial and innovative spirit has ensured that his company remains at the forefront of lithographic plate technology. He is credited with conceiving and patenting the universally used silicated anodized lithographic printing plate—used in commercial and newspaper printing throughout the world. Under his leadership, Anocoil has become and remains North America's largest independent manufacturer of lithograph plates, providing products and services to a variety of leading publishers in North and South America, Europe, and Asia. Founding the company in 1957, Howard has never left behind his inventive nature. As an inventor in electrochemistry and process metallurgy, Howard holds more than 100 U.S. and foreign patents in his field.

Throughout his life, Howard has made many contributions through his professional career, however, he has also brought joy and wonder to our communities through his artistic and philanthropic work as well. His artistic works which marry sculpture form and function are displayed in museums throughout Connecticut including the Wadsworth Museum of Art and the New Britain Museum of American Art. In fact, a pair of his tetra chairs is part of the planned Lincoln sculpture walk along the Connecticut River in Hartford.

Howard has always believed in the importance of giving back to the community which is why he established the Howard A. Fromson Foundation. A strong supporter of public education, he created the Fromson Scholars Program which has helped send over 400 teachers from Connecticut to the Taft School to study science, math, computer applications, and foreign language. This program has allowed hundreds of our teachers to improve their own skills which have been of great benefit to the thousands of students they have and will continue to instruct. In addition to these educational initiatives, Howard, both through the Foundation and personally, has generously supported cultural and health institutions throughout the Greater Hartford Area. His outstanding efforts on behalf of our teachers and public education system were recognized by both the Connecticut Commissioner of Education and the Connecticut State Board of Education and in 2002 he was honored by the Hartford Business Journal with their Accolades Award for Individual Giving.

I have often said that our communities would not be the same without those individuals who selflessly dedicate their time and energies to making them better places to live and work—individuals like Howard Fromson who has quietly touched the lives of many and made all the difference in our community. I consider myself fortunate to call him my friend and I know that sentiment is shared by many. Today, as he celebrates his 85th birthday, he also reflects on a lifetime of invaluable contributions and endless generosity—a legacy which is sure to inspire others. It is with my heartfelt congratulations and warmest wishes that I join his wife, Sandy; his children, Michele, Michael, Timothy, and Brett; his seven grandchildren; family and friends in this wondrous celebration.

PERSONAL EXPLANATION

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. WELDON of Pennsylvania. Mr. Speaker, on rollcall No. 468 I was on the floor for this vote and others in series. My vote on H.R. 6095, Immigration Law Enforcement Act of 2006, did not register. I would have voted "yea."

HONORING THE 100TH ANNIVERSARY OF THE FIRST PRESBYTERIAN CHURCH OF GRANITE CITY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 100th Anniversary of the First Presbyterian Church of Granite City, Illinois.

In 1906, a major earthquake rocked San Francisco, President Theodore Roosevelt became the first American to win the Nobel Peace Prize, the Dow Industrial Average closed above 100 for the first time and the Wright brothers received a patent for their flying machine. Also in 1906, a growing group of Christians who had been meeting weekly in a local school organized the First Presbyterian Church of Granite City.

From the initial 25 members, the congregation had grown to 112 when the first service was held on Easter Sunday, April 15, 1906. The coming years would see continued growth, both in the size of the congregation and in the physical facilities. The church, on 2160 Delmar, in Granite City, was completed in 1916 and an educational wing was added in 1930.

Also, in 1930, a new organ was installed. That organ was replaced in 1951 and again in 1961. Music has always played an important part in the life of the First Presbyterian Church and that was further enhanced with the creation of two paid positions of organist and choir director in 1942. In 1993, the Grand Concert Series was instituted which allowed the Church to extend its musical gifts to the community at large.

The 1990s saw even more changes for the First Presbyterian Church. A fire, in 1994, caused extensive damage and made it necessary to move services to a nearby church while the church could be restored. The resulting renovation brought about not only a beautiful new sanctuary but also a spirit of renewal for the church family. This spirit was further enhanced as First Presbyterian merged with Mitchell Presbyterian in 1998.

As the First Presbyterian Church has weathered the changes of the past 100 years, so has the neighboring community. In response to the changing conditions, First Presbyterian has initiated and joined in a number of programs to expand their ministry. A Vacation Bible School, summer drama camp, and an association with the United Congregations of Metro-East are but a few examples of this community outreach.

As much as they celebrate their past, the congregation of First Presbyterian Church looks forward to the future. Their strong commitment to their faith, their families and their community enables them to constantly strive for new ways to fulfill their mission, "Bringing People to Christ."

Mr. Speaker, I ask my colleagues to join me in honoring the 100th anniversary of the First Presbyterian Church of Granite City and to wish the best to them for many years to come.

CHÁVEZ: OUTRAGEOUS AND OUTLANDISH

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, the Boston Globe Editorial on Friday, September 22, accurately describes the antics of Venezuelan President Chávez at the U.N. He was simultaneously outrageous and outlandish, using the great forum of the U.N. General Assembly for a semi-coherent diatribe. He gave a clear example of why his support in elections in Latin America has been toxic to those who've received it. Recently, in Peru and in Mexico, being tied to Chávez by their opponents, accurately or not, was very damaging to presidential candidates.

I hope Americans will also make it clear to Chávez that his crudity and disrespect for democracy will find little support here.

> DEVIL IN DISGUISE
>
> The Bush Administration deserves to be criticized for many of its foreign policies, but Hugo Chávez is not the one to do it. By his intemperate and foolish remarks at the United Nations Wednesday and his continuing support for authoritarian regimes, the Venezuelan president has forfeited his claim to leadership in world affairs.
>
> "The devil came here yesterday," Chávez said in reference to President Bush's speech of the day before. Chávez made the sign of the cross and engaged in other theatrics to provoke his audience of the U.N. General Assembly. George Bush was reelected with 50.7 percent of the vote in 2004 after a vigorously fought, unfettered campaign, and he will leave office without a fuss in 2009 after eight years. Bush can be called many things but not the ultimate embodiment of evil.
>
> Chávez has been brandishing anti-Americanism ever since he became president in 1998. He intensified his denunciation of the Bush administration after a failed coup in 2002, which he believed Washington had fomented. Venezuela, with its vast oil reserves, has benefited greatly from the surge in oil prices since 2001. Chávez is criticizing the leading force behind a world economic system that has enriched his country and enhanced his power.
>
> Were Chávez really concerned with the oppressed of the world, he would not consort with Kim Jong Il and Bashir Assad, who have continued their fathers' repressive regimes in North Korea and Syria. Nor would he have created an informal alliance with antidemocratic Iran, or extended a lifeline to Fidel Castro in Cuba, or visited Iraq in 2000 to support Saddam Hussein. If the United States opposes a dictator, Chávez backs him.
>
> This monotone foreign policy, combined with his outburst this week, undercuts Venezuela's campaign for the Latin American seat on the U.N. Security Council, which will be decided by a two-thirds majority of the General Assembly on Oct. 16. The Security Council has important votes coming up in the next year, on sanctions against Iran and action to stop genocide in Darfur, among others. Venezuela, under the leadership of Chávez, would not make a positive contribution.
>
> Deprived of an international forum, Chávez would have more time to spend on his reelection campaign. It ought to be as freely contested as the 2004 race between Bush and John F. Kerry. And if Chávez wins on Dec. 3, he ought to devote his six-year term to solving the great recurring problem of Venezuela: How a country endowed with such natural wealth can leave almost half its people in utter poverty. Chávez would earn more enduring fame by leading Venezuela out of this resource trap.

TRIBUTE TO BERTHA GARDNER BYNUM

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to an ordinary woman, who has led an extraordinary life. Mrs. Bertha Gardner Bynum turned 107 years old on September 15th, and I ask you to join me in celebrating her long and wonderful life.

Bertha Gardner was born on September 15, 1899 in the Privateer area of Clarendon County, South Carolina. She attended St. James and Bracey Schools. However, the State of South Carolina didn't make the educating of young African American children a priority in the early 20th century. Consequently, when they had exhausted what little formal education that was available to them, Bertha and her siblings had to find work as sharecroppers on local farms to help out the family.

Her family eventually moved to nearby Sumter to find a better life, but Bertha dreamed of much more. Bertha left South Carolina and moved to New York, where she did domestic work. She was later blessed with her only child, Elizabeth Gardner Nelson.

Bertha returned to Sumter and on January 20, 1943 she married Simon Bynum. After Simon's death, Bertha led the life of a very independent woman. She lived alone and traveled almost everywhere she went on foot. She became a member of Jehovah Baptist Church, and later transferred to Salem Baptist. There she served as a member of the Usher Board, and is presently recognized as the Mother of Salem Baptist Church. However, declining health has prevented her from attending in recent years.

Blessed with a long life, Mrs. Bynum has struggled through adversity and witnessed extraordinary changes in the world around her. Today she continues to read her bible and shares advice with all that will listen. She is the last survivor of her 13 siblings and lives with her daughter and son-in-law where she is surrounded by the love of five generations of her extended family.

Mr. Speaker, I ask you to join me today in sending best wishes and Godspeed to the matriarch of the Gardner family. She has shown a true devotion to her faith and her family, and is a living legacy. She deserves our deepest respect and admiration.

HONORING THE SHENENDEHOWA HIGH SCHOOL COLOR GUARD

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. SWEENEY. Mr. Speaker, I would like to take this opportunity to honor the young women of the Shenendehowa High School's Color Guard for their second place finish at the Scholastic Open Class Winter Guard 2006 World Championship in Dayton, Ohio. This accomplishment reflects the immeasurable amount of time and effort that each member of the team made in order to succeed. Their triumphant endeavor is a tribute to the dedication of the team, their training staff, and their families.

Competitive Color Guards provide an educational experience through a combination of sport and performing arts. The experience promotes perseverance and teamwork, which will be beneficial to the performers throughout their lives. The talented young women comprising this accomplished team are: Amelia Allen; Lauren Anderson; Larissa Krushelnytsky; Beth Murphy; Leah Horning; Taylor Nelson; Amanda Lesniewski; Ali Kawola; Sarah Ozols; Carolyn Drislane; Lauren Drislane; Faith Beidl; Kim Cologgi; Kaitlin Lacey; Casey Breen; Jessica Young; Samantha Lovering.

The success of this devoted team is also due to the hard work and commitment of their Director, Scott Snell and Show Designer, Jeff Namian as well as the rest of the staff, including: Jennifer Lawrence; Christine Mertes; Gretchen Shyne; Bill Ryan; Patrick Leombrone; Nick Charles; Sonya Balaban.

It is my privilege to recognize the Shenendehowa Color Guard for their achievement. Their ability to come together as a group of individuals and finish at the top of a world-class event is inspiring. On behalf of the United States Congress, I offer my heartfelt congratulations and wish the entire team the best of luck and continued success in the future.

WELCOME TO THE PRESIDENT OF THE REPUBLIC OF KAZAKHSTAN

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. CANNON. Mr. Speaker, the President of the Republic of Kazakhstan, His Excellency Nursultan Nazarbayev, will arrive on an official visit to the United States on September 27, 2006, and it is my honor to welcome this distinguished leader to Washington.

After the collapse of the Soviet Union in 1991, President Nazarbayev inherited a weak economy and the world's fourth largest nuclear arsenal. While Kazakhstan could have become an immediate nuclear superpower and resolved its economic concerns through military might, President Nazarbayev instead chose a path that included economic and democratic reforms, and Kazakhstan is now one of the most stable and prosperous nations in Central Asia.

For the past six years, Kazakhstan has enjoyed a 10 percent annual growth in its GDP. Kazakhstan also became the first country in the Commonwealth of Independent States to be granted market economy status by the United States. Today, more than 300 US companies account for the largest share of Foreign Direct Investment in Kazakhstan.

By 2015, Kazakhstan is expected to be one of the top ten oil producers and exporters in the world, with reserves comparable to Kuwait's. Now more than ever we need a reliable energy partner which has proven to be a friend and ally of the United States. It is appropriate now for the United States to deepen our strategic partnership with Kazakhstan.

President Nazarbayev's visit is timely. During the course of his visit, it is my hope that we will use this opportunity to set a long-term agenda for closer cooperation with Kazakhstan.

This year, Kazakhstan will celebrate its 15th anniversary of independence, and I join my colleagues in congratulating the people and government on this important occasion. Kazakhstan's path to democracy and independence has not been easy, but its progress is impressive.

I commend President Nazarbayev for his leadership and friendship with the United States, and I remain committed to furthering our partnership.

TRIBUTE TO JOHN MARSH

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. POMBO. Mr. Speaker, I rise today to recognize John Marsh, an important figure in the history of the Nation, California, and California's 11th District. This Sunday marks the 150th anniversary of this early pioneer's death at the hand of bandits.

The legacy of John Marsh is storied. He was one of the first educated Americans to settle in the far west and was dedicated to bringing more settlers into the region. Born in 1799 in Salem, Massachusetts, he received a bachelor's degree at Harvard University in 1823. Between 1828 and 1832, Marsh studied medicine under an army physician.

Marsh arrived in Los Angeles, CA on Feb. 4, 1836. He worked as a self-appointed doctor and was paid in cowhides. Traveling to northern California, he bought a tract of land in 1837 measuring 17,000 acres. He named the land Ranchos Los Meganos, which means "sand dunes." This land included parts of what is currently Contra Costa County and the northern San Joaquin Valley. He had an adobe house built on his property and would treat explorers as they came by. His payment was in heads of cattle, which increased his cattle stock to 6,000, and his settlement grew quite prosperous.

Years before the 1849 gold rush, Marsh sent out letters to his friends in Missouri, calling them to come out and enjoy California's environment. These letters were published in many Missouri newspapers and in 1841 30 travelers from that state visited his ranch. Other letters wherein Marsh gave accurate details about the land potential of California reached the governor of Michigan.

During the Mexican-American war, Marsh opposed any military endeavors in order for America to gain land. However, he supported the ideals of Manifest Destiny and peaceful westward expansion into Mexico's territory. In order to accomplish this, he continued to write letters and send maps to encourage settlers to come into the area and promote the annexation of California into the United States.

During the gold rush, Marsh was able to sell off some of his 6,000 head cattle to feed miners coming into the area. He also found gold himself near the Yuba River before the incoming rush of miners.

In 1851 he married a schoolteacher named Abigail Smith Tuck, who gave birth to his daughter Alice. He started construction on a Gothic-style manor made entirely out of stone that included a 65-foot tower. He had it built for $20,000 and it was completed in 1856, after the death of Abigail. On September 24, 1856 Marsh was murdered by three bandits on the road to San Francisco.

The Marsh House still stands as a tribute to Marsh's contributions. Marsh's pioneer spirit helped make California and the Nation what it is today, and on the anniversary of his death, I honor his legacy.

TRIBUTE TO MR. ADAN GUTIERREZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Mr. Adan Gutierrez, the local columnist for the Zapata County News, one of the largest community newspapers in Zapata County.

Adan Gutierrez was born on August 29th, 1946, in the City of Zapata in the State of Texas. He currently resides in the City of Zapata as one of its most involved members of the community. He served proudly in the

United States Army for ten years, and shortly after being honorably discharged, started working at the local library in 1984. His passion for literature was evident and helped him become the Assistant Librarian in less than two years. He was on his way to a higher administrative position within the Library when he suffered from a brain aneurysm in 1993.

But this did not slow him down; instead, it made him even more involved in the community through his frequent correspondence with the editor of the Zapata County News regarding current news events. Due to the quality of his writing, he was invited to become a regular columnist for the Zapata County News in writing about the history of Zapata County, cultural local events, and other social events. He presently is teaching conversational Spanish at the Zapata County Public Library to residents of the community. It is said of Mr. Gutierrez's involvement with the Zapata County News by his fellow peers that "Adan has a conversation with Zapata County every Thursday morning and we really enjoy it." One can only wish to have the extent of local community impact that Mr. Gutierrez has and I commend him for it.

Mr. Speaker, I am honored to have had this time to recognize Mr. Adan Gutierrez.

HONORING ROUND ROCK CHRISTIAN ACADEMY

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. CARTER. Mr. Speaker, I would like to take this opportunity to recognize the successes and achievements of the Round Rock Christian Academy located in Round Rock, Texas. Established in 1975, the Round Rock Christian Academy exemplifies excellence in education and moral character development. It continues to produce outstanding young adults imbued with the high Christian values through active participation in intellectual, physical, spiritual, and social activities.

The Round Rock Christian Academy maintains a low student-to-teacher ratio and demands significant teaching experience and high standards from its teachers. As evidence to the impact of its high teaching and moral standards, since its inception, the academy has produced numerous National Merit Scholars and its students consistently test two grades above the national average. The academy possesses a strong parent education program and ranks among the very best in athletics and fine arts programs.

In fact, as testimony to the success of the Round Rock Christian Academy's faculty and family support, 100 percent of the graduating seniors of the Class of 2006 are college bound. This is truly a commendable achievement for any school and speaks volumes of the dedication that the Round Rock Christian Academy has toward the future of its students and the future of the next generation citizens of America.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Ms. ESHOO. Mr. Speaker, I was not present during rollcall vote No. 465 on September 21, 2006.

On rollcall vote No. 465, I would have voted "no".

REMEMBERING THE HONORABLE JOEL T. BROYHILL

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. WOLF. Mr. Speaker, I come to the House floor today to share some sad news. One of Virginia's great public servants—former 10th District Congressman Joel T. Broyhill, a resident of Arlington, Virginia—died this past weekend.

It could be said that this region of Virginia was shaped in many ways by the life of Congressman Broyhill. He laid the foundation for major transportation projects, including the Metrorail system, Washington Dulles International Airport, and the Woodrow Wilson Bridge.

Congressman Broyhill dedicated most of his life to serving his country. He was born in Hopewell, Virginia, on November 4, 1919. He attended Fork Union Military Academy and then attended George Washington University. He also received an honorary doctorate degree from Georgetown University.

Mr. Broyhill worked at his father's real estate company, M.T. Broyhill & Sons, which was a business his family began in Hopewell. The family later relocated to northern Virginia when Congressman Broyhill was growing up.

Before coming to Congress, Congressman Broyhill had a distinguished military career in the U.S. Army. He entered the U.S. Army in 1942 as an enlisted man and served in the European Theater during World War II in the 106th Infantry Division.

He fought in the Battle of the Bulge at the age of 25 and was taken prisoner and held in a German POW camp. After six months in captivity, he saw a chance to escape. He and another American soldier hid under some hay in a barn, hoping that the Germans would not come through the barn looking for them and thrusting their bayonets into the hay. Fortunately, the Germans did not find them, and Mr. Broyhill made his escape. He rejoined advancing American forces and was released from active duty in 1945 as a captain of infantry.

After the war, he resumed his family's real estate pursuits and in 1952, the same year that President Dwight D. Eisenhower was elected, Mr. Broyhill was elected to the 83rd Congress from the 10th District of Virginia and to the 10 succeeding Congresses, serving for 22 years.

I feel a special connection with Mr. Broyhill because I represent Virginia's 10th District today. Although the district has gone through a number of changes over the years, it was Congressman Broyhill who led the way. He was the first Member of Congress to represent the 10th District, Virginia's newest congressional district at that time.

He began his congressional career and service as a member of the House committees on Post Office and Civil Service and the District of Columbia, and later became a member of the Ways and Means Committee. Congressman Broyhill was known for being a strong advocate for Federal and postal workers and for the postal service.

It was appropriate that in the year 2000, Congress passed legislation I introduced which was signed into law naming the central mail processing facility for Northern Virginia in Merrifield in honor of Joel T. Broyhill.

Congressman Broyhill served the people of Virginia honorably and was especially known for the way he took care of his constituents' needs. According to the Almanac of American Politics in 1972, and I quote, "There were few offices that took care of constituents' needs and complaints with more efficiency." Mr. Broyhill estimated that he had helped more than 100,000 residents of Virginia's 10th District during his more than 20 years in office. I still hear people today say "Congressman Broyhill helped me."

The almanac also describes Congressman Broyhill as one who, and I quote, "should be credited with voting his conscience."

We salute today the life and dedicated public service of Joel T. Broyhill and offer our condolences to his three daughters, Nancy, Jeanne and Jane Anne; his stepdaughter, Kimi, and his wife of 25 years, Suzanne (Suzy). He also has four grandchildren: Meredith and Maureen, who are fraternal twins; Lindsey, and Kathleen, and three great-grandchildren: Molly, Jack, and Kara.

TRIBUTE TO FORT LEONARD WOOD AND PULASKI COUNTY, MISSOURI

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. SKELTON. Mr. Speaker, let me take this means to recognize the people of Fort Leonard Wood and Pulaski County, Missouri, for their commitment to improving the quality of life for military personnel.

In a recent study conducted by Expansion Management magazine and the Office of the Deputy Undersecretary of Defense for Military Communities and Family Policy, Fort Leonard Wood and Pulaski County ranked third among 126 civilian communities in the quality of life that they provide to military families. The "2006 Military Communities of Excellence" study compared the quality of life among these civilian communities in areas that include: public schools, housing affordability, standard of living, recreation and leisure, health care, crime and safety, spouse employment opportunities, continuing educational opportunities, affordable childcare, traffic and commuting, commercial air service, and Department of Defense Quality of Life legislative issues. It is also worth noting that Pulaski County placed third in the "Top 10 Metros Overall Quality of Life, Communities with Military Populations over 20,000".

Mr. Speaker, Fort Leonard Wood and Pulaski County, Missouri have dedicated valuable resources and time to earn this recognition. I know the Members of House will join me in recognizing this outstanding achievement.

INTRODUCTION OF THE VETERANS CORPORATION REAUTHORIZATION AND ENHANCEMENT ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mrs. DAVIS of California. Mr. Speaker, I rise today to introduce legislation on behalf of America's veterans seeking to start and operate their own businesses.

Along with my colleagues Mr. EVANS from Illinois and Ms. HERSETH from South Dakota, I offer The Veterans Corporation Reauthorization and Enhancement Act of 2006 to ensure our veterans have access to the training, the assistance, and the capital to start and manage a business.

Congress passed The Veterans Entrepreneurship and Small Business Development Act of 1999 establishing the National Veterans Business Development Corporation to provide all of these crucial aspects of entrepreneurship to veterans.

As a result of that landmark legislation, the Veterans Corporation has provided training to over 8,000 veterans and has helped over 550 veterans start businesses during 2006 alone.

Unfortunately, Congress has yet to reauthorize the Veterans Corporation, leaving its funding in question each year.

It was an honor to offer an amendment to the Science, State, Justice, Commerce, and Related Agencies Appropriations Act for 2007 (H.R. 5672) in June increasing its funding to $1.5 million for the next fiscal year.

Now, I join with Mr. EVANS and Ms. HERSETH to introduce legislation ensuring funding for this worthy program through 2012.

By passing this legislation, we can make sure our brave service members returning from Iraq and Afghanistan will have access to entrepreneurship training.

Those who are courageously fighting abroad deserve the opportunity to start a business and achieve that aspect of the American Dream.

Mr. Speaker, I urge you to act on this legislation and encourage business ownership for veterans.

HONORING THE LIFE OF REV. J. BAZZEL MULL

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. DUNCAN. Mr. Speaker, Rev. J. Bazzel Mull, a true Tennessee legend and Southern gospel icon, passed away on September 5 at the age of 91.

Just five days later, he and his beloved wife, Elizabeth, would have celebrated their 62nd anniversary.

No couple could have been more loyal to each other than they were, and Rev. Mull's most famous line was "ain't that right, Mrs. Mull?"

Rev. Mull served God and the people of East Tennessee throughout his life.

He brought enjoyment to millions through his television programs, his radio stations, and his live gospel music shows.

Through all this, as well as his personal testimony, cheerfully overcoming blindness, he led countless numbers to a closer walk with Jesus Christ.

He had a great sense of humor and once told me on his TV program that no one should be a mugwump. He said that was "a fellow with his mug on one side of the fence and his wump on the other."

This Nation is a better place today because of the life of Rev. J. Bazzel Mull.

I would like to call to the attention of my colleagues and other readers of the RECORD the story by Doug Mason which was published in the Knoxville News Sentinel on September 6.

[From KnoxNews, Sept. 6, 2006]

SOUTHERN GOSPEL MUSIC ICON DIES AT 91

(By Doug Mason)

"Ain't that right, Mizz Mull?"

The Rev. J. Bazzel Mull, who died Tuesday at age 91, may be the most quoted man in East Tennessee.

For 60 years, his gravel-truck voice was a staple of regional radio and TV, and his familiar query to his wife and "Mull Singing Convention" co-host was a much-mimicked catchphrase to generations of East Tennesseans.

Elizabeth Mull was best known as "Mizz Mull" or "Lady Mull" to listeners of the "Mull Singing Convention" broadcasts. The couple would have celebrated their 62nd anniversary on Sunday.

J. Bazzel Mull (the "J" stood for Jacob) was born Oct. 4, 1914, in Burke County, N.C. He began preaching in 1939 and moved to Knoxville in 1942, where he began a radio program on radio station WROL–AM. Later, he was heard on WNOX-AM.

The Rev. Mull owned several East Tennessee radio stations during his long career. At the time of his death, he was the owner of gospel radio station WJBZ, Praise 96.3, in Knoxville.

"The Mull Singing Convention," which moved to television in 1956, is still broadcast at 7 a.m. Sundays on WVLT, Channel 8. The program was seen on WBIR, Channel 10, before moving a few years ago to WVLT.

"The Mull Singing Convention" celebrated its 50th anniversary in August. The Rev. Mull's grandson, Doug Hutchison, said the program is confirmed as the longest-running locally produced television show in the United States.

Elizabeth Mull and daughter Charlotte Mull Hutchison now host the program. The Rev. Mull withdrew from the TV show, and from his Sunday evening preaching service on WJBZ, after suffering a stroke about nine months ago.

Hutchison said his grandfather's stroke brought on dementia. Several other strokes followed, including one about a week and a half ago that left the Rev. Mull unresponsive. He was moved from the hospital to a nursing home, where he died at 4:30 a.m. Tuesday.

The Rev. Mull was a businessman who promoted Southern gospel music concerts and published and distributed a series of six "Mull's Singing Convention" songbooks. The latest hymnal was published as "Number 7" in the series, even though it followed edition No. 5.

"He didn't like the number 6," said Hutchison, who explained that he doesn't know why (perhaps it was because 666 is the biblical Mark of the Beast).

"For a blind man to achieve as much as he did, he was bound to have some eccentricities," said Hutchison, who manages WJBZ and the other Mull family enterprises.

The Rev. Mull lost his sight at 11 months old, the result of falling into an open-pit fire.

"Through his 20s he could tell daylight from dark," Hutchison said. "But from his early 30s on, he was completely blind."

Hutchison said that many people didn't realize his grandfather was blind. In public, he wore oversized glasses with thick lenses—possibly to obscure the fact that he often had his eyelids closed during his TV broadcasts, Hutchison theorized.

"He was never one to bring to the forefront his handicap," the grandson said. "I talk to people still today that did not know he was blind."

Elizabeth Mull—who met her future husband at a church revival in Lenoir City—was "100 percent his eyes," Hutchison said.

"Everywhere they went, she drove him; she led him everywhere." She also read the Bible to the Rev. Mull.

As a young man, it was sometimes Hutchison's job to guide his grandfather to the microphone to emcee the gospel concerts he promoted.

During the 1970s and early '80s, the Rev. Mull presented 60 to 75 concerts a year throughout the Southeast, Hutchison said.

More recently, "Mull Singing Convention" concerts have been limited to two per year at Governor's Palace in Sevierville.

During his broadcast heyday in the 1960s and '70s, the Rev. Mull was heard on a network of powerful radio stations that carried his preaching and concerts coast-to-coast.

Family vacations were rare, said Hutchison, who said his grandfather "believed in work."

Once, however, the family took a trip to the Bahamas, and a waiter at a restaurant instantly recognized the Rev. Mull's voice when he ordered a meal. The Bahamian was a regular listener to the "Mull Singing Convention," which reached the islands via New Orleans radio station WWL.

J. Bazzel and Elizabeth Mull were inducted into the Gospel Music Association Gospel Music Hall of Fame and the Southern Gospel Music Association's Southern Gospel Hall of Fame.

The Rev. Mull presented top Southern gospel acts at his concerts, including fellow Hall of Fame members the Chuck Wagon Gang. Hutchison said his grandfather discovered the group, moving it from Texas to Knoxville.

Like his good friend Cas Walker, the millionaire grocer and politician who died in 1998 at age 96, the Rev. Mull truly achieved the status of icon in his home region.

Most longtime Knoxvillians have a J. Bazzel Mull story to tell, or at least have uttered a gravelly "Ain't that right, Mizz Mull?" at some point in their lives.

The Rev. Mull had personality, his grandson said. "He loved to laugh and he loved to preach. And he would mix the two. He'd tell a joke to break the ice, then he would preach to you before you knew what happened."

That voice the Rev. Mull's extended neighbors knew so well and loved to imitate was naturally his own, his grandson said. "He never smoked; he never drank, nothing. That was just his voice. And it was very distinctive."

WJBZ will pay tribute to the Rev. Mull all this week. Listeners and gospel music artists will share their memories on air.

The funeral service will be Thursday at Mann Heritage Chapel, 6200 Kingston Pike.

Receiving of friends will be 2–4 p.m. and 5–8 p.m., with a service following. The Revs. Mike Ramage and Dino Bray will officiate.

The burial service will be 11 a.m. Friday in Lenoir City. Internment will be at Lakeview Cemetery at Lenoir City Park.

"Its hard to be sad for him at 91," Hutchison said of his grandfather's death. "The sorrow is for us, the joy is for him. He can see now and the first thing he had ever seen was the face of Jesus."

TRIBUTE TO OBERLIN COLLEGE

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mrs. JONES of Ohio. Mr. Speaker, I rise today to congratulate Oberlin College and its distinguished African American alumni during the October 6–8, 2006 reunion of the Oberlin College Alumni Association's affiliate group, the Oberlin Alumni Association of African Ancestry. The reunion entitled, "And We Rise! . . . Celebrating over 170 years of the Black Presence at Oberlin College," acknowledges the historic and present contributions of Oberlin College and its illustrious African American alumni toward the establishment of a world and a nation based upon the principles of social and economic justice.

We commend Oberlin College for its remarkable role in fostering higher education among African Americans and we encourage Oberlin's African American alumni to keep engaged with their alma mater to ensure that future generations will have educational access to develop the skills needed to address the complex challenges that face our people and our Nation in the days ahead.

RESOLUTION TO CALL FOR INTER-RELIGIOUS UNDERSTANDING AND DIALOGUE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce a resolution calling on the people of the world and their religious and political leaders to work towards ecumenical understanding and interfaith dialogue.

Usually, it is not my habit to address religious issues on the floor. I strongly believe in a person's right to religious freedom, as well as the separation of church and state. However, due to recent incidents in various parts of the world I am deeply concerned about the apparent lack of religious respect and tolerance. Therefore, I could not stand by without introducing this resolution.

Not just Christians and Jews, but also Muslims, Buddhists, Hindus and the followers of many other religions believe in values like peace, respect, tolerance and dignity. These are values that bring people together and enable us to build responsible and solid communities. I strongly believe that this is what religion is, or should be about. People all over the world share these universal values.

While few religious leaders and scholars would doubt the commonalities that exist among the various religious groups, the followers of these religions unfortunately struggle in their effort to peacefully coexist. It is my impression that too often, the differences in belief are stressed instead of their common grounds. Too frequently, religious feelings get hurt—sometimes intentionally, but more often, unintentionally.

In the last few weeks, we have again witnessed a lack of mutual understanding and misled reaction. These recent events have shown that even religious leaders are sometimes prone to lacking the adequate sensitivity in dealing with other people's beliefs. The reaction to this incident on the other hand was definitely disproportional, which indicates that the situation was used for political reasons.

The specific incident I am referring to is this: His Holiness Pope Benedict's debatable statement about the prophet Muhammad at a German university two weeks ago and the following unrest in parts of the Arab world. The subsequent unrest resulted in the murder of a nun in Somalia and the burning of churches in the Gaza Strip.

Mr. Speaker, I am deeply concerned that many regions of this world are suffering from the effects of armed conflicts with religious aspects. I believe that the differences of faith are not the real reason for these conflicts. As a matter of fact, religious differences are actually exploited to convince people to participate in primarily political conflicts.

Given the fact that most religions share basic values, it is most unfortunate that religious people can be played off against each other so easily. One possible reason for this may be that people do not know enough about other people's beliefs.

This resolution encourages the peoples of the world and their political leaders, including the ones in our country, to learn about their neighbor's beliefs.

I am convinced that religious and spiritual understanding plays a positive role in facilitating trust and overcoming political differences.

Mr. Speaker, this resolution expresses our assistance for all projects that support a productive and constructive inter-faith dialogue. I know that there are people here in the States and in many other countries of the world, working hard on this issue. I am aware of the fact that some of them risk their political and social credibility or even their lives. All of them deserve our deepest recognition.

Moreover, I want us to urge political and religious leaders, and all peoples of the world, to move forward in a conciliatory spirit, to deal with religious matters in a responsible and balanced way, and to focus on their common grounds.

We all know that there will be no peace among the nations without peace among the religions, and we also know that there will be no peace among the religions without a dialogue among the religions. To support this dialogue and to show that we are conscious of its importance, I ask you to support this resolution.

A TRIBUTE TO HOLY FAMILY CATHOLIC COMMUNITY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. SCHIFF. Mr. Speaker, I rise today to honor the Holy Family Catholic Community parish in Glendale, California. In 2007, Holy Family will celebrate its 100th anniversary.

Holy Family Catholic Community was founded in 1907, in Glendale, California by Father James O'Neal. The parish originally consisted of only 15 members, who met for weekly services in residential homes. Today, the parish proudly counts over 4,000 families in its membership.

The Holy Family Catholic Community is committed to emphasizing education for the young people of the community. The parish operates both a high school and a grammar school, and hosts annual fundraising events in order to fund quality education for its students. For over a decade, Holy Family High School has sent 100 percent of its graduating seniors on to college. Over 45 percent of Holy Family High School students receive tuition scholarships from the parish, allowing them to take advantage of the excellent educational opportunities provided by the school.

The Holy Family parish has been served by many distinguished and dedicated pastors throughout its history. From 1975 to 1995, the community was served by Monsignor Arthur J. Lirette who has also acted as Chaplain for the Glendale Police Department, State Chaplain of the Knights of Columbus, and Episcopal Vicar of the San Fernando Region. Since 1995, Father Joseph P. Shea has served as head pastor of Holy Family, following a six-year stint as the Director of the Office of Vocations for the Archdiocese of Los Angeles.

To celebrate the occasion of its centennial, the Holy Family parish has undertaken a mission of spiritual and physical renewal. The theme of the anniversary celebration is "Jubilee," in honor of an ancient Judeo-Christian tradition, in which all people cooperate to restore the world to its original state of justice, equality and beauty. Jubilee years mark a time of renewal, fellowship, and forgiveness. The Holy Family parish will be participating in a series of spiritual retreats, as well as renovating its church building, in honor of this tradition.

I am proud to recognize the centennial celebration of the Holy Family Catholic Community in Glendale, California, and I ask all Members to join me today in honoring this parish.

APPLING COUNTY, GEORGIA, RECREATION DEPARTMENT'S 14 AND UNDER BOYS ALL-STAR BASEBALL TEAM—STATE CHAMPIONS

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. KINGSTON. Mr. Speaker, the Appling County, GA Recreation Department's 14 and Under Junior Boys All-Star team (Hunter Williams, Tate Carter, Joseph Livingston, Colby Griffin, Michael Norris, Todd Hagen, Kyle Hardwick, Ryne Powers, Tyler Avera, Zack Griffis, Ryan Taylor, Cale Turner, Scott Fariss, Kasey Kersey, Coach Jeff Williams, Coach Jay Powers) traveled to Fitzgerald, GA on July 12th to participate in the 2006 BGPA Junior Boys Class "C" State Tournament.

The 4-day tournament was a double elimination tournament. The first game, Appling had to play Union County from District 7. Appling jumped on them quickly and "Run-ruled" them in five innings, with a 9 to 0 final score. That moved Appling on to play Thursday against Adel-Cook County from District 3. Appling played the whole game behind until the bottom of the seventh inning, when it tied the game up and forced it into extra innings. In the eighth inning, Appling scored one run to end the game. That moved Appling on to play for the undefeated game against Bowdon County from District 4 on Friday morning.

Bowdon beat Appling in 2005 for the championship, but this time would be a different story. The game began with Appling scoring 1 run in the top of the first inning. Neither team scored in the second inning, and in the third inning, Appling scored 1 and held Bowdon scoreless. In the fourth inning, neither team scored, so after four innings the score was 2 to 0 in favor of Appling. In the top of the fifth inning, Appling scored three runs and when Bowdon got up to bat, they scored four runs, making the score 5 to 4. The sixth inning went scoreless, and then Bowdon scored 1 run in the seventh inning to tie the game. The Bowdon team had the bases loaded with no outs, but Appling County fought on and kept them from scoring another run. The game went into extra innings, and in the top of the eighth inning, Appling scored 3 runs. Bowdon then came in to bat in the bottom of the eighth and went scoreless—making Appling the State Champions! It was an enjoyable tournament and the Appling County Recreation Department is very proud of the team.

TRIBUTE TO LEE COLLEGE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. PAUL. Mr. Speaker, residents of Chambers County and Baytown, in my Congressional district, who currently lack high-speed internet access, will soon be able to obtain an extremely reliable high-speed internet service comparably priced to DSL. This is due to the efforts of a consortium consisting of Lee College, Chambers County, Chambers Liberty Counties Navigation District, East Chambers Independent School District, and Trinity Bay Conservation District.

The consortium began working on the project in 2000, after the Telecommunications Infrastructure Fund board authorized Community Network Grants in order to fund internet access for undersevered areas. Lee College applied for a $500,000 grant on behalf of the consortium. The consortium was one of the few groups that were awarded the full grant of $550,000—the amount applied for plus a 10% match by the consortium.

Among the technical challenges fadng the consortium was constructing four 150-foot towers, wiring ten buildings, and coordinating with the governmental agencies involved. Once those challenges where resolved, the consortium faced the challenge of finding a company to maintain the system. Fortunately, the consortium was able to contract with TeleShare Communications Services.

TeleShare was looking for opportunities to expand, and, according to Mark Ocker, TeleShare's president," . . . the opportunity to use an existing network by partnering with Chambers County and Lee College came up, and it proved to be a great match for both TeleShare and the consortium."

I am pleased to take this opportunity to extend my congratulations and thanks to Lee College and all the members of the consortium for their efforts to improve the lives of the residents of Chambers County and Baytown.

INTRODUCTION OF THE MOBILE WORKFORCE STATE INCOME TAX FAIRNESS AND SIMPLIFICATION ACT OF 2006

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. CANNON. Mr. Speaker, I rise today to introduce the Mobile Workforce State Income Tax Fairness and Simplification Act of 2006. The issues addressed by this legislation impact many thousands of individuals and businesses every year in our country. My purpose in introducing this bill is to begin a discussion on these important issues.

In today's economy, many individuals are required to travel outside of their state of residence to engage in business. Most of these trips are for a brief duration as the employee works in a non-resident state for a short time and then returns to his/her state of residence. Despite the brief presence these individuals may have in non-resident states, many states impose a personal income tax on individuals and a corresponding withholding obligation on employers. States currently have widely inconsistent standards for such individuals to file non-resident personal income tax returns, and inconsistent requirements for employers to withhold income taxes on these employees.

Concerns have been raised that the vast majority of individuals are not aware of these varied state filing requirements. Concerns have also been raised that many employers do not have payroll systems that track employee travel and are consequently required to incur extraordinary and inappropriate expenses to attempt to comply with these various withholding requirements.

A uniform, fair and easily administrable law to address these issues, including appropriate de minimis rules would appear to ensure that the correct amount of income tax is paid without placing an undue burden on individuals or employers. Any solution to these issues would continue to provide full taxation of an individual's wages in a resident state to the extent the resident state determines to impose an income tax on its residents.

INTRODUCTION OF THE ENHANCED OPTIONS FOR RURAL HEALTH CARE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. PAUL. Mr. Speaker, on Thursday, September 21, I introduced the Enhanced Options for Health Care Act (H.R. 6154). This legislation allows critical access hospitals to use beds designated for critical access use, but currently not being used for that purpose, for assisted living services financed by private payments.

This bill will help improve the financial status of small rural hospitals and extend the health care options available to people living in rural areas without increasing federal expenditures. Currently, fear that rural hospitals will lose critical access status if beds designated for critical access are used for another purpose is causing rural hospitals to allow beds not needed for a critical access purpose to remain unused. This deprives rural hospitals of a much-needed revenue stream and deprives residents of rural areas of access to needed health care services.

My colleagues may be interested to know that the idea for this bill comes from Marcella Henke, an administrator of Jackson County Hospital, a critical access hospital in my congressional district. Ms. Henke conceived of this idea as a way to meet the increasing demand for assisted living services in rural areas and provide hospitals with a profitable way use beds not being used for critical access purposes. I urge my colleagues to embrace this practical way of strengthening rural health care without increasing federal expenditures by cosponsoring the Enhanced Options for Rural Health Care Act (H.R. 6154).

ON THE FIFTH ANNIVERSARY OF SEPTEMBER 11, 2001

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. MEEHAN. Mr. Speaker, I rise to recognize Ms. Leslie Blair and the hundreds of other individuals from Massachusetts who lost loved ones on September 11, 2001. This September 11th, I attended an event at the Massachusetts State House with Ms. Blair and other families who lost loved ones on September 11, 2001 to commemorate and celebrate their lives. The day of remembrance and reflection was filled with heart wrenching testimonials of loss, powerful tributes to inspirational courage, and life affirming stories of love and family. Ms. Blair's testimonial about her sister, Susan Leigh Blair, was truly moving.

Mr. Speaker, I ask unanimous consent to include Ms. Blair's remarks in the CONGRESSIONAL RECORD.

Good morning. My name is Leslie Blair. My sister Susan Leigh Blair was one of the beautiful faces you just saw in that extraordinarily moving tribute video. Sue was killed on September 11, 2001, as she went about her normal routine on an exceptionally beautiful Tuesday in the South Tower of the World Trade Center.

That video is such a moving tribute to the beautiful souls we lost on horrible and hateful day. Now I have seen a lot of beautiful memorials to the tragedy of September 11, but in static, granite ways, they tend to honor the memory of a day where nearly 3000 vibrant individuals died. This video montage honors the lives, not the deaths, of our loved ones. In those faces, we see the joy of today. And in those eyes, we see the promise for tomorrow, a tomorrow that never came, and a promise that could not be fulfilled.

My son, Nicolas is three. He and I watched this video together, and he asked me what it was. Looking at the smiles, the celebrations, the graduations and weddings, the sun and the sea, the embraces, the families, he looked at all of these lives, and he said, "It's too much." And as you and I know too well, the loss of one is too much. This video memorializes the loss, not just of individuals, but their lives, their promises, their hopes and their joy, and it's just too much.

I was asked to speak today about the value of one life and what one life means—how powerful and impactful one life can be. And like you, I know what I have lost because Susan isn't here. But magnify that loss by all of the families and friends and factor in thousands of coworkers and clients from a today five years ago, and then somehow add in the tomorrows that will never come, and I mean, our country, our world has truly suffered an amazing blow by not having them here. What have we lost as a society because just one of these beautiful smiling faces is no longer here? That is a big question. Let me tell you how I tried to answer it.

I started off by reading recent commentary by some of today' s most intelligent economists, authors, politicians, sociologists. Surely the war on terror, the unease and unrest, the social upheaval can somehow be related to our loss. But that didn't seem to answer my question very well. So I turned to the great philosophers and thinkers from a world before 9/11 to see how they had answered that question. The meaning of life—very academic and metaphysical, but, in fact, not very helpful in answering my question.

Then, I looked through my copy of the Portraits of 9/11 book—a consolidation of many of the NY Times obituaries. Certainly we lost smart, successful people in the prime years of their contributions to the world. We lost bankers, investment brokers, insurance executives, servicemen and women, rescue workers, flight crew, corporate management, consultants, technicians, hockey scouts. To lose the brightest, most productive individuals in a society certainly has an economic impact, a social impact. But that didn't seem to answer the question either.

Then I looked my copy of We Remember, a compilation of tributes from Mass 9/11 Fund members, from us. There I found the heart wrenching loss of children, spouses, siblings, parents, friends, and more photos of life and love. I tried, but I couldn't read it cover to cover. So I flipped around. I landed on Capt. John Ogonowski's tribute, and in there, John's family included a poem by Bessie Anderson Stanley. In 1904, Bessie entered a magazine contest and won $250—so maybe not a great thinker of her time, but her definition of success started to get at what we lost.

> He has achieved success who has lived well, laughed often, and loved much; who has enjoyed the trust of pure women, the respect of intelligent men and the love of little children; who has filled his niche and accomplished his task; who has left the world better than he found it, whether an improved poppy, a perfect poem, or a rescued soul; who has always looked for the best in others and given them the best he had; whose life was an inspiration; whose memory a benediction.

And I read the rest of John's pages, and I read Ann's pages, and Ace's pages, and Fred's pages, and Betty's pages, and Robin's pages, and it was easier to read more and more pages of these beautiful people whose lives, by Mrs. Stanley's definition were clearly successful. Their lives inspired others and their memories have been a blessing to those who loved them.

And I read the little booklet in front where I found pages of scholarships and funds, awards, forums, lectures, and music. These beautiful souls, through the inspiration and blessing of their living, of having been here and made a mark, these people are still contributing to society today. They are no longer corporate executives or technicians or bankers, or hockey scouts but through their memory and in honor of their lives, we are able to perpetuate their success.

My sister's scholarship rewards teachers so that her passionate commitment to children and her unfulfilled dream of teaching can live on. Mark Bavis' foundation provides college funding and leadership training. Todd Hill's scholarship awards sportsmanship and perseverance. The list goes on. Surely the promise of Susan and Mark and Todd has not died.

So at this point in my research, I abandoned my original question, because inspired by these individuals and how much they were loved and how unique they were and how their promises could be fulfilled, I think I found a more important question. If we, as individuals, incorporate the spirit of our loved ones, their vibrancy, their vitality, their potential, their love, can we not change the world? Can we not increase the potential we had before 9/11 by carrying the potential of our loved ones in our hearts and in our lives and in our own successes?

We all know, too well, the devastating impact of a few evil individuals. But we, as individuals, can and are counteracting that evil impact. In honor of those vibrant successful lives, we can make a more significant impact on society, in our communities, our schools, our businesses, by our own individual actions.

And I think back to that video, the smiles of a today that has passed and the hope for a tomorrow that will never come. And I remember the success described by Mrs. Stanley. Surely our loved ones left a mark on the world in their own right. And we, by loving them and remembering them, make their mark deeper. And we, by doing that, make our own mark. Honoring the characteristics that we loved about them and carrying those characteristics into our today's, do we not carry our loved ones into the future? We have the opportunity today to continue their success. And despite our loss, or maybe because of it, we have the opportunity to live our individual lives successfully, as if tomorrow may never come. Individually, yes, together certainly, we can leave the world better than we found it, as they did. And we can give their promise for tomorrow, through our own promise, to those who love us.

SENIOR CITIZENS DEMAND AFFORDABLE DRUG COVERAGE ON DONUT HOLE DAY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Ms. SCHAKOWSKY. Mr. Speaker, I rise in recognition of last Friday, September 22, "Donut Hole" Day. Donut Hole Day was not a happy day but a marker to remind policymakers about the problems that the Part D plan is imposing on America's seniors and people with disabilities this year.

September 22 was the day when the average person with Medicare fell into the Part D donut hole—a black hole of coverage for those whose annual drug costs fall between $2,250 and $5,100. The donut hole is a $2,850 gap in coverage when people with private Part D plans continue to pay insurance premiums even though they receive no coverage. September 22 was also the day that senior citizens and persons with disabilities came together in events across the country to demand an affordable drug benefit in Medicare.

Nearly 7 million senior citizens and people with disabilities are expected to enter the donut hole. A Kaiser Family Foundation study estimates that, of the people who will fall into the donut hole, 1.9 million (28 percent) have incomes less than 150 percent of poverty; 2.9 million (42 percent) are in fair or poor health; and 3.8 million (55 percent) are women.

The donut hole is an unprecedented phenomenon. This type of coverage gap is not found in the Federal Employees Health Benefits plan or in any other private plan. It is an insurance mechanism especially crafted for people with Medicare.

An analysis from an August report from the Center for Economic and Policy Research concludes that if Medicare had been allowed to negotiate drug prices in the same way as the Veterans Administration, the savings would have been more than enough to eliminate the donut hole gap in coverage. In fact, the close to $50 billion that could be saved in the first full year of the program is more than twice the size of the donut hole.

The real winners in the Part D program are the drug and insurance companies. In a report released this week by the Committee on Government Reform Democratic staff shows that profits grew by over $8 billion (27 percent) for the ten largest pharmaceutical manufacturers in the first half of this year.

The losers in the Part D program are people with Medicare. The prices charged by the top Part D plans in my Congressional District were 79 percent higher than the prices negotiated by the Federal government. A recent Merrill Lynch analysis found that in 2006 prices for popular brand-name drugs had increased by 8.6 percent over the last year, twice as fast as the overall information rate.

The donut hole puts seniors and people disabilities' health at grave risk. A New England Journal of Medicine study found that seniors' behaviors change when faced with a prescription drug benefit cap after which they have to pay the full costs of their drugs—and the donut hole is a cap. The study found that found that seniors who confront a cap are more likely to skip doses of treatments, less likely to visit hospital emergency departments, and, sadly, sometimes more likely to die sooner. Their annual mortality rate was 22 percent higher than those without such a cap on benefits.

Representatives MARION BERRY of Arkansas, TOM ALLEN of Maine and I introduced H.R. 752, the Prescription Drug Savings and Choice Act, which would take Medicare in a new direction by siding with senior citizens and people with disabilities—not the drug companies. This bill would give people with Medicare the choice of enrolling in a Medicare-administered drug benefit and we would force drug companies to lower their prices by requiring Medicare to negotiate for deep discounts. The savings could be used to fill the donut hole.

Ms. Pauline Metzger-Aronson wrote to me earlier this year to tell me that she fell into the donut hole in June. She will pay a monthly premium for the rest of the year, although she will not receive any benefits because she will not climb out of the donut hole. She told me that the saying, "As you amble through life, whatever be your goal: Keep your eye on the donut and not upon the hole" had new meaning because "some of us seniors have reached the point where the donut is gone and we are now forced to look into the hole." H.R. 752 would help Ms. Metzger-Aronson and many others. It is a step in the right direction which will put America's seniors and people with disabilities first. I urge my colleagues to support this important legislation.

HONORING GEORGIA HOUSING WEEK

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. KINGSTON. Mr. Speaker, today marks the end of Public Housing Week in the State of Georgia. I would like to commend those who work hard every day to ensure that our fellow Georgians have safe and affordable housing. The following proclamation was issued at the Capitol building in Atlanta, Georgia last week, and I would like to submit it for the RECORD.

PROCLAMATION

The Federal Public Housing Program was initiated under the U.S. Housing Act of 1937 as part of the Nation's New Deal Initiative, and has provided housing for millions of Americans since the outset of this program.

Georgia, being the first State in the Nation to construct Public Housing for its citizens under the Federal Public Housing Program, continues to be a leader of this industry and recognized across the country for its excellence in providing decent, safe, and affordable housing for Georgia's citizens.

The Georgia Association of Housing and Redevelopment Authorities and the U.S. Department of Housing and Urban Development work in partnership to provide public housing for over 110,000 families in the State of Georgia, as well as local jobs, economic opportunity, family services, and neighborhood revitalization for the majority of Georgia cities through their local housing authorities.

Governor Sonny Perdue of the State of Georgia proclaims September 19th through the 26th as Public Housing Week in Georgia. I encourage all citizens to express their appreciation for the commitment and the service of those in the Public Housing Industry within the State of Georgia.

CONGRATULATING ARAGON HIGH SCHOOL ON THE COMPLETION OF ITS MODERNIZATION PROGRAM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. LANTOS. Mr. Speaker, I rise today to commemorate the passage of an important bond issue, Measure D, and the improvements it has made in the San Mateo Union High School District. Voters in my district saw a great opportunity to advance our community and overwhelmingly approved a $137.5 million bond measure. Combining this bond measure with other resources the district undertook a $234.5 million capital improvement program. Some of these funds were dedicated for new construction and modernization of Aragon High School. The community will be celebrating the completion of this project with a ribbon cutting ceremony on October 28, 2006.

Aragon High School has been a California Distinguished School since 1988 and has many accomplishments. It is one of only three high schools in the County to have earned and improved an 800 Academic Performance Index Score (API) on the Standardized Testing and Reporting (STAR) tests. Soon after the passage of the bond issue, Aragon High School was the first in the district to provide Advanced Placement (AP) courses that have challenged students dedicated to academics and has encouraged the professional development of California AP teachers.

Aragon High School's developments have encouraged others outside the County as well. The school's demonstration of a commitment to reform necessary for academic success has led to Aragon's participation in the New American High School initiative for school reform, receiving a $40,000 grant tied to middle and elementary feeder schools. The capital improvement program and the school's dedication to academic success have helped to ensure students' acceptance into the most prestigious colleges and universities in America with 57% of the Class of 2006 accepted to four year colleges. These graduates earn nearly $2 million annually through scholarships and grants.

Beyond academics, Aragon High School can boast of extra-curricular programs that have been improved with the passage of Measure D. Students of Aragon High School participate in award winning vocal and instrumental music programs, including performances of the band at Carnegie Hall in New York, an invitation with the Boston Pops Symphony, and the honor to represent California and the United States at the 2008 Olympics in Beijing.

The Measure D modernization and new construction program at Aragon High School is made possible by the Board of Trustees, joined by community leaders, elected officials, parents, school staff, and the public at large that volunteered and helped pass this bond issue and do what is best for the youth attending schools in the community.

The San Mateo Union School District has been and is devoted to its academics and voters within the County. The people of the community have contributed to these successes by voting on Measure D and by dedicating themselves in the classrooms. I commend them for their efforts that have provided a safe and modern teaching and learning facility in San Mateo County.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 26, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 27

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nominations of Christopher A. Padilla, of the District of Columbia, to be an Assistant Secretary of Commerce, and Bijan Rafiekian, of California, to be a Member of the Board of Directors of the Export-Import Bank of the United States.

SD–538

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR–253

Homeland Security and Governmental Affairs

To hold hearings to examine new technologies to improve care for people with diabetes and reduce the burden on the health care system, focusing on the development of an artificial pancreas.

SD–342

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 3599, to establish the Prehistoric Trackways National Monument in the State of New Mexico, S. 3794, to provide for the implementation of the Owyhee Initiative Agreement, S. 3854, to designate certain land in the State of Oregon as wilderness, H.R. 3603, to promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate the Boulder-White Cloud Management Area to ensure the continued management of certain National Forest System lands and Bureau of Land Management lands for recreational and grazing use and conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, and H.R. 5025, to protect for future generations the recreational opportunities, forests, timber, clean water, wilderness and scenic values, and diverse habitat of Mount Hood National Forest, Oregon.

SD–628

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine United States policy and practice with respect to the use of riot control agents by the U.S. Armed Forces, followed by a closed session in SR–222.

SR–232A

2 p.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine Federal efforts to protect children from commercial sexual exploitation, focusing on international initiatives to combat child pornography and trafficking.

2200–RHOB

2:30 p.m.

Health, Education, Labor, and Pensions

Bioterrorism and Public Health Preparedness Subcommittee

To hold hearings to examine measures to improve emergency medical care

SD–430

Foreign Relations

To hold hearings to examine the nominations of Frank Baxter, of California, to be Ambassador to the Oriental Republic of Uruguay, and Charles L. Glazer, of Connecticut, to be Ambassador to the Republic of El Salvador.

SD–419

Intelligence

To receive a closed briefing regarding intelligence matters.

SH–219

3 p.m.

Judiciary

Immigration, Border Security and Citizenship Subcommittee

To hold an oversight hearing to examine United States refugee admissions and policy.

SD–226

SEPTEMBER 28

9:30 a.m.

Armed Services

To hold hearings to examine issues relating to military voting and the Federal Voting Assistance Program.

SH–216

Environment and Public Works

Superfund and Waste Management Subcommittee

To hold hearings to examine S. 3871, to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system.

SD–406

9:45 a.m.

Foreign Relations

To hold hearings to examine the situation in Darfur, focusing on prospects for peace.

SD–419

10 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine new aircraft in the National Airspace System.

SR–253

Banking, Housing, and Urban Affairs

Business meeting to mark up an original bill entitled "Technical Corrections to the Public Transportation Portion to SAFETEA", and S. 2657, to extend the Iran and Libya Sanctions Act of 1996.

SD–538

Budget

To hold hearings to examine the state of the economy.

SD–608

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To resume hearings to examine the National Capital Region's strategic security plan, focusing on the ability of the responsible Federal, state and local government agencies of the National Capital Region to respond to a terrorist attack or natural disaster, including the coordination efforts within the region.

SD–342

2:30 p.m.

Finance

Long-term Growth and Debt Reduction Subcommittee

To hold hearings to examine America's public debt.

SD–215

Intelligence

To hold closed hearings to examine intelligence matters.

SH–219